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(26 APRIL 2005)

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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 26 April 2005, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward (until 8.50pm)
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)
Mark Fletcher	Journalist – Voice News (until 8.50pm)
Dan Hatch	Journalist – Guardian Express (until 8.40pm)

Approximately 13 Members of the Public

(c) Members on Leave of Absence:

- Cr Maddalena Torre for the period 26 April to 14 June 2005 (inclusive) for personal reasons.

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

1. Mr Peter Howes of 92 Ellesmere Street, Mt Hawthorn – Item 10.1.19 – Stated that he purchased the property in 1993 with a notion to create a home office however his circumstances have now changed. Further stated that he had discussions with Council Officers last year to ascertain what he could do and how to go about it. Advised that he has had 10 phone calls with officers and at no stage has any indication of any problems other than one setback which was resolved. Referred to the Heritage Report and is concerned that he has been asked to retain something of little value and that he does not want. Requested the Council approve his application.

2. Mr Peter Nielson of 108 Lymburner Drive, Hillarys – Item 10.1.17 – Stated that he has had considerable discussions with Council Officers and at the completion of the drawings he requested a preliminary assessment to make sure that all the requirements had been met. Advised that one concern he had was exceeding the plot ratio by a very small amount. Was advised that the plot ratio was more to do with streetscape and the overall impact it would have on the immediate surrounding neighbours and was given the belief by the Officers that in fact the development had very little impact and that the plot ratio was unlikely to play a part. Advised that they have exceeded by 24m² over the whole four units but all other aspects meet the requirements. Further advised that there are similar developments in the immediate area. Requested that Council approve the small variance to the plot ratio.

3. Mr Dudley Maier of 53 Chatsworth Road, Highgate – Thanked the South Ward, Councillors Caroline Cohen and Ian Ker

The Presiding Member advised Mr Maier that this was not a forum to make political statements and advised that he should clearly state what it was that he wanted to talk about.

Mr Maier proceeded to thank his Ward Councillors for their dedication, intelligence and hard work over the last four years and that they should ask themselves 'is this Town better for the work they have done' and the answer is a resounding 'yes'.

4. Mr Tony Walton of 77 Eton Street, North Perth – Item 10.1.20 – Referred to the SAT hearing. Requested that this matter be treated as an exceptional case as this area is their only outdoor recreational area on the property and the level of the courtyard to the footpath level is vastly and significantly different. Provided illustrations. Stated that the changes would make the fence 50% permeable and drops the fence height by 0.5 metre and is more in line with the streetscape of the area. Advised that he had taken photographs of 35 properties with solid fences within 1km of his property. Requested Council to approve his application.
5. Mr Ray Weeks of 55 Walcott Street, Mt Lawley – Item 10.1.11 – Stated that he is not happy with the proposal for a number of reasons but primarily because it does not comply. Disappointed at the lack of time given to assess the proposal. Requested that Council defer the matter until it is looked at in more detail.
6. Mr Steven Weeks of 49 Walcott Street, Mt Lawley – Item 10.1.11 – Stated that he was representing a number of property owners on Walcott Street. Believes that the privacy of the adjoining properties would be compromised. Stated that the owner of 15 Gerald Street was not advised of the proposal. Believes that the suggested louvers as screening would not provide the necessary privacy they require.
7. Mr Phil Milton of 35 Millimumul Way, Mullaloo – Item 10.1.11 – Stated there is only one balcony and that the setback is 7.5 metres from the rear boundary. Advised that the demolition that was carried out was done so in accordance with the original owner's demolition licence, it expanded slightly which involved an additional fee which has been paid.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.25pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that a petition had been received from the residents and ratepayers of Bourke Street with 26 signatories urging the Council to institute parking and speed controls in Bourke Street from Scott Street to Oxford Street.

The Chief Executive Officer advised that the petition be referred to the Executive Manager Technical Services for investigation and report.

Moved Cr Ker, Seconded Cr Farrell

That the petition be received.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 12 April 2005

Moved Cr Farrell, Seconded Cr Lake

That the Minutes of the Ordinary Meeting of Council held on 12 April 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Anzac Day Ceremony

Mayor Catania advised that the Town held an Anzac Day Service at Axford Park on Monday 25 April 2005. He stated that the Service was attended by approximately 500 people and was pleased to see the large number of young people attending. He thanked the Town's staff for their good work in organising the event.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report as at 31 March 2005. The nature of his interest being that he is Chairperson of the North Perth Community Bank.

8.2 Cr Franchina declared a proximity interest in the following items:

- 10.4.4 – Members Equity Stadium – Declaration of a Significant Event by the State Government – Western Australian Rugby League National Game to be held on 7 May 2005;
- 10.4.7 – Confidential Report – Request from Perth Glory Soccer Club Pty Ltd to vary their Deed of Licence with the Town of Vincent – Insurance Requirements; and
- 10.4.8 – Late Item – Proposed Stage 2 Redevelopment – Members Equity Stadium, 310 Pier Street, Perth – Progress Report No 5, Approval of Preliminary Agreement and Creation of a Special Reserve Fund.

The nature of his interests being that his daughter owns property in close proximity.

8.3 Cr Lake declared a financial interest in the following items:

- 11.1 – Notice of Motion – Councillor Simon Chester – Heritage Grants. The nature of her interest being that she is part owner of two properties which are listed on the Town's Municipal Heritage Inventory and these properties may be eligible to apply for the proposed grants. She stated that this is an interest shared in common with other Councillors.
- 10.1.22 – Progress Report No 7 – Municipal Heritage Inventory Review – Timeframe for Release of Draft, and Study of Heritage Listing and Property Values. The nature of her interest being that she is part owner of two properties currently listed on the Town's Municipal Heritage Inventory.

Cr Lake requested that she be permitted to remain in the Chamber and participate in debate and vote on the matters as this is an interest shared in common with other Councillors.

The Presiding Member advised that the Council would consider Cr Lake's request to remain in the Chamber and participate in the debate and voting on Items 11.1 and 10.1.22.

Cr Lake departed the Chamber at 6.28pm.

Moved Cr Cohen, Seconded Cr Ker

That Cr Lake be permitted to remain in the Chamber and participate in the debate and vote on Item 11.1.

The Chief Executive Officer advised Elected Members on the advice he had received on the Minister's behalf from the Department of Local Government.

Debate ensued.

Moved Cr Franchina, Seconded Cr Farrell

That Item 11.1 be DEFERRED to obtain further advice.

LOST (3-4)

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

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

MOTION CARRIED (6-1)

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

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

Moved Cr Ker, Seconded Cr Doran-Wu

That Cr Lake be permitted to remain in the Chamber and participate in the debate and vote on Item 10.1.22.

CARRIED (6-1)

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

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

Cr Lake returned to the Chamber at 6.55pm. The Presiding Member advised that the Council had approved to her request to remain in the Chamber and participate in the debate and vote on Items 11.1 and 10.1.22.

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

Questions submitted by Cr Lake:

- Q1. Could the CEO confirm that Cr Sally Lake did not nominate Dudley Maier for the Premier's Active Citizenship Award in either 2004 or 2005?

CEO's Response:

Background

The Premier's Australia Day Active Citizenship Awards includes three categories as follows:

- *Premier's Australia Day Active Citizenship Award for a person of 25 years or older*
- *Premier's Australia Day Active Citizenship Award for a person under 25 years*
- *Premier's Australia Day Active Citizenship Award for a community group or event*

The Awards prescribe the selection criteria and eligibility criteria which is considered by the Council. The Council's recommendation is then forwarded to the Australia Day Council.

The nominators for these Awards is normally not public information. However, there were two "Letters to the Editor" in Voice News 23-30 April 2005. These letters stated that Shirley Benton on behalf of the Forrest Precinct Group nominated Mr Maier in 2004 and Julie MacKay of Bulwer Street, Perth nominated Mr Maier in 2005.

- Q2. Could the CEO confirm that in 2004 and 2005 when the Council considered nominations for the Premier's Active Citizenship Award, Cr Sally Lake left the chamber and did not participate in the discussion or voting?

CEO's Response:

A check of the Council Minutes has confirmed this.

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 10.1.19, 10.1.17, 10.1.20 and 10.1.11

- 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 10.1.1, 10.2.1, 10.4.1 and 10.4.6

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 10.1.2, 10.1.3, 10.1.4, 10.1.8 and 10.1.24
Cr Lake	Items 10.1.10 and 10.1.12
Cr Chester	Items 10.1.16, 10.1.21, 10.2.3 and 10.4.8
Cr Doran-Wu	Nil
Cr Cohen	Items 10.1.14 and 10.4.5
Cr Franchina	Nil
Mayor Catania	Nil

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

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

Items 10.1.22, 10.3.1, 10.4.4 10.4.7 and 11.1

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

Items 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.1.13, 10.1.15, 10.1.18, 10.1.23, 10.2.2, 10.2.4, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.7, 10.4.2 and 10.4.3

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

Item 10.4.7

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 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.1.13, 10.1.15, 10.1.18, 10.1.23, 10.2.2, 10.2.4, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.7, 10.4.2 and 10.4.3

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

Items 10.1.19, 10.1.17, 10.1.20 and 10.1.11

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

Moved Cr Ker, Seconded Cr Farrell

That the following unopposed items be moved en bloc;

Items 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.1.13, 10.1.15, 10.1.18, 10.1.23, 10.2.2, 10.2.4, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.7, 10.4.2 and 10.4.3

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

10.1.5 No(s). 15 (Lot(s) 1) Scarborough Beach Road (Dual Frontage with Howlett Street), Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Funeral Parlour - Amended Plans

Ward:	North	Date:	18 April 2005
Precinct:	Charles Centre; P7	File Ref:	PRO0153; 00/33/2212
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 amended plans stamped 25 February 2005 to Planning Approval (Serial No. 00/33/2212) granted by the Council on 24 August 2004 and issued on 7 September 2004, for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Funeral Parlour, at No(s). 15 (Lot(s) 1) Scarborough Beach Road (dual frontage with Howlett Street), Mount Hawthorn.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence application for the proposed development and varies from the respective Planning Approval plans. Given the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development No. 516 Fitzgerald Street, North Perth, the subject amended plans are being referred to this Ordinary Meeting for consideration and determination by Council. The Town's Manager Planning, Building and Heritage Services has developed a Policy to address procedures for dealing with variations between Planning Approval Plans and Building Licence Plans, and this is shown at Item 10.4.6 on this Agenda.

Landowner:	Service Corporation International Australia Pty Ltd
Applicant:	Smith & Hooke Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
Existing Land Use:	Funeral Parlour
Use Class:	Funeral Parlour
Use Classification:	"AA"
Lot Area:	2738 square metres

BACKGROUND:

The Council at its Ordinary Meeting held on 24 August 2004 resolved to conditionally approve an application for partial demolition of and alterations and two-storey additions to existing funeral parlour at the subject lot. The proposal involved a second storey addition, enclosure over existing parking area used for the parking of trucks and minor internal changes involving a new reception area and a new office.

DETAILS:

The current revised Building Licence Application plans differ from the previously approved plans in that the second storey addition has a flat roof instead of a tiled pitched roof. An elevation plan indicating the comparison between the previously approved and currently proposed roof line is attached for the Council's consideration (dotted line shows extent of tiled roof of previous Planning Approval plans).

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The revised Building Licence application plans do not result in any greater variations to the development requirements from the previously approved plans.			
Consultation Submissions			
The amended plans were not advertised as it does not involve any greater variations to the development requirements from the previously approved plans.			
Objection	N/A		N/A
Support	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The revised Building Licence Application plans are regarded to be acceptable as the amended flat roof form is considered to be more compatible to the existing building roof form and of a less impact from the previous Planning Approval plans. Furthermore, it is noted that the amendments are contained within the building envelope of the previously approved plans.

Accordingly, it is recommended that further Planning Approval for the revised Building Licence application plans should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

10.1.6 No. 445 (Lot 16) Charles Street, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Function Centre and Incidental and Ancillary Place of Public Worship - Amended Plans

Ward:	North	Date:	18 April 2005
Precinct:	North Perth; P8	File Ref:	PRO0174; 00/33/1751
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 amended plan stamp-dated 24 January 2005 to Planning Approval (Serial No. 00/33/1751) granted by the Council on 16 December 2003 and issued on 29 December 2003, for proposed partial demolition of and alterations and additions to the existing function centre and ancillary and incidental place of worship at No.445 (Lot 16) Charles Street, North Perth.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence application for the proposed development and varies from the respective Planning Approval plans. Given the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development No. 516 Fitzgerald Street, North Perth, the subject amended plans are being referred to this Ordinary Meeting for consideration and determination by Council. The Town's Manager Planning, Building and Heritage Services has developed a Policy to address procedures for dealing with variations between Planning Approval Plans and Building Licence Plans, and this is shown at Item 10.4.6 on this Agenda.

Landowner:	Australasian Conference Association Ltd
Applicant:	M Coniglio
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Special Use-Function Centre
Existing Land Use:	Function centre and incidental and ancillary place of public worship
Use Class:	Function Centre (Incidental and Ancillary Place of Public Worship subject to this application)
Use Classification:	"P"
Lot Area:	Approximately 2653 square metres (after land given up for road widening)
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 16 December 2003 resolved to conditionally approve an application for partial demolition of and alterations and additions to the existing function centre and ancillary and incidental place of worship, at the subject property.

DETAILS:

The external differences between the current revised Building Licence Application plans and the previous Planning Approval plans are as follows:

- revised plans indicate deletion of second storey addition, architectural feature and porte cochere;
- the size of the auditorium being reduced to accommodate a verandah; and
- changes to the windows on the eastern elevation.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The revised Building Licence application plans do not result in any greater variations to the development requirements from the previously approved plans.			
The revised Building License plans do not result in any greater variation to the development requirements from the previously approved plans.			
Consultation Submissions			
The amended plans were not advertised as it does not involve any greater variation to the development requirements from the previously approved plans.			
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

COMMENTS:

The revised Building Licence Application plans are regarded to be acceptable as the amendments are considered to be more compatible with the existing building and of a less impact from the previous Planning Approval plans. Furthermore, it is noted that the amendments are contained within the building envelope of the previously approved plans.

Accordingly, it is recommended that further Planning Approval for the revised Building Licence Application plans should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

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

Ward:	South	Date:	18 April 2005
Precinct:	Cleaver; P5	File Ref:	PRO2896; 00/33/2386
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 amended plans stamp-dated 5 April 2005 (Units 1 and 2 elevations) and amended plans stamp-dated 19 April 2005 (Units 1 and 2 floor plans) to Planning Approval (Serial No. 00/33/2386) granted by the Council on 22 February 2005 and issued on 4 March 2005, for proposed Additional Three (3) Two-Storey Grouped Dwellings to Existing Single House and Demolition of Existing Outbuildings, at No. 68 (Lot 301) Carr Street, West Perth.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence application for the proposed development and varies from the respective Planning Approval plans. Given the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development No. 516 Fitzgerald Street, North Perth, the subject amended plans are being referred to this Ordinary Meeting for consideration and determination by Council. The Town's Manager Planning, Building and Heritage Services has developed a Policy to address procedures for dealing with variations between Planning Approval Plans and Building Licence Plans, and this is shown at Item 10.4.6 on this Agenda.

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

BACKGROUND:

The Council at its Ordinary Meeting held on 22 February 2005 resolved to conditionally approve an application for proposed additional three (3) two-storey grouped dwellings to existing single house and demolition of existing outbuildings at the subject site. The existing dwelling has frontage to Carr Street with vehicle access to a single garage and open car bay from Ivy Street.

DETAILS:

The current revised Building Licence Application plans differ from the previously approved plans. The amendments are summarised in the following table:

Unit 1	<ul style="list-style-type: none"> • Length of store and water closet on ground floor reduced by 500 millimetres. • Balcony on upper floor replaced with bathroom. • Sitting area on upper floor replaced with reconfigured bedroom layout.
Unit 2	<ul style="list-style-type: none"> • Length of activity room on upper floor increased by 600 millimetres.

A floor plan and elevation plan for Unit 1 and Unit 2 indicating the comparison between the previously approved plans and those currently proposed are attached for Council's consideration (circled area indicates where the proposed amendments are located).

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The revised Building Licence Application plans do not result in any greater variations to the development requirements from the previously approved plans.			
Consultation Submissions			
The amended plans were not advertised as it does not involve any greater variation to the development requirements from the previously approved plans.			
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

COMMENTS:

The revised Building Licence Application plans are regarded to be acceptable as the amendments are still compliant with the plot ratio requirements for the area with a density code of R60. Furthermore, it is noted that the amendments do not increase any building setback or privacy setback requirements.

It is noted that there are no proposed amendments to Unit 3.

Accordingly, it is recommended that further Planning Approval for the revised Building Licence Application plans should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

10.1.9 No. 174 (Lot(s) 265 and 266) Grosvenor Road, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Day Nursery (Child Care Centre) - Reconsideration of Condition

Ward:	South	Date:	18 April 2005
Precinct:	Norfolk; P10	File Ref:	PRO2100; 00/33/2816
Attachments:	001		
Reporting Officer(s):	R Rasiah		
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 Cachet Holdings Pty Ltd on behalf of the owners A Andony, L D'Alessio and L Costa for proposed Partial Demolition of and Alterations and Additions to Existing Day Nursery (Child Care Centre) at No(s).174 (Lot(s) 265 and 266) Grosvenor Road, North Perth, and as shown on plans stamp-dated 12 April 2005, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating car parking bays 11 and 12 provided on the Grosvenor Road verge being designed and constructed to the Town's specifications at the applicant's / owner's full expense, and made available to the general public;*
- (ii) hours of operation shall be between 6.30am and 6.30pm, Monday to Friday, inclusive;*
- (iii) a maximum of sixty (60) children are to be cared for on-site at any one time;*
- (iv) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of facilities and access for people with disabilities, and the Community (Childcare) Regulations 1988 and associated guidelines and requirements;*
- (v) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vii) 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 Grosvenor 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;*

- (viii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Grosvenor 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);*
- (ix) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Residential Design Codes, the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (x) *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;*
- (xi) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (xii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xiii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xiv) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xv) *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;*
- (xvi) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (xvii) *the construction of crossovers shall be in accordance with the Town's specifications;*

- (xviii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xix) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (xx) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	A, L & L Andony, D'Alessio & Costa
Applicant:	Cachet Holdings Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Day Nursery
Use Class:	Day Nursery
Use Classification:	"AA"
Lot Area:	1203 square metres
Access to Right of Way	West side, 3.01metres wide, sealed, privately owned

BACKGROUND:

The Town conditionally approved the partial demolition of and alterations and additions to the existing Day Nursery (Child Care Centre), including the increase in number of children from 36 to 60, under delegated authority on 9 February 2004. The proposal was previously advertised, and no submission was received. On the above basis, the current application has not been advertised, as it is not significantly different from the previously approved development.

DETAILS:

The application involves the reconsideration of following conditions (i) (a) and (i) (b) of the previous Planning Approval issued on 9 February 2004:

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

- (a) *a minimum of twelve (12) car parking bays provided on site;*

- (b) *car parking bays 11 and 12 provided on the Grosvenor Road verge being constructed to the Town's specifications at the applicant's / owner's full expense;*
- (c) *all car parking bays complying with the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking" and;*
- (d) *the proposed addition being setback a minimum of 0.49 metres from the right of way to facilitate the future widening of the right of way."*

The applicant has further requested Council to consider the interpretation of the car parking required to be provided on-site as per condition (i) (a) above. The applicant is also prepared to construct two (2) verge car bays at their cost.

The applicant's current and previous submission (dated 5 December 2003) 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
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 requirements to nearest whole number. Office: 1 car bay per 5 children (proposed 60 children).			12 car bays
Apply the parking adjustment factors. ▪ 0.85 (within 400 metres of a bus stop)			(0.85) 10.2 car bays
Minus car parking provided on-site			10 car bays
Resultant shortfall			0.2 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.

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

COMMENTS:

The matter being considered as part of this application is the reconsideration of the previously applied conditions (i) (a) and (i) (b), and the provision of 2 verge car bays.

Technical Services are prepared to support the construction of the 2 verge car bays, subject to the following conditions:-

- *"The car bays will be available for the general public and in no way will they provide exclusive parking for the development,*

- *The car bays shall be constructed at the developer's full expense,*
- *The car bays shall be constructed to align with the existing road widening towards Fitzgerald Street and will include the reconstruction of any crossovers associated with this widening,*
- *The car bays cannot be included in the parking calculation for the development and*
- *The car bays will not decrease the amount of parking along Grosvenor Road as kerbside parking is currently available in front of the property / properties in question."*

Previous condition (i) (c) is no longer required, as it is covered by current condition (ix). Previous condition (i) (d) is also no longer required as the building has been setback 0.5 metre from the right-of-way.

On the above basis, approval is recommended, subject to the previous conditions (i) (a), (i) (c) and (i) (d) being deleted, and all other previous conditions being applied.

10.1.13 No(s). 44 (Lot(s) 100) Woodville Street, North Perth - Proposed Additional Two (2) Two-Storey Single Houses and Carport Additions to Existing Single House and Demolition of Existing Garage and Carport

Ward:	North	Date:	18 April 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO3079; 00/33/2683
Attachments:	001		
Reporting Officer(s):	S Turner, 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 Sam Teoh Architects on behalf of the owner O Sansone for proposed Additional Two (2) Two-Storey Single Houses and Carport Additions to Existing Single House and Demolition of Existing Garage and Carport, at No(s). 44 (Lot(s) 100) Woodville Street, North Perth, and as shown on plans stamp-dated 18 April 2005, 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 Woodville 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 of 50 per cent transparency;*
- (ii) *subject to first obtaining the consent of the owners of No.42 Woodville Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.42 Woodville Street in a good and clean condition;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the southern rendered brick fence/wall of the carport adjacent to Woodville Street being deleted and the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the southern boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policy;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Woodville 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*
- (v) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	O Sansone
Applicant:	Sam Teoh Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	783 square metres
Access to Right of Way	North side, 5.0 metres wide, sealed, resumed and vested in the Town.

BACKGROUND:

There is a concurrent survey-strata subdivision application for the subject lot.

DETAILS:

The proposal involves an additional two (2) two-storey single houses and carport additions to existing single house and demolition of existing garage and carport at the subject lot. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3 dwellings R 40	3 dwellings R 40	Supported- no variation.
Plot Ratio	N/A	N/A	N/A
Setbacks: <u>Unit 1</u> Ground floor: - South (carport)	1.0 metre	Nil	Supported- proposed southern boundary brick fence/wall has been conditioned to be deleted so that there no undue impact on streetscape.

<p><u>Unit 2</u> Ground floor: - West (garage) - East - South</p>	<p>1.0 metre 1.5 metres 1.0 metre</p>	<p>Nil Nil Nil</p>	<p>Supported- internal boundary. Supported- internal boundary. Supported- compliant with Clause 3.3.2 'Buildings on Boundaries'.</p>
<p>1st floor: - East</p> <p><u>Unit 3</u> Ground floor: - West - South</p> <p>1st floor: - West</p>	<p>1.2 metres 1.5 metres 1.0 metre 1.2 metres</p>	<p>Nil Nil Nil Nil</p>	<p>Supported- internal boundary. Supported- internal boundary Supported- compliant with Clause 3.3.2 'Buildings on Boundaries'. Supported- internal boundary.</p>
<p>Outdoor living area</p>	<p>Behind street setback area and accessible from habitable room.</p>	<p>Unit 1-Outdoor living area within street setback area and not accessible from habitable room.</p>	<p>Supported- outdoor living area is open to winter sun and location is feasible given the retention of the existing house.</p>
Consultation Submissions			
<p>Support</p>	<p>Nil</p>		<p>Noted</p>
<p>Objection (3)</p>	<ul style="list-style-type: none"> • Privacy • Noise and pollution from construction • Garage setback • Illegal parking and congestion in ROW and building vehicles blocking ROW • Property being devalued 		<p>Not supported- proposal compliant with the privacy requirements of the R-Codes. Noted- standard health requirements on Building Licence will address these matters. Not supported- proposal compliant with the setback requirements of the R-Codes. Noted- standard engineering requirement placed on Building Licences requires rights of way to be clear at all times. Not supported- not a major planning consideration.</p>

	<ul style="list-style-type: none"> • Parapet wall • Loss of views 	<p>Not supported- refer to 'Buildings on Boundaries'. Not supported- not a major planning consideration.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

In light of the objections being addressed as above, the proposed variations sought by the applicant are considered supportable and not to have an undue impact on the adjoining neighbours and surrounding area, subject to the southern boundary brick/fence wall being deleted.

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

10.1.15 No. 117 (Lot 119) West Parade, Mount Lawley - Proposed Store and Additional Two-Storey Single House to Existing Single House

Ward:	South	Date:	18 April 2005
Precinct:	Banks; P15	File Ref:	PRO3069; 00/33/2656
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 JA Nelson on behalf of the owners JA and DV Nelson for proposed Store and Additional Two-Storey Single House to Existing Single House, at No. 117 (Lot 119) West Parade, Mount Lawley, and as shown on plans stamp-dated 6 January 2005, subject to:

- (i) subject to first obtaining the consent of the owners of No. 115 and 119 West Parade for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 115 and 119 West Parade in a good and clean condition;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) 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 West Parade shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (iv) the applicant/owner(s) advise (prospective) purchasers of the proposed dwelling property, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	JA & DV Nelson
Applicant:	JA Nelson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	526 square metres
Access to Right of Way	West side, 3.62 metres wide, partially sealed, Town owned

BACKGROUND:

9 September 2004 Western Australian Planning Commission (WAPC) conditionally approved proposed survey strata subdivision.

DETAILS:

The proposal involves store and additional two-storey single house to existing single house.

The proposed rear Lot 2 has vehicle access from a right of way and gazetted road access via a 1.5 metre wide pedestrian access way/service corridor to West Parade.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.92 dwellings R 60	2 dwellings R 38	Supported - compliant with R Codes requirements.
Plot Ratio	Unit 1 - 0.65 - 185.25 square metres	Unit 1 - 0.42 - 121.95 square metres	Supported - compliant with R Codes requirements.
	Unit 2 - 0.65 - 157.95 square metres	Unit 2 - 0.54 - 132.01 square metres	Supported - compliant with R Codes requirements.
Setbacks: Ground Floor - North (Lounge)	1.5 metres	1 metre	Supported - no objections received and no undue impact
North (Store)	1 metre	Nil	Supported - compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.

South (Garage)	1 metre	Nil	Supported - compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Buildings on Boundary: Proposed Unit 2	To one side boundary only	To two side boundaries (Store and Garage)	Supported - variation is considered minor (boundary wall for store is only 1.7 metres in length) and no undue impact.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Garage boundary wall will detract from neighbours visual aspect of garden. 		Not supported - condition included in Officer Recommendation for the boundary (parapet) wall to be finished in a good and clean condition.
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 was advertised and one objection was received during this period. The objections are addressed above.

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

10.1.18 No(s). 228-232 (Lot 88) Carr Place, Leederville - Proposed Change of Use from Shop to Eating House and Associated Alterations

Ward:	South	Date:	19 April 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO1308; 00/33/2721
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Kimber on behalf of the owner M Grincerì for proposed Change of Use from Shop to Eating House and Associated Alterations, at No(s). 228-232 (Lot) 88) Carr Place, Leederville, and as shown on plans stamp-dated 9 February 2005, subject to:

- (i) 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;*
- (ii) the floor areas shall be limited to;*
 - (a) 220.5 square metres of public floor area for the eating house component; and*
 - (b) 1000 square metres of gross floor area for the office component;*

Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;
- (iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$14 800 for the equivalent value of 5.92 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iv) prior to the first occupation of the development, seven (7) class 1 or 2 and five (5) class 3) bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) doors and windows and adjacent floor areas fronting Carr Street shall maintain an active and interactive relationship with this street; and*

- (vii) *the subject premises, including the 'Bar Area', shall be used solely as an eating house, meaning it is used primarily for the purpose of serving meals to the public for gain or reward but does not include a fast food outlet. The 'Bar Area' shall not be used exclusively for the sale and/or consumption of beverages.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	M Grincerì
Applicant:	M Kimber
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Vacant
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	1069 square metres
Access to Right of Way	North side, 4 metres wide, sealed, dedicated road

BACKGROUND:

26 August 2003 Council at its Ordinary Meeting conditionally approved three storey mixed use development comprising one (1) eating house, two (2) shops, two floors of offices and associated car parking.

22 March 2005 Council at its Ordinary Meeting granted conditional approval for the deletion of condition (v) of the previous conditional approval relating to percent for art scheme, for approved mixed use development.

DETAILS:

The proposal involves change of use from shop to eating house at No(s). 228-232 (Lot 88) Carr Place, Leederville, which is located on the northern side of Carr Place adjacent to the junction of Carr Place and Newcastle Street in the Oxford District Centre. The subject property abuts the Leederville Hotel to the west and a two storey commercial building to the east.

The proposed eating house is called *Saffron Indian Restaurant* and will serve fresh and healthy modern Indian ethnic food and a wide range of quality wine and liquor.

The proposed hours of operation are within Monday to Sunday 9.00am to 12.00 am, inclusive.

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	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number)			
-Proposed Eating House: 1 car bay per 4.5 square metres of public area (proposed 220.5 square metres).			49 car bays
-Office: 1 car bay per 50 square metres of gross floor area (proposed 1000 square metres).			20 car bays
Total			69 car bays
Apply the adjustment factors			(0.494)
<ul style="list-style-type: none"> ▪ 0.80 (within 400 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.90 (within a District Centre zone) ▪ 0.95 (parking facilities for bicycle users) 			34.09 car bays
Minus car parking on-site			23
Minus the most recently approved on-site parking shortfall			5.17 car bays
Resultant shortfall			5.92 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 proposal is supported as it is not considered to unduly impact the amenity of the adjacent or surrounding properties. There is a 5.92 car bays shortfall and therefore it is recommended that the applicant/owner pay a cash-in-lieu contribution of \$14 800.

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

10.1.23 No. 141 (Lot 6) Scarborough Beach Road, Corner Fairfield Street (Paddington Ale House), Mount Hawthorn – Proposed Increase in Accommodation/Patronage Numbers at Existing Hotel - State Administrative Tribunal (SAT) - Direction Hearing Orders and Associated Matters

Ward:	North	Date:	20 April 2005
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO1137; 00/33/1828
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 141 (Lot 6) Scarborough Beach Road, corner Fitzgerald Street, Mount Hawthorn - Proposed Increase in Accommodation/Patronage Numbers at Existing Hotel - State Administrative Tribunal (SAT) - Direction Hearing Orders and Associated Matters;*
- (ii) *NOTES that the redrafted conditions on orders by SAT and provided by the Town's Officers, in relation to Review matters, be included in the Information Bulletin Section of the Ordinary Meeting of Council Agenda;*
- (iii) *WRITES to the Western Australian Local Government Association, the Minister for Planning and Infrastructure and the President of the State Administrative Tribunal for further investigation and comment to the SAT's requirement for the submission of redrafted conditions, prior to the SAT Review matter being duly considered and determined at the full hearing or on documents; and*
- (iv) *REQUESTS SAT to reconsider and delete its Order of 8 April 2005 to order the Town to pay the applicant its cost (\$275) of the Directions Hearing, and to provide the Town with its reasons for the Order of such costs, as the Town has genuinely attempted to make a decision on this matter, however was of a view that the decision had to be made by the Council, rather than at Officer level.*

COUNCIL DECISION ITEM 10.1.23

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

To update the Council the recent events associated with the above SAT Review.

BACKGROUND:

- 7 December 2004: The Council at its Ordinary Meeting resolved to conditionally approved the proposed increase in accommodation / patronage numbers at existing hotel (Paddington Ale House) on No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn.
- 2 February 2005: Owners of the Paddington Ale House lodged an application for the Review of the Council determination at its Ordinary Meeting on 7 December 2004, with SAT.
- 11 March 2005: Direction hearing at SAT.
- 8 April 2005: Further directions hearing at SAT.
- 2 May 2005: Date set for full Hearing at SAT.

DETAILS:

The applicant has lodged an application with SAT to review the following conditions of the Planning Approval granted by the Council on 7 December 2004:

- "(a) a CONDITIONAL INCREASE of seventy (70) additional patrons to the existing 400 to a maximum of 470, subject to review and support from the Chief Executive Officer, a two week consultation period and a report to Council after six months and 12 months performance assessment of the number of formal complaints and other relevant information regarding community impact;"*
- "(g) prior to the additional 70 patrons being approved by the Director Liquor Licensing, the applicant/owner shall pay a cash-in-lieu contribution of \$25,200 for shortfall of 10.08 car bays based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget;"*

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Town is represented by Planning Consultant, Simon Bain of SJB Town Planning and Urban Design. Mr Simon Bain has been requested to forward to the Town on a periodical basis, the cost involved, so that the cost can be adequately monitored and managed.

COMMENTS:

As part of the Review process, SAT has directed the Town's Officers to submit redrafted conditions to SAT for specific matters the subject of an application for Review, prior to that matter being duly considered and determined by SAT. This new procedure is not a requirement of the "State Administrative Tribunal Act 2004", but a practice of SAT.

In relation to the subject Review matter, SAT made the following Orders dated 17 March 2005:

- "2. *By 24 March 2005 the respondent shall file and give to the applicant a re-draft of conditions (a), (b) and (d), which is both final and certain.*
3. *By 24 March 2005, the respondent shall file 2 copies and give one copy to the applicant of a statement of reasons for conditions (a) and (g), including a concise statement of the issues for determination in the appeal, and all documents and material relevant to the Tribunal's review of the decision to impose those conditions to the extent not already provided including full copies of any relevant planning provision or Policy."*

In a letter dated 4 April 2005, the Town advised SAT as follows:

"Clauses/conditions (v) (a), (v) (b) and (v) (d) below are resolutions of Council determined at its Ordinary Meeting held on 7 December 2004 (Minutes previously provided to SAT). As such if the above conditions are to be reconsidered and amended/redrafted by the Town, this matter is required to be referred back to Council for consideration at an Ordinary Meeting of Council.

- "(a) a CONDITIONAL INCREASE of seventy (70) additional patrons to the existing 400 to a maximum of 470, subject to review and support from the Chief Executive Officer, a two week consultation period and a report to Council after six months and 12 months performance assessment of the number of formal complaints and other relevant information regarding community impact;*
- (b) compliance with the Management Plans detailed under clause (iv);.....*
- (d) ongoing compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (g) prior to the additional 70 patrons being approved by the Director Liquor Licensing, the applicant/owner shall pay a cash-in-lieu contribution of \$25,200 for shortfall of 10.08 car bays based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget;"*

Order 3.

The reasons for the Council decision and Clauses/conditions (v) (a) and (v) (g) as above, are generally based on the following reasons:

- "1. Consideration of complaints received by the public.*
- 2. Increase in the intensity of use.*
- 3. Impact on the local area.*
- 4. No additional parking proposed with the increase in numbers.*
- 5. Previous acceptance of no increase in numbers for the additional floor area with reference to the Council's Decision of 27 April 1999.*
- 6. No formal agreement for additional parking."*

The above reasons will be further expanded in the respondent's witness statement.

The cash in lieu Clause/condition (v) (g) is based on the shortfall in car parking as requested by one of the Town's Elected Members. Also indicated in the Minutes of the 7 December 2004 Ordinary Meeting of Council, the informal parking agreement between the owners of the Paddington Ale House and the Mount Hawthorn Shopping Centre, was not considered as additional alternative car parking, as this agreement can at anytime be terminated by either party. It is to be noted that Planning Approval for the re-development of the Mount Hawthorn Shopping Centre has recently been granted by the Council, and there has been no formal agreement between the above parties in terms of carparking reciprocity."

At the directions hearing on 8 April 2005, SAT made an Order that the respondent (Town of Vincent) pay the applicant its cost of the Directions Hearing on 8 April 2005 to the amount of \$275.00, as follows:

- "1. The hearing date of 02 May 2005 is confirmed.*
- 2. By 12 April 2005, the respondent shall file and give the to applicant a re-draft of conditions (a), (b) and (d) which is both final and certain.*
- 3. By 12 April 2005, the respondent shall file 2 copies and give to the applicant 1 copy of a statement of reasons for conditions (a) and (g), including a concise statement of the issues for determination in the proceedings and all documents and material relevant to the Tribunal's review of the decision to impose those conditions not already provided including full copies of any relevant planning instrument or policy.*
- 4. By 26 April 2005 each party shall file 2 copies and shall give to each other 1 copy of a statement of evidence from any witness on whose evidence the party proposes to rely.*
- 5. In accordance with s. 87(2) of the State Administrative Tribunal Act 2004, the respondent shall within 28 days pay the applicant its costs of the directions hearing on 8 April 2005 in the amount of \$275.00."*

Due to time frame constraints, the Orders from SAT for redrafted conditions did not allow the Town's Officers to report to Council on such matters. Of greater concern to Town's Officers is that the redrafted conditions are being required prior to the Review matter being duly considered and determined by SAT.

In a letter dated 12 April 2005, the Town provided SAT with the following redrafted conditions in this matter:

"Existing subject clauses/conditions (v) (a), (v) (b) and (v) (d) state as follows:

"(v)(a) a CONDITIONAL INCREASE of seventy (70) additional patrons to the existing 400 to a maximum of 470, subject to review and support from the Chief Executive Officer, a two week consultation period and a report to Council after six months and 12 months performance assessment of the number of formal complaints and other relevant information regarding community impact;"

"(v) (b) compliance with the Management Plans detailed under clause (iv);"

"(v)(d) ongoing compliance with all relevant Environmental Health, Engineering and Building requirements;"

The re-drafted clauses/conditions (v) (a) and (v) (b) are as follows:

“(v)(a) An increase of seventy (70) additional patrons to the existing 400 patrons to a maximum of 470 patrons;

(v)(b) Compliance with the following Management Plans:

- (i) Paddington Alehouse - Patron Parking Management Plan;*
- (ii) Paddington Alehouse - Harm Minimisation and Management Plan;*
- (iii) Paddington Alehouse - House Management Policy; and*
- (iv) Paddington Alehouse - Code of Conduct;”*

Clause/condition (v)(d) above can be deleted and included as an "Advice Note" to the applicant, as this generally relates to on going compliance with requirements such as the Building Code of Australia, Health Act of Western Australia, stormwater disposal and maintenance of car parking area on site."

It could be construed and viewed that such a practice by SAT implies that SAT has already made up its determination to uphold a Review prior to the matter being duly considered and determined at the full hearing or on documents. To avoid such misconception by all parties concerned, it is recommended that these concerns be referred to SAT, Minister for Planning and Infrastructure and the Western Australian Local Government Association for further investigation and comment.

It is also recommended that when the Town is required to provide such redrafted conditions by SAT, that the Town's Officers provide SAT with the redrafted conditions and then provide a copy of the Town's correspondence containing these redrafted conditions in the Information Bulletin Section of the Ordinary Meeting of Council Agenda.

In terms of the cost payable by the Town to the applicant in relation to the subject Review matter, SAT has not clearly stated the reasons for awarding cost of the directions hearing on 8 April 2005 to the applicant. Furthermore, when additional information was requested by the applicant, this again was not clearly stated in writing by SAT, and this caused further inconvenience for all parties concerned.

In past dealings with the former Town Planning Appeal Tribunal (TPAT), the Town had worked very closely and had a good working relationship with TPAT. This has not in anyway diminished with SAT, as the Town has always dealt with all matters requested/directed by SAT in a professional and fair manner. In this instance, the Town has genuinely attempted to make a decision on this matter, however was of a view that the decision had to be made by the Council, rather than at Officer level. Furthermore, due to the numerous Reviews being handled by the Town in recent months, this has resulted in stretching staff resources to unsustainable levels, resulting in some time frames not being achieved.

It is further recommended that the Town request SAT to reconsider and delete the Order dated 8 April 2005 for the payment of \$275 to the applicant, and to provide the Town with written reasons for the decision, as the Town considers the Order to be unreasonable considering the above comments.

10.2.2 Highgate Pre Primary School - Grounds Maintenance Assistance

Ward:	South	Date:	19 April 2005
Precinct:	Forrest P14	File Ref:	CMS0015
Attachments:	001;		
Reporting Officer(s):	K Godfrey		
Checked/Endorsed by:	J van den Bok, R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the request from the Highgate Pre Primary School for assistance with ground maintenance at the School site located in Broome Street, Highgate;*
- (ii) *APPROVES the request for the provision of mulch, pruning and tree removal works within the grounds of the Highgate Pre Primary playground site, as outlined in the report, estimated to cost \$3,000; and*
- (iii) *ADVISES the Highgate Pre Primary School of its decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to provide assistance to the Highgate Pre Primary School to carry out minor maintenance improvements in the grounds of the pre primary school.

BACKGROUND:

The property in Broome Street, Highgate is owned by the Town, is leased by the Department for Education and Training, and is currently being used as a Kindergarten for Highgate Pre Primary School.

The request for assistance relates to the pruning of large fig trees and the removal of five unsuitable trees on the site of the playground area. In addition, an old concrete pathway located within the grounds of the facility is badly cracked and presents a safety hazard in its current form.

DETAILS:

Parks Services Officers recently met on site with pre school representatives to determine what assistance could be provided by the Town.

Dangerous Path to be removed

It was determined that an old concrete cycleway has been badly damaged by tree roots from the large fig trees located within the grounds. The officers were advised that volunteers from Highgate Pre Primary School could break up the old cycle path and stockpile the material on the adjacent carpark in Broome Street if the Town could assist in removing the waste from the site.

Once the path was removed, free mulch provided by the Town could be delivered and this would be spread around the base of the large Fig trees by volunteers to cover the exposed Fig tree roots and eliminate any potential trip hazards.

Existing Trees

Three (3) Fig Trees (*Ficus macrophylla*) on the site also require some overhanging branches to be pruned back off the rear of the building and some dead wood from within the canopies needs to be removed.

There are currently approximately 13 trees planted on the Broome Street site. The significant trees, which include the more mature trees on the site, were planted some time ago, however, subsequent, newer plantings, have resulted in crowding and competition for light, which in turn, has resulted in the health, condition and general form of various trees to be very poor.

To improve the amenity of the site and allow the more significant trees to flourish, Parks Officers have recommended the removal of five (5) insignificant trees as follows:-

Mahogany Gum (*Eucalyptus robusta*) (No. 1)

The Mahogany Gum is well known for its propensity to shed limbs/branches without warning, (not suitable for a playground area). This specimen contains a significant amount of dead wood. *"Removal recommended"*

Weeping Peppermint (*Agonis Flexuosa*) (No. 2)

This tree is located between the large Cork Oak and a Fig tree and it is of poor form and should never have been planted so close to other established trees. *"Removal recommended"*.

Rubber Tree (*Ficus elastica*) (No. 3)

This is another species of tree that is well known for its invasive root system. This tree is currently situated near an adjoining wall on the property line and is causing damage to the foundations. *"Removal recommended."*

Mallee Tree (*Eucalyptus sargentii*) (No. 4)

Poor past pruning techniques have resulted in this tree having internal / external decay within the main trunk, resulting in the structural integrity of the tree being compromised. *"Removal recommended"*

Kurrajong Tree (*Brachychiton populneus*) (No. 5)

This immature Kurrajong tree has been planted too close to a mature Fig tree and will never grow to its true form. *"Removal recommended"*

Officer Comments

The site contains a number of significant trees, including a Cork Oak, (*Quercus suber*). This species of Oak is an uncommon planting within the metropolitan area and, along with the Fig trees, appears on the Town's *Trees of Significance* register. The site has been grossly over planted and the removal of the five (5) trees identified will enable the remaining trees to flourish and attain their natural height and form unhindered.

In view of the above level of significance, it is recommended that the Town supervises and undertakes the tree works.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Plan 2005-2010: 1.4) *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

FINANCIAL/BUDGET IMPLICATIONS:

The estimated costs to remove these five (5) trees and undertake the pruning of the Fig trees is \$2,500. Removal of the inert waste from the site will cost approximately \$500. While a specific budget has not been listed for any ground maintenance works at this facility, a surplus of funds has been identified in the 2004/05 Street Tree Maintenance budget, which could be used to undertake the above works if approved.

COMMENTS:

As the area within the Child Care facility has been grossly over planted, it is recommended that the Council supports the removal of the five (5) trees identified. This will enable the remaining trees to flourish and attain their natural height and form unhindered.

It is also recommended Council approve the Town's offer to assist the lease holder with the works required to render this area safe so it can operate to its full capacity as a Pre Primary School facility.

10.2.4 Further Report - Proposed Traffic Management for Woodstock Street, Mount Hawthorn

Ward:	Both	Date:	20 April 2005
Precinct:	Mt Hawthorn, P1	File Ref:	TES0173&TES0334
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-		

RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the further report on the Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn;
- (ii) **NOTES** that, where appropriate, comments received will be incorporated in the final design;
- (iii) **APPROVES** the implementation of the alternative proposal as outlined on attached Plan No. 2287-CP-1A; and
- (iv) **ADVISES** all respondents of its decision.

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

To advise Council of the results of the further community consultation with regard to the revised proposal for traffic management in Woodstock Street and make appropriate recommendations based on the comments received.

BACKGROUND:

At its Ordinary Meeting held on 9 November 2004, the Council received a report on the proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn.

In the report it was advised that while the majority of respondents were in favour of the traffic management proposal (for the creation of embayed parking and road narrowing) it was suggested that while most respondents were in favour of the proposal it was considered that some of the issues raised by those against should be further investigated. The Council subsequently decided (in part) that the Council:

"refers, for the second time, the proposal as outlined on attached Plan No. 2287-CP.1 and concept Plan No. 2287-CP.1A to the Town's Local Area Traffic Management (LATM) Advisory Group and receives a further report once the LATM Advisory Group has reviewed the matter."

The matter was further considered by the Local Area Local Area Traffic Management (LATM) Advisory Group at its meeting held on 14 February 2005 and a further report was presented to the Council at its Ordinary Meeting held on 22 February 2005, where the following decision was adopted:

"That the Council;

- (i) RECEIVES the further report on the Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn;*
- (ii) APPROVES in principle the alternative proposal as outlined on attached Plan Nos. 2287-CP-1A and B;*
- (iii) CARRIES OUT further consultation with the residents of Woodstock and adjoining Streets with regard to the proposal, for a period of 21 days; and*
- (iv) RECEIVES a further report on the alternative proposal, at the conclusion of the community consultation period."*

DETAILS:

Community Consultation

In accordance with clause (iii) of the Council's decision, on 1 March 2005 the alternative proposal for Woodstock Street as outlined on Plan No. 2287-CP-1A was advertised to the residents in Woodstock Street, Dunedin Street, Shakespeare Street, Edinboro Street, a section of Ellesmere Street and Fairfield Street.

Of the 241 letters distributed, 61 responses were received (25% response) as follows:

- 39 in favour with 2 partially in favour (67%)
- 15 against (25%)
- 5 with other comments (8%)

A summary of the comments received have been attached to the report.

Officers Comments

Respondents, both those for and against, made various comments that (where practical) will be incorporated into the proposal. Also, various maintenance issues were raised. These will be actioned.

Two low profile speed humps at Edinboro, either side of the Woodstock Street intersection, will be implemented as part of the proposal

The installation of advance warning stop signs to be placed on intersecting roads will be requested from MRWA.

The placement of trees will ensure that driveway access is maintained and verge parking will be provided (as shown on plan No 2187-CP-1B) where appropriate as part of the proposal.

The footpath on the left side of Woodstock Street will be repaired.

Comment received that:

.....island in Woodstock St and the possible speed humps or stop controls will create more traffic down Fairfield St. Fairfield St is too dangerous and islands should be installed in Fairfield St to slow the "hoons"and..... Woodstock St gives a clear view of all oncoming traffic and that trees will downgrade the view.....

The Woodstock Street proposal will not create any access difficulty for larger vehicles. The final design will ensure that adequate turning circles are maintained at intersections and that visibility and sight distances comply with appropriate standards.

Traffic Management in Fairfield Street will be considered by the LATM Advisory Group (Council decision 12 April 2005)

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. “o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”

FINANCIAL/BUDGET IMPLICATIONS:

Sufficient funds have been allocated in the 2004/2005 budget to enable the current proposal to be implemented.

COMMENTS:

It is considered that the alternative proposal addresses some of the issues raised during the initial consultation, while still achieving the desired result(s). The majority of respondents were in favour of the alternative proposal and, where appropriate, comments received will be incorporated in the final design.

It is therefore requested that the Council approves the proposal as recommended and the respondents be advised of the Council's decision.

10.3.2 Authorisation of Expenditure for the Period 1 March - 31 March 2005

Ward:	Both	Date:	18 April 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Gee Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 March - 31 March 2005 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.2

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

DECLARATION OF INTEREST

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

Nil.

PURPOSE OF REPORT:

The purpose of this report is to detail the payments made by the Council in the month of March 2005.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$2,246,107.73
Total Municipal Account		\$2,246,107.73
Advance Account		
Automatic Cheques	50989-51414	\$827,545.06
Manual Cheques	51416	\$6,826.04
Transfer of Creditors by EFT Batch 357-369		\$729,237.91
Transfer of PAYG Tax by EFT	March 2005	\$152,614.35
Transfer of GST by EFT	March 2005	\$0.00
Transfer of Child Support by EFT	March 2005	\$519.44
Transfer of Superannuation by EFT City of Perth	March 2005	\$13,526.60
Local Government	March 2005	\$37,241.70
Total Advance Account		\$1,767,511.10
Transfer of Payroll by EFT	February 2005	\$493,960.72

Bank Charges & Other Direct Debits

Bank Charges – CBA	\$2,648.15
Lease Fees	\$1,100.22
Corporate Master Cards	\$7,110.95
Australia Post Lease Equipment	\$476.77
2 Way Rental	\$3,337.15
Loan Repayment	\$0.00
Rejection Fees	\$17.50
ATM Rebate	-\$53.96
Total Bank Charges & Other Direct Debits	\$14,636.78

Less GST effect on Advance Account **\$0.00**

Total Payments **\$4,522,216.33**

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.3 Access Audit Progress Report

Ward:	Both	Date:	18 March 2005
Precinct:	All	File Ref:	CMS0067
Attachments:	001		
Reporting Officer(s):	S Jarman		
Checked/Endorsed by:	J Anthony/M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the progress report on the Access Audit Review; and
- (ii) **NOTES** the plan of action proposed to carry out with the recommendations of the Access Audit review.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

To provide a progress report on the Access Audit review.

BACKGROUND:

An Access Audit on all facilities and premises owned by the Town was undertaken in 1998 by an external access consultant. The Access Audit reviewed 67 facilities and premises throughout the Town. The 1998 Access Audit stated how each premises, at that time, was not accessible, the recommended relevant changes that would need to occur to make the premises accessible and an estimated cost to make the premise accessible.

The Access Audit Review was undertaken at the beginning of 2004 and completed in April 2004 on all Town of Vincent premises and facilities. The review lists each premises and facility from the initial review and whether the recommended changes to make the premise accessible had been met. If there is a known explanation as to why a premises or facility has not been made accessible then a commentary is given.

DETAILS:

The Disability Services Officer has met on several occasions with the Property Maintenance Officer to discuss the outcome of the review. As a consequence of these meetings, officers prepared the attached proposed action plan in order to make the premises and facilities accessible. The plan has also been reviewed by the Universal Access Advisory Group.

The proposed plan states whether the property/premises is currently accessible, reasons, if any, why changes to a premise or facility have not been completed and what the proposed timeframe is to make the premises accessible.

CONSULTATION/ADVERTISING:

Feedback was received from residents and community services regarding physical access of facilities and premises in the Town during the review of the Town's Disability Access and Inclusion Plan. The Town also receives feedback from regular hall users regarding accessibility. All of this information was taken into consideration when formulating the access audit review plan.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The access audit is in keeping with the Town of Vincent Strategic Plan 2005- 2010

Key Result Area 2.3 Develop and implement initiatives for universal access.

"(c) Develop creative solutions to access and equity issues, relevant to the Town's diverse community."

FINANCIAL/BUDGET IMPLICATIONS:

Items for improvement identified in the plan will be listed for consideration in the Capital Budget 2005-2006.

COMMENTS:

The initial access audit assisted in identifying access difficulties at facilities and premises owned by the Town. The information gained from the Access Audit conducted in 1998 has been used as a starting point to prioritise making the Town's facilities and premises accessible.

The Town of Vincent continues to lead the way in improving access and advocating for the rights of people with disabilities within the Town. This is demonstrated through the continuation of making the Town accessible from the access audit review and plan.

10.3.4 Capital Works Program 2004/2005 - Progress Report No 3 as at 31 March 2005

Ward:	Both	Date:	15 April 2005
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicher, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No 3 for the period 1 July - 31 March 2005, for the Capital Works Program 2004/2005, as detailed in attachment 10.3.4.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to advise details on the progress of the Capital Works Program 2004/05.

BACKGROUND:

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 10 August 2004. Quarterly reports are presented to Council to advise of the schedule and progress of the Capital Works Program. This is the third Progress Report for this financial year covering the period ending 31 March 2005.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the second quarter. Comments on the report specifically should refer to the works scheduled to be carried out in the period up to 31 March 2005. However additional comments on the status of the works outside this period have been made, where the timing and current position of the item is known.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan-Amended 2005-2010 - Key Result Area One - Environment and Infrastructure

“1.4 Maintain and enhance the Town’s Infrastructure to provide a safe, healthy, sustainable and functional environment.”

FINANCIAL/BUDGET IMPLICATIONS:

The progress is currently proceeding according to the funding in the Annual Budget 2004/2005.

COMMENTS:

The Capital Works Program is currently progressing according to the Council approved schedule, however some items have been identified that will not be completed in this financial year and will be carried over.

10.3.5 Community Arts Film Project

Ward:	Both	Date:	5 April 2005
Precinct:	All	File Ref:	CMS0095
Attachments:	-		
Reporting Officer(s):	R Gunning		
Checked/Endorsed by:	J Anthony/M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the Town's Community Arts Film Project.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to outline the proposal of the Community Arts Film Project and obtain the Council's approval.

BACKGROUND:

As part of the Town's Community Arts Program it is proposed that a series of short films are commissioned by The Town of Vincent in collaboration with the Institute of Film and Television. The films would be screened as a community film event held in the Town of Vincent. The majority of the commissions would directly involve community members and all the films would relate to the Town. The films would be made with the view that the target audience would be residents of the Town of Vincent.

It is envisaged that the films would not only be entertaining but offer the audience the opportunity to glimpse into and reflect on different aspects of their community.

DETAILS:

Four films would be commissioned with an approximate duration of between five and ten minutes. The proposed categories being:

- **Portraits of Vincent.** A documentary styled film. Looking at a particular person or group living or working within the Town.
- **Incident in Vincent.** A narrative based film set in the Town of Vincent.
- **Open category.** Only Town of Vincent residents would be eligible.
- **Community collaboration.** A film made between an experienced film maker and a specific community in the Town of Vincent.

The first three categories would be a direct commission between experienced film makers and the Town of Vincent and FTI.

The remaining category 'Community Collaboration' would involve the Institute of Film and Television working with a specific community group in the Town of Vincent on a production of a film. The community group would be selected by the Town, taking several factors into account, firstly a community that it is considered would greatly benefit from the positive and empowering social outcomes of such a project and also the eagerness of the community to participate.

Sequence of action:

- April 2005 Film Project Launch- advertising begins
- June 2005 Applications Close
- June (late) 2005 Announcement of successful applicants
- July-October 2005 Production of films
- November 2005 Screening of films

Once the films have been completed a film evening would be advertised. The screening would be widely publicized throughout the Town of Vincent and would be seen as an 'all age's' event. It is envisaged the venue could be open air in one of the Town's parks, suitable for family picnics.

Beyond the film evening the Town of Vincent in collaboration with FTI would look into further possibilities of screening the films on Channel 31.

CONSULTATION/ADVERTISING:

Initial advertising calling for interested filmmakers would be via the local paper, The West Australian arts page and through F.T.I.'s extensive network. The advertising of the film screening would be extensively conducted throughout the Town of Vincent via the local news paper and posters.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

The following areas of the Town's strategic plan are relevant to the Community Film Project:

2.1 Celebrate and acknowledge the Town's cultural diversity.

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

FINANCIAL/BUDGET IMPLICATIONS:

The budget allocated for first phase of the project is \$18,000. This would include management and associated fees for FTI, money to commission the film makers as well as advertising.

A further \$3,000 would be needed for the second phase, to present the film evening, however this would be programmed for the second half of the year and would be allocated out of next years budget.

The \$18,000 would be funded out of the Community Arts Program Budget.

COMMENTS:

The Community Film Project has the potential to be an important venture in its ability to engage a broad cross section of the community not only in the making of the films but also in viewing. Beyond the artistic merit of the productions, the films will offer an excellent opportunity for people in the Town of Vincent and from the outside to gain a greater understanding of the various peoples and activities that make up the Town. The project will have a life well beyond the film night or the potential screening on Channel 31, it will also go on permanent record in the library not only giving continued public access to the work but also becoming an important historic record.

10.3.6 Art Award 2005

Ward:	Both	Date:	5 April 2005
Precinct:	All	File Ref:	CVC0017
Attachments:	-		
Reporting Officer(s):	R Gunning		
Checked/Endorsed by:	J Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the following proposals;

- (i) *Art Award opening ceremony to be held on Friday 2 September 2005;*
- (ii) *Art Award Exhibition to be held on Saturday 3 September to Sunday 11 September 2005;*
- (iii) *an additional \$1,000 to be added to the prize money for the Vincent Awards;*
- (iv) *all the prize categories for the Award are to remain the same as 2004; and*
- (v) *the entry fee is to be raised to \$25 per entry and \$20 for concession holders.*

COUNCIL DECISION ITEM 10.3.6

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to outline proposed changes to the Art Award for 2005.

BACKGROUND:

The Town of Vincent Art Award is an annual art exhibition held at the Town's Administration and Civic Centre, it is an exhibition that is open to all artists and as such serves an important role in exhibiting emerging artists as well as more established practitioners. Since its inception the Award has steadily grown in reputation to be seen as one of the major art awards on Perth's arts calendar.

DETAILS:

Dates

The duration of the Art Award exhibition and the timing of the opening and closing ceremony will remain the same as last year. However this year it is proposed to move the Art Award to September this is to take advantage of a three week break between council meetings that falls in September, giving the organizers more time for the receiving and installation of artwork.

Prizes

The categories will remain the same as last year with the prize money being increased in the Vincent Awards from \$2000 to \$ 3000. The prize money in the Vincent Awards is awarded at the judge's discretion; it can therefore be awarded to several participants or only one. By raising the prize money, it is considered that the judges have more potential to award a significant prize as a runner up to the major Vincent Prize of \$ 6000. It is anticipated that the extra prize money will be funded by the increase in the entry fees.

Fees

The entry fees would be raised from \$15 to \$25 and for concessions from \$10 to \$ 20. The Art Advisory Group saw this as reasonable as the fees had not been raised since the beginning of the Awards. It should be noted those whose artwork is not accepted for hanging will have their money refunded.

CONSULTATION/ADVERTISING:

A brochure listing the prizes and conditions of entry will be distributed to last year's entrants and other artists who have expressed interest, and to community and arts centres and libraries throughout Perth and the State. Display advertisements will be placed in the Artist's Chronicle, the newsletter of the Artists Foundation of WA, The Voice News and the Guardian Express. Line advertisements will be placed in The West Australian's Arts Directory.

STRATEGIC IMPLICATIONS:

Key Result Area 2.1, 'Celebrate acknowledge the Town's cultural diversity' of the Town's Strategic Plan 2005-2010 is applicable to this project.

FINANCIAL/BUDGET IMPLICATIONS:

A sum of \$35,000 has been allocated for the 2005 Art Award in the Town's 2005-2006 Draft Budget. This will be supplemented by an estimated income from entry fees, donations and commissions of approximately \$5000.

COMMENTS:

The proposals presented by the Advisory Group for approval by Council are in keeping with the Town's requirements to organise a quality Art Award.

10.3.7 Financial Statements as at 31 March 2005

Ward:	Both	Date:	20 April 2005
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 31 March 2005 as shown in Appendix 10.3.7.

COUNCIL DECISION ITEM 10.3.7

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the financial statements as at 31 March 2005.

BACKGROUND:

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

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 93 % of the annual Budget estimate

General Purpose Funding (Page 1)

General Purpose Funding is showing 97% of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 99% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 202% of the budget received to date; this is due to advertising rebates, vehicle contributions received and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 116% due to recoup in advance of employee cost that is on secondment and grants received.

Health (Page 4)

Health is showing 101%, this is due to 290 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Community Amenities (Page 6)

Community Amenities is 96% of the budget, this is as a result of 493 planning applications have been processed year to date.

Recreation & Culture (Page 9)

Recreation and Culture is 79% of the total budget. Beatty Park revenue is 58% of the total Recreation and Culture budget but tracking along with the year to date budget.

Economic Services (Page 12)

Economic Services is 77% of budget which is the 350 building licences issued to the month of March.

Operating Expenditure

Operating expenditure for the month of March is under budget at 70%

Capital Expenditure Summary (Pages 18 to 26)

The Capital Expenditure summary details projects included in the 2004/05 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for January an amount of \$6,155,395 which is 50% of the budget.

	Budget	Actual to Date	%
Furniture & Equipment	131,310	71,119	45%
Plant & Equipment	1,249,972	431,281	35%
Land & Building	3,555,393	3,469,935	93%
Infrastructure	6,997,900	2,183,059	31%
Total	11,934,575	6,155,395	50%

Statement of Financial Position and Changes in Equity (Pages 27 & 28)

The statement shows the current assets of \$15,630,105 less current liabilities of \$2,552,562 for a current position of \$13,077,543. The total non current assets amount to \$115,883,936 less non current liabilities of \$10,942,330 for the total net assets of \$118,019,149.

Restricted Cash Reserves (Page 29)

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

Debtors and Rates Financial Summary

General Debtors (Page 30)

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

Sundry Debtors of \$1,021,816 are outstanding at the end of March. Of the total debt \$583,896 (57%) relates to debts outstanding for over 60 days. The majority of the debt is an amount owing by the Department of Sport & Recreation of \$475,661. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 31)

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

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

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

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

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

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

Rates outstanding are \$638,060 which represents 4.7% of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 32)

As at 31 March 2005 the operating deficit for the Centre was \$354,559 in comparison to the budgeted annual deficit of \$612,852.

The cash position showed a current cash deficit of \$56,239 in comparison to the annual budget estimate of a cash deficit of \$157,887. The cash position is calculated by adding back depreciation to the operating position.

**10.4.2 Department of Sport and Recreation (DSR) Office Building –
Leederville Oval, No. 246 Vincent Street, Leederville - Approval of
Public Artwork Designs**

Ward:	South	Date:	20 April 2005
Precinct:	Oxford Centre , P4	File Ref:	RES0062
Attachments:	001		
Reporting Officer(s):	Richard Gunning		
Checked/Endorsed by:	J Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the designs, attached as Appendix 10.4.2, for the Public Artwork for the Department of Sport and Recreation (DSR) Office Building at 246 Vincent Street, Leederville.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

THE PURPOSE OF REPORT:

To present the artwork designs for the Council's approval.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004, Council considered and approved the Artwork Brief prepared by the Town's Art Officer for the DSR building.

DETAILS:

The brief outlined the artwork programme for the DSR building and called for artists to submit a letter identifying their interest in the project, a curriculum vitae and reproductions of past artwork relevant to the DSR project. A panel was formed to select a short list of three artists or artist's teams who were then asked to submit designs proposals. The panel was comprised of the chief architect on the project, Peter Hunt, a representative from the Department of Sport and Recreation, Mike Groves, Chief Executive Officer - John Giorgi and the Town's Arts Officer, Richard Gunning. The sculpture proposal by Lorena Grant and Alan Clark was unanimously decided upon as the most appropriate artwork.

CONSULTATION/ADVERTISING:

The brief was sent out to seventy five artists via Artsource, an organisation that lists public artists.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Key Result Area 2.1, Celebrate acknowledge the Town's cultural diversity' of the Towns Strategic Plan 2005-2010 is applicable to this project.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for the artwork is \$35,000 which is allocated from the Percent for Art budget for the DSR building.

COMMENTS:

As can be seen from the attachment, Lorenna Grant and Alan Clark's artwork "Game Plan" will adorn the front wall of the DSR building and is made up of coloured steel cut-outs suggesting various markings of sporting tracks and fields. The selection panel was impressed with the dynamic composition of the artwork that stretches across three separate surfaces of the wall and is in perfect keeping with the modern aesthetic of the building's architecture. It is anticipated that the artwork will not only work as an iconic image for DSR building but will contribute significantly to the streetscape of Vincent Street.

10.4.3 Draft Amended Community Consultation Policy - Progress Report No. 3

Ward:	Both Wards	Date:	18 April 2005
Precinct:	All Precincts	File Ref:	PLA0116
Attachments:	-		
Reporting Officer(s):	D Abel		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 3 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*
- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council by no later than June 2005.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with a progress update on the Draft Amended Policy relating to Community Consultation and associated draft documents.

BACKGROUND:

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

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

- (i) *a Community workshop to be held in mid to late May 2004;*

...; and

- (vi) *following the workshop, the Town's Officers to prepare a revised draft policy and report back to Council by the first meeting in August 2004."*

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

"That the Council;

- (i) *RECEIVES the Interim Report as at 4 August 2004 relating to the Community Consultation Workshop held on 20 May 2004 and review of Policy No 4.1.5 - "Community Consultation";*
- (ii) *APPROVES IN PRINCIPLE the changes to Policy No 4.1.5 - "Community Consultation" as detailed in this Interim Report under the categories of "supported" and "supported in part" by the Chief Executive Officer;*
- (iii) *NOTES that;*
 - (a) *the Policy relating to "Community Consultation" (mainly part 3 - Town Planning, Development and Heritage Matters) is being completely reviewed taking cognisance of the matters raised at the community workshop held on 20 May 2004 and the comments contained in this Interim Report; and*
 - (b) *the draft amended Policy relating to "Community Consultation" will be presented at the Elected Members Forum to be held on 21 September 2004; and*
 - (c) *a further report and a draft amended Policy relating to "Community Consultation" will be submitted to the Ordinary Meeting of Council to be held on 28 September 2004."*

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

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

"That the Council;

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

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

"That the Council;

- (i) *RECEIVES the Interim Report as at 19 October 2004 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*

- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council to be held in November 2004."*

The Council at its Ordinary Meeting held on 23 November 2004 resolved as follows:

"That the Council;

- (i) *RECEIVES the Interim Report as at 23 November 2004 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*
- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council to be held in February 2005."*

The Council at its Ordinary Meeting held on 22 February 2005 resolved as follows:

"That the Council;

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

DETAILS:

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

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

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

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

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

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

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The Draft Amended Policy relating to Community Consultation and associated draft documents needs to be reviewed and amended to achieve the indicative development application processing time targets set as part of the re-engineering of the development approval process. This task was programmed to be completed by no later than April 2005.

The Town's Manager Planning, Building and Heritage Services is primarily responsible for the review. This Officer has had limited opportunity to undertake the above tasks for various reasons, including but not limited to being directly involved with the development and implementation of the numerous initiatives and strategies associated with the re-engineering of the Town's Development Approval Process. The main initiatives and strategies were detailed under '*Development Approval Process*' in '*Item 10.4.1 Independent Organisational Review - Implementation of Recommendations - Progress Report No. 5*', to the Ordinary Meeting of Council held on 12 April 2005. These pressing tasks are expected to be completed by the end of June 2005. The Draft Amended Policy relating to Community Consultation and associated draft documents will also need to be reviewed and amended to reflect the outcome of these tasks.

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

10.1.19 No. 92 (Lot 174) Ellesmere Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House

Ward:	North	Date:	18 April 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3085; 00/33/2695
Attachments:	001		
Reporting Officer(s):	T Durward, R Jarman-Walker		
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 REFUSES the application submitted by the owner PG Howes for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No. 92 (Lot 174) Ellesmere Street, Mount Hawthorn, and as shown on plans stamp-dated 2 February 2005, for the following reasons:*
- (a) *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; and*
- (b) *the existing place has cultural heritage significance in terms of rarity value; and*
- (ii) *the Council ADVISES the landowner of No. 92 (Lot 174) Ellesmere Street, Mount Hawthorn, that Council is prepared to give consideration to a development proposal that incorporates the retention of the existing structure and that such a proposal may attract development bonuses.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Farrell, Seconded Cr Franchina

That the recommendation be adopted.

Debate ensued.

LOST (1-7)

For

Cr Lake

Against

Mayor Catania
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Ker

(Cr Torre on approved leave of absence.)

Reasons:

1. **Limited opportunity for adaptive re-use of the building.**
2. **Limited opportunity for development bonuses to be realised.**

ALTERNATIVE RECOMMENDATION:

Moved Cr Chester, Seconded Cr Farrell

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 the owner PG Howes for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No. 92 (Lot 174) Ellesmere Street, Mount Hawthorn, and as shown on plans stamp-dated 2 February 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) 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 Ellesmere 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;*
- (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, 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) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, 'the green wall' vertical hydroponic screen' on the eastern elevation of the upper floor shall have a minimum height of 1.6 metres above the respective upper floor level. The screens shall be constructed of a permanent obscure material and be non-openable, which does not include a self-adhesive material or other material that is easily removed; and*
- (vi) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony on the eastern elevation on the upper floor shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed.”*

CARRIED (6-2)

<u>For</u> Mayor Catania Cr Chester Cr Doran-Wu Cr Farrell Cr Franchina Cr Ker	<u>Against</u> Cr Cohen Cr Lake
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(Cr Torre on approved leave of absence.)

ADDITIONAL INFORMATION:

The sentence under 'Comments: Demolition', which reads "No. 92 Ellesmere Street is one of only approximately 50 places remaining in the Town of Vincent that retains a building style and building fabric that reflects a prior dual function as a residential dwelling and commercial shop front", should read "No. 92 Ellesmere Street is one of only approximately 25 places remaining in the Town of Vincent that retains a building style and building fabric that reflects a prior dual function as a residential dwelling and commercial shop front", to be consistent with the content of the Heritage Assessment. This number is an approximation and is considered to highlight the rarity aspect of shop-houses within the Town.

Landowner:	PG Howes
Applicant:	PG Howes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single 'Hardiplank' style cladding and iron dwelling and construction of a two-storey single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: Upper Floor West (Linen Room, Corridor)	2.4 metres	1.8 - 2.165 metres	Supported - linen room elevation finishes are considered as an architectural feature in the wall, no objections received and no undue impact.

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

* The 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:

Demolition

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. The place has *some* local cultural heritage significance for the following reason:

No. 92 Ellesmere Street is one of only approximately 50 places remaining in the Town of Vincent that retains a building style and building fabric that reflects a prior dual function as a residential dwelling and commercial shop front. The place is considered to have *some rarity value* as a consequence of dual shop/dwellings being a form of enterprise that is diminishing within the Town and a type of building design that is no longer employed.

The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base.

Redevelopment

The proposal was advertised and no submissions were received during this period. The Town's Officers support the proposed setback variation, as the wall subject to the setback variation is considered primarily to be an architectural design treatment that have no undue impact on the adjoining neighbour.

Summary

On the basis of the information that is contained in the Heritage Assessment, the place is considered to have *some* cultural heritage significance. The Officer Recommendation is that the application be refused.

10.1.17 No(s). 128 & 130 (Lot(s) 59 & 60) Richmond Street, Leederville - Proposed Demolition of Two (2) Existing Single Houses and Construction of Four (4) Two-Storey Grouped Dwellings

Ward:	South	Date:	19 April 2005
Precinct:	Leederville; P3	File Ref:	PRO3013; 00/33/2645
Attachments:	001		
Reporting Officer(s):	S Turner, T Durward, H Eames		
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 J Corp Pty Ltd on behalf of the owners D Caruso, P Ballato, G Pullella and S Capozzi for proposed Demolition of Two (2) Existing Single Houses, at No(s). 128 & 130 (Lot(s) 59 and 60) Richmond Street, Leederville, and as shown on plans stamp-dated 23 December 2004, subject to the following conditions:*
- (a) *a Demolition Licence being obtained from the Town prior to commencement of any demolition works on site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection being submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a redevelopment proposal for the subject property being submitted to, and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *support of the demolition application not being construed as support of a Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of an existing dwelling valued by the community; and*
 - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by J Corp Pty Ltd on behalf of the owners D Caruso, P Ballato, G Pullella and S Capozzi for proposed Construction of Four (4) Two-Storey Grouped Dwellings at No(s). 128 and 130 (Lot(s) 59 and 60) Richmond Street, Leederville, and as shown on plans stamp-dated 23 December 2004, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*

- (b) *the non-compliance with the plot ratio requirements of the Residential Design Codes, and the upper floor front setback requirements of the Town's Policy relating to the Richmond Locality Plan.*
-

Cr Franchina departed the Chamber at 7.17pm.

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted subject to new clauses (ii)(c) and (d) being added as follows:

- "(ii) (c) *the development is not sympathetic to the scale and rhythm of the existing streetscape; and*
- (d) *the development does not promote interaction with and casual surveillance of the street."*

Debate ensued.

Cr Franchina returned to the Chamber at 7.24pm.

The Presiding Member ruled that the recommendation would be considered in two (2) parts.

Clause (i) was put.

CLAUSE (i) CARRIED (7-1)

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

(Cr Torre on approved leave of absence.)

Clause (ii) was put.

CLAUSE (ii) CARRIED (6-2)

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

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.17

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 J Corp Pty Ltd on behalf of the owners D Caruso, P Ballato, G Pullella and S Capozzi for proposed Demolition of Two (2) Existing Single Houses, at No(s). 128 & 130 (Lot(s) 59 and 60) Richmond Street, Leederville, and as shown on plans stamp-dated 23 December 2004, subject to the following conditions:*
- (a) *a Demolition Licence being obtained from the Town prior to commencement of any demolition works on site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection being submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a redevelopment proposal for the subject property being submitted to, and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *support of the demolition application not being construed as support of a Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of an existing dwelling valued by the community; and*
 - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by J Corp Pty Ltd on behalf of the owners D Caruso, P Ballato, G Pullella and S Capozzi for proposed Construction of Four (4) Two-Storey Grouped Dwellings at No(s). 128 and 130 (Lot(s) 59 and 60) Richmond Street, Leederville, and as shown on plans stamp-dated 23 December 2004, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the plot ratio requirements of the Residential Design Codes, and the upper floor front setback requirements of the Town's Policy relating to the Richmond Locality Plan;*
 - (c) *the development is not sympathetic to the scale and rhythm of the existing streetscape; and*
 - (d) *the development does not promote interaction with and casual surveillance of the street.*

Landowner:	D Caruso, P Ballato, G Pullella & S Capozzi
Applicant:	J Corp Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	886 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of two (2) existing single houses and construction of four (4) two-storey grouped dwellings.

Two grouped dwellings have direct vehicle access and frontage to Richmond Street and two are located at the rear of the site with vehicle access via a central driveway that dissects the site.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	5.12 dwellings R 60	4 dwellings R 45.15	Supported - complaint with R Codes requirements.
Plot Ratio	0.65 - 575.9 square metres	0.68 - 602.48 square metres	Not supported - over development of site
Front Setback: Unit 4 Upper Floor: Balcony	6 metres	5.216 metres	Supported - minor incursions, up to 1 metre, supported as no undue impact.
Main Building	6 metres	5.737 metres	Not supported - undue impact on amenity of locality.
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1

Setbacks:			
Unit 1 Ground floor: - West	1.0 metre	Nil	Supported - compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
First floor: - West	1.7 metres	1.6 – 4.2 metres	Supported - considered minor and no undue impact.
Unit 2 Ground floor: - West	1.5 metres	Nil – 1.25 metres	Supported - compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
Unit 3 Ground floor: - East	1.0 metre	Nil	Supported - compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
Unit 4 Ground floor: - East	1.0 metre	Nil	Supported - compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
First floor: - East	1.7 metres	1.6 metres	Supported - considered minor and no undue impact.
Buildings on Boundary:	To one side boundary only	To two side boundaries	Supported - the development is configured on two existing lots and therefore the boundary walls are considered to have no undue impact.

Consultation Submissions		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> • Lack of detail of air conditioning units. • Demolition of boundary fences and need for retaining wall to protect garden bed. • Privacy 	<p>Not supported - speculative opinion and none proposed as part of this application.</p> <p>Not supported - retaining walls proposed at intersection of objector address and proposal.</p> <p>Not supported - compliant with R Codes privacy provisions.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

Demolition

Heritage Assessments are shown as an attachment to this report.

Property at No.128 (Lot 59) Richmond Street is most likely constructed circa 1918 and is representative of the suburbanisation of this part of Leederville and, at the time it was constructed, was typical of the simple timber framed and weatherboard clad cottages that were once common in this part of Leederville. The dwelling is considered to still represent this construction design in terms of its original footprint, fenestration and scale however, the alterations that have occurred mean that overall the place is considered to have little cultural heritage significance. Property at No.130 (Lot 60) Richmond Street is most likely to have been constructed in circa 1922 and illustrates the change in building style that become more prominent after the First World War ended. The place has been substantially altered and is considered to have little cultural significance.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwellings, subject to standard conditions.

Redevelopment

The proposed development, by reason of its non-compliance with fundamental Residential Design Codes and Town Policy requirements would result in an overdevelopment of the site, and form an over dominant and incongruous feature in the street scene to the detriment of the visual amenity and character of the locality. The proposed development is therefore recommended for refusal.

10.1.20 No. 77A (Lot 185, Strata Lot No. 1) Eton Street, North Perth - Alterations and Additions to Street/Front Fence to Existing Grouped Dwelling - State Administrative Tribunal Direction Hearings - Amended Plans

Ward:	North	Date:	19 April 2005
Precinct:	North Perth; P8	File Ref:	PRO0957; 00/33/2647
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 DOES NOT SUPPORT as part of the State Administrative Tribunal Matters No: RD/320 of 2004 and CC/41741 of 2004, the revised proposal submitted by the owners AC Walton and CA Rainbird for proposed Alterations and Additions to Street/Front Fence to Existing Grouped Dwellings, at No. 77A (Lot 185, Strata Lot No. 1) Eton Street, North Perth, and as shown on amended plans stamp dated 6 April 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policy requirement relating to Street Walls and Fences.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	AC Walton & CA Rainbird
Applicant:	AC Walton & CA Rainbird
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	3 Grouped Dwellings
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

27 July 1998

The Council, at its Ordinary Meeting, resolved to approve demolition of existing dwelling and development of three grouped dwellings at No. 77 Eton Street, North Perth. Condition (viii) of the Planning Approval stated as follows:

"(viii) The front fence and retaining wall within the front setback area adjacent to Eton Street shall be open infill fencing."

- 9 April 2002 The Council, at its Ordinary Meeting resolved to refuse the application dated 25 March 2002 for the proposed front fence to existing grouped dwellings at No. 77 Eton Street, North Perth.
- 18 November 2004 Building Notice under Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (c), and Planning Written Direction under section 10 (3) of the Town Planning and Development Act 1928, were issued requiring the unauthorised timber infill slats, steel framed screens and gates that have been constructed abutting the existing approved masonry front fence, to be removed within 35 days and 60 days, respectively.
- 22 December 2004 Copy of Notice of Appeal lodged against Building Notice and Planning Written Direction received by the Town.
- 18 January 2005 Statement by Respondent issued by the Town.
- 8 February 2005 The Council, at its Ordinary Meeting held on 8 February 2005 resolved to refuse the application for alterations and additions to street/front fence to existing grouped dwelling (application for retrospective approval) at the subject property.
- 16 February and
30 March 2005 Directions hearings were held at the State Administrative Tribunal (SAT) regarding the subject appeal/review.

DETAILS:

As a result of the direction hearing held on 16 February and 30 March 2005, the applicants have submitted revised plans involving alterations and additions to street/front fencing to existing grouped dwelling for the Council's consideration. The revised plans involve the height reduction of the fence from 2.25-3.25 to 1.75 -2.33 metres and 4 panel cut outs to the fence. 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
Front/Street Fence	A wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level.	Fence height ranges from 1.75 metres to 2.33 metres.	Not supported - non compliant with the Town's Policy requirements relating to Street Walls and Fences, and the fence is considered to have an undue impact on streetscape, amenity and safety (casual surveillance).

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
	The upper portion of the wall being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence.	Approximately 10 per cent visually permeable.	Not supported - as above.
Consultation Submissions			
No consultation was required as this matter relates to a review by SAT of the Planning Written Direction, Building Notice, and Planning Refusal for the subject unauthorised alterations and addition to street/front fence, and is being referred to Council for determination.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The street/front fence at No. 77A Eton Street, North Perth is non-compliant with the Town's Policy requirements relating to Street Walls and Fences and is considered to have an undue impact on the streetscape, amenity and safety of the area.

In view of the above, it is recommended that the amended plans not be supported for the reasons detailed in the Officer Recommendation.

10.1.11 No(s). 17 (Lot(s) 2) Gerald Street, Mount Lawley - Partial Demolition of and Alterations and Proposed Two-Storey Additions to Existing Single House (Part Application for Retrospective Approval)

Ward:	South	Date:	18 April 2005
Precinct:	Forrest; P14	File Ref:	PRO2681; 00/33/2653
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 P Milton on behalf of the owner RJ Sinkins & PA D'Arcy for Partial Demolition of and proposed Alterations and Two-Storey Additions to Existing Single House (Part Application for Retrospective Approval), at No(s). 17 (Lot(s) 2) Gerald Street, Mount Lawley, and as shown on plans stamp-dated 7 April 2005, 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 Gerald 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 of 50 per cent transparency;*
- (ii) *the applicants/owners shall pay the outstanding fee, being \$320, for application for part- retrospective Planning Approval, within 14 days of the date of notification of this approval, or prior to the issue of a building licence, whichever occurs first;*
- (iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
 - (a) *the western elevation of the balcony shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level; and*
 - (b) *the bedroom windows on the eastern elevation shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. 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 wall, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and
- (iv) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

Landowner:	RJ Sinkin & PA D'Arcy
Applicant:	P Milton
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	306 square metres
Access to Right of Way	N/A

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED (6-2)

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

(Cr Torre on approved leave of absence.)

BACKGROUND:

Conditional approval was granted under delegated authority for partial demolition of and alterations, additions and patio to existing single house at the subject lot on 24 March 2004.

DETAILS:

The proposal involves partial demolition of and alterations and two-storey additions to the existing single house, at the subject lot.

It has been brought to the Town's attention that demolition of the subject dwelling has been undertaken and the extent of demolition has progressed further than the previously approved plans. Accordingly, it is recommended that the applicable retrospective fees be paid in regard to this matter.

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: South	1.5 metres	0.33 metre	Supported- maintains existing building line and no undue impact on adjoining neighbour.
Privacy Setbacks	Balconies- 7.5 metres Bedrooms- 4.5 metres	Balcony is 2.7 metres to southern boundary and 2.9 metres to northern boundary. Bedroom window are 3.1 metres to southern windows and 3.8 metres to northern boundary.	Not supported- has been conditioned to comply. Not supported- has been conditioned to comply.
Consultation Submissions			
Support	Nil		Noted
Objections (5)	<ul style="list-style-type: none"> • Parking within street setback area 		Not supported- parking bays are existing.
	<ul style="list-style-type: none"> • South and north upper floor setback • Retaining wall will be required and are not shown on plans • Privacy • Overshadowing • Current demolition of the subject dwelling is not approved 		<p>Not supported - applicant has amended plans for these aspects to comply.</p> <p>Noted- however, this matter is to be resolved between adjoining neighbours. Furthermore, Planning Approval is not required for retaining walls that do not exceed 500 millimetres in height.</p> <p>Supported- has been conditioned to comply.</p> <p>Not supported- - applicant has amended plans for this aspect to comply.</p> <p>Noted- addressed by clause/condition (ii) of the Officer Recommendation.</p>

	<ul style="list-style-type: none"> • Sewer line encroachment • Bulk and height • Lack of off-street parking 	<p>Noted- however, not a major planning consideration. Applicant is required to obtain Water Corporation approval prior to construction.</p> <p>Not supported - height and number of storeys compliant and setback variation are minor.</p> <p>Not supported- parking bays are existing.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

Partial Demolition

The proposal includes the removal of and alterations to the existing rear building fabric, which is generally considered acceptable. This property is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage Database. As such, this application is subject to general Town Planning Scheme provisions and Policies.

COMMENTS:

In light of the objections being addressed as above, the proposed variations sought by the applicant is considered supportable subject to privacy requirements being complied with. The proposal is therefore recommended for approval, subject to standard and appropriate conditions.

10.1.1 Further Report - Planning and Building Policies - Amendment No. 8 Relating to Residential Design Elements (RDE), Table of Contents; all Residential Locality Statement Plans from No.1 through to No.31, Appendix No. 10 - Glossary of Terminology and Parking and Access Policy - Change of Council Decision

Ward:	Both Wards	Date:	19 April 2005
Precinct:	All Precincts	File Ref:	PLA0141
Attachments:	-		
Reporting Officer(s):	C Godwin, C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to RECONSIDER the resolution adopted by the Council at its Ordinary Meeting held on 22 March 2005 (Item 10.1.21);*
- (ii) *Councillor MOVES a motion to CHANGE the decision by amending the Assessment Table of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements, as follows:*

ASSESSMENT TABLE

<i>Performance Criteria</i>	<i>Acceptable Development</i>
<i>New development to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Small Lot Subdivision</i>	<i>Small Lot Subdivision</i> <i>Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 300 square metres in area or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 300 square metres or less available for building.</i>

- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor, Councillor and Councillor, being one third of the number of offices of members of the Council, SUPPORTS this motion; and*
- (iv) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by:*
 - (a) *amending the Assessment Table of Element 9 –Subdivision as part of the Draft Policy relating to the Residential Design Elements, as follows:*

ASSESSMENT TABLE

<i>Performance Criteria</i>	<i>Acceptable Development</i>
<i>New development to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Small Lot Subdivision</i>	<i>Small Lot Subdivision</i> <i>Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 300 square metres in area or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 300 square metres or less available for building.</i>

The Chief Executive Officer advised an Elected Member would need to move a motion to change the decision as recorded in clause (ii).

Cr Lake moved the motion.

The Chief Executive Officer also advised that there was a requirement for one third Elected Members to support the motion to amend the Council's decision as recorded in clause (iii).

The Presiding Member asked to the Elected Members to indicate their support.

Crs Chester, Ker and Lake advised that they agreed to support the motion to amend the Council's decision of 22 March 2005.

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.1

That;

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to RECONSIDER the resolution adopted by the Council at its Ordinary Meeting held on 22 March 2005 (Item 10.1.21);*
- (ii) *Councillor Lake MOVES a motion to CHANGE the decision by amending the Assessment Table of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements, as follows:*

ASSESSMENT TABLE

<i>Performance Criteria</i>	<i>Acceptable Development</i>
<i>New development to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Small Lot Subdivision</i>	<i>Small Lot Subdivision</i> <i>Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 300 square metres in area or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 300 square metres or less available for building.</i>

- (v) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor Chester, Councillor Ker and Councillor Lake, being one third of the number of offices of members of the Council, SUPPORTS this motion; and*
- (vi) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by:*
 - (a) *amending the Assessment Table of Element 9 –Subdivision as part of the Draft Policy relating to the Residential Design Elements, as follows:*

ASSESSMENT TABLE	
Performance Criteria	Acceptable Development
<i>New development to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Small Lot Subdivision</i>	<i>Small Lot Subdivision</i> <i>Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 300 square metres in area or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 300 square metres or less available for building.</i>

FURTHER REPORT:

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

"That the Item be DEFERRED for further debate".

As such, the above recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 12 April 2005:

"OFFICER RECOMMENDATION:

That;

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to RECONSIDER the resolution adopted by the Council at its Ordinary Meeting held on 22 March 2005 (Item 10.1.21);*
- (ii) *Councillor MOVES a motion to CHANGE the decision by amending the Assessment Table of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements, as follows:*

ASSESSMENT TABLE

<i>Performance Criteria</i>	<i>Acceptable Development</i>
<i>New development to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Small Lot Subdivision</i>	<i>Small Lot Subdivision</i> <i>Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 300 square metres in area or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 300 square metres or less available for building.</i>

(vii) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor, Councillor and Councillor, being one third of the number of offices of members of the Council, SUPPORTS this motion; and*

(viii) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by:*

(a) *amending the Assessment Table of Element 9 –Subdivision as part of the Draft Policy relating to the Residential Design Elements, as follows:*

ASSESSMENT TABLE

<i>Performance Criteria</i>	<i>Acceptable Development</i>
<i>New development to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Small Lot Subdivision</i>	<i>Small Lot Subdivision</i> <i>Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 300 square metres in area or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 300 square metres or less available for building.</i>

COUNCIL DECISION ITEM 10.1.31

Moved Cr Franchina, Seconded Cr Lake

That the Item be DEFERRED for further debate.

CARRIED (5-0)

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to correct an anomaly in the adopted policy relating to the Residential Design Elements.

BACKGROUND:

At the Special Meeting of Council held on 15 March 2005, the Council resolved to adopt Amendment No. 8 relating to the Residential Design Elements Table of Contents, all Residential Locality Statement Plans from No. 1 to No.31, Appendix No.10 - Glossary of Terminology and Parking and Access Policy, with further amendments.

On 16 March 2005, Councillor Chester submitted a Motion to change a part of the Council decision, in accordance with the Town of Vincent Local Law relating to Standing Orders clause 3.20.3(2), which states "if the CEO receives a Notice of Motion to revoke or change a decision after the closure of the meeting at which the decision was passed, the CEO shall ensure revocation motion is considered at a special or ordinary meeting of the Council held at the earliest opportunity after the meeting at which the substantive motion was passed."

In accordance with this clause, the Town deferred action to implement the Council's decision of the Special Meeting of Council held on 15 March 2005, until Councillor Chester's Motion was considered and determined at the Ordinary Meeting of Council held on 22 March 2005.

At the Ordinary Meeting of Council held on 22 March 2005, Council resolved to reconsider the resolution adopted by the Council at its Special Meeting held on 15 March 2005 by amending the Assessment Table and Guidance Notes of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements.

DETAILS:

It is suggested that the Assessment Table of Element Nine – Subdivision of the Draft Policy relating to the Residential Design Elements be amended. Under the Acceptable Development standards of the Assessment Table, there are provisions relating to the requirement for construction to plate height for small lot subdivision. At present the provision stipulates that:

“Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 300 square metres in area.”

The provision in its current form identifies that construction to plate height is required for lots that are more than 8 metres in width. This was not the intention of the clause and was an oversight that needs to be corrected. Accordingly, the provision should state:

“Construction to plate height is required for resultant lots that are less than 8 metres in width and/or comprise less than 300 square metres in area.”

The Town of Vincent Local Law relating to Standing Orders clause 3.20.2, states the following:

“3.20.2 Revoking or changing decisions at a subsequent meeting (section 5.25(e))

(1) If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported:-

(i) in the case where an attempt to revoke or change the decision had been made within the previous three (3) months but had failed, by an absolute majority; or

(ii) in any other case, by at least one third (1/3) of the number of offices (whether vacant or not) of Members of the Council or committee;

inclusive of the mover.

- (2) *If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made:-*
- (i) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
 - (ii) *in any other case, by an absolute majority.*
- (3) *This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

Given the above, it is suggested that the Council moves a motion to change a Council decision by amending the Assessment Table of Element Nine – Subdivision.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The provisions relating to small lot subdivision should state that construction to plate height is required for lots that are less than 8 metres in width. It is suggested that the Council amend the Assessment Table of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements to reflect this.”

10.1.2 Further Report - Planning and Building Policies – Application of Draft Policies Relating to the Residential Design Elements, Non-Residential/Residential Development Interface and Communal Space for Lodging Houses, Serviced Apartments and Hostels

Ward:	Both Wards	Date:	19 April 2005
Precinct:	All Precincts	File Ref:	PLA0151, PLA0146, PLA0141
Attachments:	-		
Reporting Officer(s):	C Godwin, C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the application of Draft Policies relating to the Residential Design Elements, Non-Residential/Residential Development Interface and Communal Space for Lodging Houses, Serviced Apartments and Hostels;*
- (ii) *ADOPTS the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access to be applied in the interim to those planning, building and subdivision applications received after the date the Draft Policy was adopted by Council on 15 March 2005;*
- (iii) *ADOPTS the Draft Policy relating to Non-Residential/Residential Development Interface to be applied in the interim to those planning and building applications received after the date the Draft Policy was adopted by Council on 15 March 2005; and*
- (iv) *ADOPTS the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments to be applied in the interim during the advertising period and up to formal adoption of the Draft Policy to those planning and building applications received after the date the Draft Policy was adopted by Council on 8 March 2005.*

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted subject to clauses (ii), (iii) and (iv) being amended to read as follows:

- “(ii) ADOPTS the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access to be applied ~~in the interim~~ to those planning, building and subdivision applications received after the date of formal adoption of the Draft Policy ~~was adopted by Council on 15 March 2005;~~*
- (iii) ADOPTS the Draft Policy relating to Non-Residential/Residential Development Interface to be applied ~~in the interim~~ to those planning and building applications received after the date of formal adoption of the Draft Policy ~~was adopted by Council on 15 March 2005;~~ and*
- (iv) ADOPTS the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments to be applied ~~in the interim during the advertising period and up to formal adoption of the Draft Policy~~ to those planning and building applications received after the date of formal adoption of the Draft Policy. ~~was adopted by Council on 8 March 2005.”~~*

Debate ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.2

That the Council;

- (i) RECEIVES the report relating to the application of Draft Policies relating to the Residential Design Elements, Non-Residential/Residential Development Interface and Communal Space for Lodging Houses, Serviced Apartments and Hostels;*

- (ii) ***ADOPTS the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access to be applied to those planning, building and subdivision applications received after the date of formal adoption of the Draft Policy;***
- (iii) ***ADOPTS the Draft Policy relating to Non-Residential/Residential Development Interface to be applied to those planning and building applications received after the date of formal adoption of the Draft Policy; and***
- (iv) ***ADOPTS the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments to be to those planning and building applications received after the date of formal adoption of the Draft Policy.***
-

FURTHER REPORT:

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

"That the item be DEFERRED for further debate."

As such, the above recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 12 April 2005:

"OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES the report relating to the application of Draft Policies relating to the Residential Design Elements, Non-Residential/Residential Development Interface and Communal Space for Lodging Houses, Serviced Apartments and Hostels;***
- (ii) ***ADOPTS the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan***

30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access to be applied in the interim to those planning, building and subdivision applications received after the date the Draft Policy was adopted by Council on 15 March 2005;

- (iii) *ADOPTS the Draft Policy relating to Non-Residential/Residential Development Interface to be applied in the interim to those planning and building applications received after the date the Draft Policy was adopted by Council on 15 March 2005; and*
- (iv) *ADOPTS the Draft Policy relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments to be applied in the interim during the advertising period and up to formal adoption of the Draft Policy to those planning and building applications received after the date the Draft Policy was adopted by Council on 8 March 2005.*

COUNCIL DECISION ITEM 10.1.32

Moved Cr Franchina, Seconded Cr Torre

That the item be DEFERRED for further debate.

CARRIED (5-0)

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's clarification that the application of the newly adopted policies is applicable from the date at which the respective policy was approved by the Council.

BACKGROUND:

The Council at its Ordinary Meeting held on 8 March 2005 and the Special Meeting of Council held on 15 March 2005 resolved to adopt a number of policies (as detailed in the recommendation). A copy is "Laid on the Table".

DETAILS:

The Council at its Ordinary Meeting held on 8 March 2005 and at the Special Meeting held on 15 March 2005 resolved to adopt the Draft Policies relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments; the Residential Design Elements; and Non-Residential/Residential Development Interface.

Clarification of the Application of Draft Policies

Clause 38 (5) (b) of the Town Planning Scheme No. 1 stipulates that:

“(5) Without limiting the scope of the Council's discretion to determine an application under subclause (3), the Council is to have regard to –

(b) any relevant planning policy”.

Given the above, it could be interpreted that the three new Draft Policies should apply to all applications the Town is currently dealing with, including those that were received before the Policies were adopted by the Council. The Officer Recommendation from the subject Special and Ordinary Meetings of Council stated that the Draft Policies be applied in the interim; however, no clarification was given to specify what applications the Draft Policies should apply to. Accordingly, clarification is required to specify how the Draft Policies will be applied in the interim.

Implications on Applicants

The three new Draft Policies are vast and complex in nature and their provisions will potentially have a significant impact on planning, building and subdivision applications within the Town. It is considered that the application of these three Draft Policies to all development and subdivision applications the Town is currently dealing with, will potentially raise a number of issues for applicants, owners, adjoining property owners, Officers and Elected Members. For example, all applications the Town is currently dealing with (including those received before the Policies were adopted) will have to be reassessed in accordance with the new Draft Policies; this will significantly slow the application process down, ultimately causing difficulties and potential frustration for the applicants, owners and adjoining property owners.

Applicants submitting applications prior to the Draft Policies being adopted would have designed proposals to comply with existing Policies at that time. Potentially amendments may have to be made to applications (in order for them to comply with the new Draft Policies). These applications may have been submitted to the Town weeks ago and may have been going through the application process for extended periods of time. Assessing applications (against the new Draft Policies) that were received before the Draft Policies were adopted will result in a significant amount of time and resources from the point of view of both Officers and applicants.

Conclusion

It is considered that the implementation process of the new Draft Policies should be as efficient as possible. Clarification must be provided to specify how the Draft Policies will be applied in the interim. It is suggested that the Officer Recommendation be amended so that the Draft Policies apply in the interim to any planning, building and subdivision applications received after the date the respective Draft Policies were adopted by the Council. This will ensure that the applications the Town is currently dealing with (that is, those applications received before the Policies were adopted) are dealt with and processed in the most efficient, timely and fair manner.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

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

Action Plans to implement this strategy include:

...

- c) *Review and release within an agreed, time frame, the Town Planning Scheme, in accordance with the community vision.”*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Town currently has a significant amount of applications affected by the Draft Policies, especially relating to the Residential Design Elements, which have not yet been determined. In this instance, it is considered inappropriate to apply these Draft Policies to those outstanding applications. To clarify how the Draft Policies relating to Communal Space for Lodging Houses, Hostels and Serviced Apartments, Non-Residential Residential Development Interface and the Residential Design Elements will be applied in the interim, it is suggested that the Draft Policies only apply to those applications received after the interim adoption of the respective Draft Policies by Council.”

10.1.3 Further Report - Leederville Masterplan Working Group

Ward:	South	Date:	19 April 2005
Precinct:	Leederville, P3; Oxford Centre, P4.	File Ref:	PLA0147
Attachments:	001		
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the Leederville Masterplan Working Group;*
- (ii) *SUPPORTS the initiative of a Leederville Masterplan Working Group to meet and assist in the delivery of the Leederville Masterplan to the Council;*
- (iii) *ENDORSES the Leederville Masterplan Working Group Terms of Reference as shown in Attachment 001;*
- (iv) *NOMINATES two Councillors, Cr..... and Cr..... to participate with the Mayor and the Town's Executive Officers, Manager Planning, Building and Heritage Services and Planning Officer (Strategic) on the Working Group;*
- (v) *INVITES representatives of the East Perth Redevelopment Authority and the Western Australian Planning Commission to participate in the Working Group; and*
- (vi) *RECEIVES a further report once the Working Group has met and established a way forward.*

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

The Presiding Member called for nominations from Elected Members. Crs Chester, Doran-Wu, Farrell and Ker nominated. The Chief Executive Officer advised the Council that Cr Torre had indicated her interest to be nominated for this Working Group at a previous meeting.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That clauses (iii) and (iv) be amended to read as follows:

- (iii) *ENDORSES the Leederville Masterplan Working Group Terms of Reference as shown in Attachment 001 subject to clause 1.0 being amended to read as follows:*

“1.0 Membership

The membership of the Leederville Masterplan Working Group shall comprise up to ~~ten (10)~~ thirteen (13) persons consisting of:

- 1.1 ~~Three~~ Six Elected Members – Mayor (chair) and five Councillors;*
- 1.2 Town’s Executive Officers;*
- 1.3 Representatives from the East Perth Redevelopment Authority and Western Australian Planning Commission (upon invitation);*
- 1.4 Manager Planning, Building and Heritage Services; and*
- 1.5 Planning Officer (Strategic).*

- (iv) *NOMINATES ~~two~~ five Councillors, ~~Cr..... and Cr.....~~ Crs Chester, Doran-Wu, Farrell, Ker and Torre to participate with the Mayor and the Town’s Executive Officers, Manager Planning, Building and Heritage Services and Planning Officer (Strategic) on the Working Group;*

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

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

- “(vii) *REQUESTS the Town’s Officers to report to the Working Group, investigating aspects relating to the Leederville Masterplan Tender/Project Brief in terms of:*

- (a) the Consultant's attention to development on Town-owned land, costings and feasibility of public works and development on Town-owned land and their potential as drivers of the delivery of the Masterplan;*
- (b) dialogue with key landowners within Leederville such as The Schools of Isolated and Distance Education Office, Water Corporation and Central TAFE; and*
- (c) to highlight the differences between the Council resolved Project Brief and the Tender/Project Brief tendered to the Consultants.”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.3

That the Council;

- (i) ***RECEIVES the report in relation to the Leederville Masterplan Working Group;***
- (ii) ***SUPPORTS the initiative of a Leederville Masterplan Working Group to meet and assist in the delivery of the Leederville Masterplan to the Council;***
- (iii) ***ENDORSES the Leederville Masterplan Working Group Terms of Reference as shown in Attachment 001 subject to clause 1.0 being amended to read as follows:***

1.0 Membership

The membership of the Leederville Masterplan Working Group shall comprise up to thirteen (13) persons consisting of:

- 1.1 Six Elected Members – Mayor (chair) and five Councillors;***
 - 1.2 Town’s Executive Officers;***
 - 1.3 Representatives from the East Perth Redevelopment Authority and Western Australian Planning Commission (upon invitation);***
 - 1.4 Manager Planning, Building and Heritage Services; and***
 - 1.5 Planning Officer (Strategic).***
- (iv) ***NOMINATES five Councillors, Crs Chester, Doran-Wu, Farrell, Ker and Torre to participate with the Mayor and the Town's Executive Officers, Manager Planning, Building and Heritage Services and Planning Officer (Strategic) on the Working Group;***
 - (v) ***INVITES representatives of the East Perth Redevelopment Authority and the Western Australian Planning Commission to participate in the Working Group;***
 - (vi) ***RECEIVES a further report once the Working Group has met and established a way forward; and***
 - (vii) ***REQUESTS the Town’s Officers to report to the Working Group, investigating aspects relating to the Leederville Masterplan Tender/Project Brief in terms of:***
 - (a) the Consultant's attention to development on Town-owned land, costings and feasibility of public works and development on Town-owned land and their potential as drivers of the delivery of the Masterplan;***
 - (b) dialogue with key landowners within Leederville such as The Schools of Isolated and Distance Education Office, Water Corporation and Central TAFE; and***
 - (c) to highlight the differences between the Council resolved Project Brief and the Tender/Project Brief tendered to the Consultants.***

FURTHER REPORT:

The Council at its Ordinary Meeting held on 12 April 2005 resolved the following in regard to the Leederville Masterplan Working Group:

That the Item be DEFERRED, due to a lack of a quorum which would be created if Cr Franchina departed the Chamber, as required by his declaration of proximity interest in the Item.

As such, the above recommendation remains unchanged. It is noted that additional information relating to consultation methods used in the preparation of the Masterplan was requested by Councillor Sally Lake prior to the Ordinary Meeting of Council held on 12 April 2005. A response was provided as follows:

"A letter dated 7 April 2005 was sent to the Consultants, Considine and Griffiths, outlining a list of outstanding matters in relation to the Leederville Masterplan Project Brief. In this regard, the Consultants were advised:

1. Outline and provide specific detail of how **Section 3.6 - Consultation** of Tender Brief No.285-04 has been met, including details of who and when you consulted with Elected Members, Council Officers, key stakeholders, community Precinct Groups and residents in the preparation of the draft Masterplan. The Council at its meetings held 13 July 2004 and 21 December 2004 respectively, resolved the following in relation to the Leederville Masterplan.

"That the Council AUTHORIZES the Chief Executive Officer to:-

- (i) *develop a preliminary Leederville Business Case identifying potential funding sources for the proposed upgrades to public infrastructure in the Leederville District Centre identified in the:-*
 - (a) *Oxford Centre Study; and*
 - (b) *Leederville Masterplan;*

in collaboration with, and consideration of funding opportunities identified in the preparation of the Leederville Masterplan. The Business Cases should prove the financial viability of the Leederville Masterplan and provide positive social, environmental and economic outcomes;"

and

"That the Council;

- (iii) *REQUESTS the Chief Executive Officer to submit a report for the Council's further consideration at the earliest opportunity and in any case no later than February/March 2005 and for such report to:*
 - (a) *include all costings/indicative timelines and options for all recommendations identified in the Leederville Masterplan; and"*

2. The brief also makes reference to the need for the Consultants to liaise and consult with a Town appointed Working Group. The Terms of Reference of this Working Group is an Agenda Item for the scheduled Ordinary Meeting of the Council on 12 April 2005.

3. The findings of the draft Masterplan are to be presented to an Elected Members Forum on 19 April 2005 at 7.30pm. Any comments made at this Forum shall be considered in the draft Masterplan.
4. Any amendments to the Draft Masterplan as a result of consultation with the public, the Working Group, Elected Members and the Town shall be undertaken by the Consultant. The draft Masterplan will be presented to two Ordinary Meetings of the Council, the first being (after the Elected Members Forum) for adoption in principle and consent to advertise, and the second being for final adoption after formal advertising.
5. The Feasibility Assessment provided in the Consultant's email dated 18 March 2005 shall be included in the draft document along with any additional comments as a result of matters 1, 2 and 3 above.
6. The final document shall be amended as required, edited and proofed and then delivered to the Town in the format detailed in **Section 3.7 - Final Document**. *(The final report including twenty-five (25) bounded coloured copies of all text, table(s), survey(s), map(s), plan(s), diagram(s), sketch(es) and photograph(s) (of A3 or A4 size) to be submitted to the Town of Vincent. One (1) unbound colour master copy and (1) unbound non-laminated black and white file copy are to be submitted to the Town of Vincent. The final report to include a summary document and brochure. A copy of this information is to be made available on computer disk in a format that is acceptable to the Town.)"*

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 12 April 2005:

"OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the Leederville Masterplan Working Group;*
- (ii) *SUPPORTS the initiative of a Leederville Masterplan Working Group to meet and assist in the delivery of the Leederville Masterplan to the Council;*
- (iii) *ENDORSES the Leederville Masterplan Working Group Terms of Reference as shown in Attachment 001;*
- (iv) *NOMINATES two Councillors, Cr..... and Cr..... to participate with the Mayor and the Town's Executive Officers, Manager Planning, Building and Heritage Services and Planning Officer (Strategic) on the Working Group;*
- (v) *INVITES representatives of the East Perth Redevelopment Authority and the Western Australian Planning Commission to participate in the Working Group; and*
- (vi) *RECEIVES a further report once the Working Group has met and established a way forward.*

(Refer to Page 5)

COUNCIL DECISION ITEM 10.1.21

Moved Cr Doran-Wu, Seconded Cr Torre

That the Item be DEFERRED, due to a lack of a quorum which would be created if Cr Franchina departed the Chamber, as required by his declaration of proximity interest in the Item.

CARRIED (5-0)

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's consideration and authorisation of the Leederville Masterplan Working Group.

BACKGROUND:

18 September 2003 A meeting was held with the then Chairman of the Western Australian Planning Commission, Town of Vincent Elected Members, representatives of the Department for Planning and Infrastructure and Officers of the Town of Vincent to discuss the Western Australian Planning Commission's introduction of a \$500,000 budget allocation, to showcase demonstration proposals, which may include places of interest, redevelopment schemes, transport schemes and the like.

23 September 2003 The Council at its Ordinary Meeting resolved to produce a Masterplan for the Leederville area. Clause (iii) of the resolution reads:

"(iii) request the CEO establish a working group, with terms of reference, to meet and assist in the delivery of the Masterplan to Council, and that the group consist of the Mayor, two councillors, the Town's Executive Officers, the consultant and an invitation of participation be offered to the CEO of the East Perth Redevelopment Authority and the Western Australian Planning Commission (WAPC);"

16 December 2003 The Council at its Ordinary Meeting endorsed the Project Brief for a Leederville Masterplan with amendments and approved a budget reallocation of \$50,000 to fund delivery of a Leederville Masterplan.

13 July 2004 The Council at its Ordinary Meeting resolved as follows:

"That the Council AUTHORISES the Chief Executive Officer to:-

- (i) develop a preliminary Leederville Business Case identifying potential funding sources for the proposed upgrades to public infrastructure in the Leederville District Centre identified in the:-*

- (a) *Oxford Centre Study; and*
- (b) *Leederville Masterplan;*

in collaboration with, and consideration of funding opportunities identified in the preparation of the Leederville Masterplan. The Business Cases should prove the financial viability of the Leederville Masterplan and provide positive social, environmental and economic outcomes;

- (ii) *investigate the development contribution cost provisions within the City of Stirling Town Planning Scheme No. 38, the City of Cockburn Town Planning Scheme No 3 and the Subiaco Redevelopment Scheme and assess the benefit to the Town of having similar provisions in the Town's Town Planning Scheme with particular consideration of foreshadowed upgrades of public infrastructure in the Town's District Centres; and*
- (iii) *submit a report on (ii) above for Council's consideration no later than October 2004;*
- (iv) *submit a report on (i) above for Council's consideration in conjunction with the Leederville Masterplan as a fully integrated document;*
- (v) *in relation to (i) and (ii) above, explore in detail the potential for public/private partnerships; and*
- (vi) *seeks advice from the East Perth Redevelopment Authority in the preparation of the Business Case."*

22 October 2004

A progress report relating to the Leederville Masterplan was presented to the Council.

23 November 2004

The Council at its Ordinary Meeting resolved as follows:

"That the Council;

- (i) *RECEIVES the Progress Report No 1 on Investigation of Possible Mall Concepts and Wider Streets for Alfresco Dining for Oxford and Newcastle Streets, Leederville and Multi-Level Carparks;*
- (ii) *NOTES the information provided by the Leederville Master Plan Consultants; and*
- (iii) *NOTES that the Oxford Mall Working Group will meet again once the Leederville Masterplan has been adopted".*

21 December 2004

The Council at its Ordinary Meeting resolved as follows:

"That the Council;

- (i) RECEIVES the Progress Report No.1 relating to 'Leederville Business District - Investigation of Funding Sources for Possible Public Infrastructure'; and*
- (ii) NOTES that a further report relating to 'Leederville Business District - Investigation of Funding Sources for Possible Public Infrastructure', will be submitted to an Ordinary Meeting of Council to be held in June 2005.*
- (iii) REQUESTS the Chief Executive Officer to submit a report for the Council's further consideration at the earliest opportunity and in any case no later than February/March 2005 and for such report to:*
 - (a) include all costings/indicative timelines and options for all recommendations identified in the Leederville Masterplan; and*
 - (b) link the Leederville Masterplan, the findings of the Notices of Motion of 13 July 2004 and the proposed Economic Development Plan Recommendations;*
- (iv) CONSIDERS the matters referred to in (iii) above during the Council budget process 2005/06, and for these to be considered for inclusion in the Strategic Plan, Principal Activities Plan and draft Budget 2005/06; and*
- (v) APPROVES the tender variation to include 4.9 of the Council's Leederville Masterplan Tender Brief."*

DETAILS:

In accordance with clause (iii) of the Council's resolution made at its Ordinary Meeting held 23 September 2003, the formation of a working group has commenced.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

*Strategic Plan 2005-2010 – Environment and Infrastructure
Key Result Area 1.3 Develop, Implement and Promote Sustainable Urban Design.*

Action Plans to implement this strategy include:

- "(a) Develop and implement sustainable building design guidelines and incorporate sustainability into the Building and Design Awards to raise community awareness.*
- (b) Review urban design policies and guidelines to enhance amenity, universal access, neighbourhood interaction crime prevention and aesthetics and participate in initiatives and incentives to foster sustainable building and urban design."*

FINANCIAL IMPLICATIONS:

The Council at its Ordinary Meeting held 16 December 2003 authorised a budget reallocation of \$50,000 from the Town Planning Scheme Amendments and Policies to fund the \$50,000 for delivery of a Leederville Masterplan.

The Council at its Ordinary Meeting held 23 November 2004 authorised a budget reallocation of \$11,800 from the Leederville Masterplan account to partially fund Community Visioning.

COMMENTS:

The Council's support for the Leederville Masterplan Working Group and Terms of Reference is sought. The role and structure of the Working Group is set out in the Leederville Masterplan Working Group Terms of Reference (Attachment 001). It is noted that a Draft Masterplan has been received by the Town, however the Consultants are required as part of the tender brief, to consult and liaise with the Working Group.

It is therefore recommended that the Council supports the Leederville Masterplan Working Group in accordance with the associated Terms of Reference and nominates two Elected Members to participate on the Group with the Mayor, the Town's Executive Officers, Manager Planning , Building and Heritage Services, a Strategic Planning Officer, and invites representatives from the East Perth Redevelopment Authority and Western Australian Planning Commission to participate."

**10.1.4 Further Report - Planning and Building Policies - Amendment No. 22
Relating to the Draft Amended Version of the Minor Nature
Development Policy**

Ward:	Both Wards	Date:	18 April 2005
Precinct:	All Precincts	File Ref:	PLA0155
Attachments:	001		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the draft amended version of the Policy relating to Minor Nature Development, as shown in Attachment 001;*
- (ii) *ADOPTS the draft amended version of the Policy relating to Minor Nature Development, to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy;*
- (iii) *ADVERTISES the draft amended version of the Policy relating to Minor Nature Development for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft amended version of the Policy relating to Minor Nature Development, having regard to any written submissions; and*
 - (b) *determines the draft amended version of the Policy relating to Minor Nature Development, with or without amendment, to or not to proceed with them.*

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted subject to:

- 1. *clause (ii) being amended to read as follows:*
 - “(ii) *ADOPTS the draft amended version of the Policy relating to Minor Nature Development, to be applied ~~in the interim during the advertising period and up to those planning and building applications received after the date of formal adoption of the draft amended Policy;~~” and*

2. *a new clause (v) being added as follows:*

"(v) *AMENDS the draft amended version of the Policy relating to Minor Nature Development as shown in the Attachment, by amending clause 2)(xviii) as follows; prior to clauses (i), (ii), (iii), and (iv) above, being actioned:*

2) (xviii) home occupations that:

- a) does not entail the retail sale, display or hire of goods of any nature;
- b) does not cause injury to or prejudicially affect the amenity of the immediate area;
- c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- d) does not entail employment of any other person;
- e) does not occupy an area greater than 20 square metres;
- f) ~~does not display any advertising signage~~ does not display a sign exceeding 0.2 square metre in area;
- g) does not attract customers or regular and frequent deliveries of goods or equipment to the site;
- h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- i) does not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight;
- j) does not involve the servicing or repair for gain of motor vehicles; and
- k) in the opinion of the Town is compatible with the principal uses to which land in the zone in which it is located may be put."

Debate ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.4

That the Council;

- (i) *RECEIVES the draft amended version of the Policy relating to Minor Nature Development, as shown in Attachment 001;*
- (ii) *ADOPTS the draft amended version of the Policy relating to Minor Nature Development, to be applied to those planning and building applications received after the date of formal adoption of the draft amended Policy;" and*
- (iii) *ADVERTISES the draft amended version of the Policy relating to Minor Nature Development for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*

- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
- (a) *reviews the draft amended version of the Policy relating to Minor Nature Development, having regard to any written submissions; and*
- (b) *determines the draft amended version of the Policy relating to Minor Nature Development, with or without amendment, to or not to proceed with them; and*
- (v) *AMENDS the draft amended version of the Policy relating to Minor Nature Development as shown in the Attachment, by amending clause 2)(xviii) as follows; prior to clauses (i), (ii), (iii), and (iv) above, being actioned:*
- “2) (xviii) home occupations that:*
- a) does not entail the retail sale, display or hire of goods of any nature;*
- b) does not cause injury to or prejudicially affect the amenity of the immediate area;*
- c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;*
- d) does not entail employment of any other person;*
- e) does not occupy an area greater than 20 square metres;*
- f) does not display a sign exceeding 0.2 square metre in area;*
- g) does not attract customers or regular and frequent deliveries of goods or equipment to the site;*
- h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;*
- i) does not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight;*
- j) does not involve the servicing or repair for gain of motor vehicles; and*
- k) in the opinion of the Town is compatible with the principal uses to which land in the zone in which it is located may be put”.*

FURTHER REPORT:

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

“That the Item be DEFERRED for further debate”.

Additionally, the amended recommendation which was moved by Councillor Basil Franchina and seconded by Councillor Sally Lake at the Ordinary Meeting of Council held on 12 April 2005 has been incorporated into the draft amended version of the Policy. The amendment consequently allows home occupations, as defined in the amended version of the Minor Nature Development Policy, in heritage significant places without the need for further Planning Approval. It is considered that this amendment has planning merit and has been included accordingly, within the draft amended Policy, as attached. Renumbering of the Policy has also been included to overcome formatting error.

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 12 April 2005:

“OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the draft amended version of the Policy relating to Minor Nature Development, as shown in Attachment 001;*
- (ii) ADOPTS the draft amended version of the Policy relating to Minor Nature Development, to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy;*
- (iii) ADVERTISES the draft amended version of the Policy relating to Minor Nature Development for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) after the expiry of the period for submissions:*
 - (a) reviews the draft amended version of the Policy relating to Minor Nature Development, having regard to any written submissions; and*
 - (b) determines the draft amended version of the Policy relating to Minor Nature Development, with or without amendment, to or not to proceed with them.*

COUNCIL DECISION ITEM 10.1.34

Moved Cr Franchina, Seconded Cr Lake

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

“(v) AMENDS the draft amended version of the Policy relating to Minor Nature Development by amending clauses 1) v) and 2) xviii) of the draft Policy as follows; prior to clauses (i), (ii), (iii)(a), and (iv) (a) above being actioned:

- 1) v) not located in a place that is:*
 - a) in the Register of Places under the Heritage of Western Australia Act 1990;*
 - b) the subject of an Order under Part 6 of the Heritage of Western Act 1990; or*
 - c) listed in the Town of Vincent Heritage List or Municipal Heritage Inventory;:*

unless it is a home occupation that fully complies with clause (xviii) of this Policy.

- 2) ~~xiii~~ xviii home occupations that:
- a) does not entail the retail sale, display or hire of goods of any nature;
 - b) does not cause injury to or prejudicially affect the amenity of the immediate area;
 - c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
 - d) does not entail employment of any other person;
 - e) does not occupy an area greater than 20 square metres;
 - f) does not display any advertising signage;
 - g) does not attract customers or regular and frequent deliveries of goods or equipment to the site;
 - h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
 - i) does not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight;
 - j) does not involve the servicing or repair for gain of motor vehicles; and
 - k) in the opinion of the Town is compatible with the principal uses to which land in the zone in which it is located may be put."

Debate ensued.

Moved Cr Franchina, Seconded Cr Doran-Wu

That the Item be DEFERRED for further debate.

CARRIED (5-0)

(Crs Chester, Farrell and Ker were apologies. Cr Cohen on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide the outcome of the review of the Policy relating to Minor Nature Development, and seek the Council's adoption of the amended version of the Policy.

DETAILS:

The objective of the Policy relating to Minor Nature Development

"To define development of a minor nature which, although complying with provisions of the Town of Vincent Town Planning Scheme No. 1, is exempt from the need to obtain planning approval in accordance with Clause 33(d) of the Town of Vincent Town Planning Scheme No. 1. A Building Licence is required for minor uses where this is appropriate."

The amended Policy relating to Minor Nature Development has been reviewed to further streamline the development application process in relation to minor nature development. This is further addressed in Item 10.4.1 on this Agenda at page 173, "4. Review of Minor Nature Development Policy".

Home Occupation

The Town recognises that the intensity of home occupations vary within the Town depending on the nature of the use. The impact the home occupations will have on the surrounding locality will mainly depend on the number of non-resident employees, the type of business, the area within the dwelling that the home occupations occupies and the presence of customers. Home occupations can range from an office use whereby there are no employees or clients visiting the premises, to a beautician use whereby there may be employees, and clients visiting the premises. Low intensity home occupations (such as a home office use) generally have no undue impact on the surrounding locality where, for example, there are no employees and where client meetings are conducted away from the premises.

In recognition of the above, it is considered that planning approval should not be required where home occupations, can meet certain criteria as they will have no undue impact on the amenity of the neighbourhood. Accordingly, it is suggested that the Policy relating to Minor Nature Development be amended to include low intensity home occupations that meet the following criteria:

- “a) does not entail the retail sale, display or hire of goods of any nature;*
- b) does not cause injury to or prejudicially affect the amenity of the immediate area;*
- c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;*
- d) does not entail employment of any other person;*
- e) does not occupy an area greater than 20 square metres;*
- f) does not display any advertising signage;*
- g) does not attract customers or regular and frequent deliveries of goods or equipment to the site;*
- h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;*
- i) does not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight;*
- j) does not involve the servicing or repair for gain of motor vehicles; and*
- k) in the opinion of the Town is compatible with the principal uses to which land in the zone in which it is located may be put.”*

Should a resident require acknowledgement from the Town that they are permitted to conduct a home occupation that comply with the above criteria, the Town will send an acknowledgement letter specifying that provided that the above criteria is met, the business may be conducted from the premises.

Signs and Advertising

It is considered that the signs and advertising, that is compliant with the Town's Policy relating to Signs and Advertising will facilitate ease of application for both commercial premises and residential properties.

Street Walls and Fences, Retaining Walls and Filling and Excavation

The Town's draft Policy relating to Residential Design Elements has tailored residential development provisions to that of the Town's requirements, and it is considered that coupled with the provisions of the Residential Design Codes, the Town has sufficient mechanisms to ensure compliance.

Other Matters

Additionally, within the amended Policy relating to Minor Nature Development, there are a number of other changes, including the following:

- *An updated policy statement to include Minor Nature Development is not considered on places on; the Register of Places under the Heritage of Western Australia Act, 1990; subject to an Order of Part 6 of the Heritage of Western Australia Act, 1990; and listed in the Town of Vincent Heritage List or Municipal Heritage Inventory.*
- *The Policy objective now clearly indicates that a Building Licence is required for building works of a minor nature.*
- *Part two, clauses four and five, apply to residential single storey pergolas, porches, patios, verandahs, garages, carports, outbuildings and external fixtures, and ancillary accommodation and require applications to be fully compliant with the acceptable development provisions of the Residential Design Codes and the Town of Vincent Policies.*
- *Part two includes works to a building in a dangerous state or emergency requirements. This allows for immediate safety works to be carried out.*
- *Part two additionally includes temporary offices and sheds used by builders and contractors.*

LEGAL/POLICY:

The Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure: 1.3 "Develop, implement and promote sustainable urban design."

FINANCIAL/ BUDGET IMPLICATIONS:

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council approves and advertises the draft amended version of the Minor Nature Development Policy."

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

Ward:	North	Date:	19 April 2005
Precinct:	North Perth; P8	File Ref:	PRO2970; 00/33/2814
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 Addstyle Constructions on behalf of the owner P & C Hood for proposed two-storey additions to existing single house, at No. 55 (Lot 57) Paddington Street, North Perth, and as shown on plans stamp-dated 12 April 2005, subject to:

- (i) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Paddington Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the western wall height being reduced to 6.8 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Paddington Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency.*

COUNCIL DECISION ITEM 10.1.8

Cr Chester departed the Chamber at 7.54pm.

Moved Cr Ker, **Seconded** Cr Lake

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

- "(ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the western wall height being reduced to ~~6.8~~ 6.5 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and"*

Debate ensued.

Cr Farrell departed the Chamber at 7.55pm.

Cr Chester returned to the Chamber at 7.56pm.

Moved Cr Ker, Seconded Cr Lake

That the Item be DEFERRED to allow for further investigation regarding a reduction of the western wall height.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Farrell was absent from the Chamber and did not vote.)

AMENDED ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Building Height	Top of external wall 6 metres	Top of external wall 6.7 metres 7 metres <u>6.4 metres</u> - 6.7 metres	Not supported - as the proposed second storey addition could be reduced to have a ceiling height of 2.4 metres. The building height variation is considered excessive and would negatively impact on the streetscape and amenity.

ADDITIONAL INFORMATION:

The Council at its Ordinary Meeting held on 22 February 2005 resolved to require the subject western wall height being reduced to 6.5 metres, not 6.8 metres as stated in the 'Details' section of this Agenda Report.

The subject amended plans dated 12 April 2005 indicate the western wall height being 6.4 to 6.7 metres. It is therefore recommended that clause/condition (ii) be amended, such that the western wall height be reduced to 6.5 metres as resolved by the Council at its Ordinary Meeting on 22 February 2005, and not 6.8 metres as stated in the previous Officer Recommendation.

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

BACKGROUND:

22 February 2005 Council at its Ordinary Meeting granted conditional approval for proposed two-storey additions to existing single house at No. 55 (Lot 57) Paddington Street, North Perth.

DETAILS:

The application involves the request for reconsideration of condition of Planning Approval for proposed two-storey additions to existing single house at the subject property. The condition being sought for reconsideration is part (a) of the following condition:

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

(a) the south elevation of the balcony on first floor level, for two metres from the eastern side of the balcony, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and

(b) western wall height being reduced to 6.8 metres.

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

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

A submission from the affected neighbour has been received stating no objection to the proposed development. There is however, still a cone of vision encroachment from the proposed balcony, as per the Residential Design Codes (R-Codes). The Assessment Table has been amended to reflect the receipt of the affected neighbour's submission.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
West (upper floor)	3.3 metres	2.45 metres	Supported - there are no major openings, the variation is considered minor and no objections were received.
East (upper floor)	3.8 metres	1.95 metres	Supported - there are no major openings, the variation is considered minor and no objections were received.

Building Height	Top of external wall 6 metres	Top of external wall 6.7 metres - 7 metres	Not supported - as the proposed second storey addition could be reduced to have a ceiling height of 2.4 metres. The building height variation is considered excessive and would negatively impact on the streetscape and amenity.
Privacy:			
West (Balcony)	7.5 metres	3.6 metres	Supported - neighbour has stated no objection.
East (Balcony)	7.5 metres	5.6 metres	Supported - as above.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> • In favour of development 		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

It is considered that the proposed cone of vision encroachment is supportable as the written consent of the affected neighbours has been received. Therefore, clause/condition (iii) (a) of the conditional approval granted on 22 February 2005 is recommended to be deleted.

Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to reflect the above.

10.1.10 No(s). 292 (Lot(s) 1 & 10-16) Beaufort Street, Corner Brisbane Street, Perth - Proposed Pergola with Semi-Temporary Covering to Existing Tavern (Brisbane Tavern) and Reconsideration of Condition of Approval for Proposed Alterations and Additions to Existing Hotel and Change of Use from Hotel to Tavern

Ward:	South	Date:	20 April 2005
Precinct:	Beaufort; P13	File Ref:	PRO0103; 00/33/2774
Attachments:	001		
Reporting Officer(s):	R Rasiah		
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 Taylor Robinson on behalf of the owner Capital Management Beaufort Group for proposed Pergola with Semi-Temporary Covering Addition to Existing Tavern (Brisbane Tavern) at No(s). 292 (Lot(s) 1 & 10-16) Beaufort Street, corner Brisbane Street, Perth, and as shown on plans stamp-dated 15 March 2005, subject to:*
 - (a) *the pergola structure and semi-temporary covering shall be complementary in design and colours with the existing building, and details of the design and colours shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council AMENDS clause/condition (ix) of the Planning Approval (Serial No. 00/33/1633) granted by the Council on 8 July 2003 and issued on 14 July 2003, for the Proposed Alterations and Additions to Existing Hotel and Change of Use from Hotel to Tavern at No(s). 292 (Lot(s) 1 & 10-16) Beaufort Street, corner Brisbane Street, Perth, to read as follows:*
 - "(ix) *prior to the first occupation of the development, five (5) class- three bicycle parking facilities shall be provided at a location convenient to the entrance. The owners shall provide additional class two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;"*

Moved Cr Lake, Seconded Cr Ker

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

- "(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council AMENDS clause/condition (ix) of the Planning Approval (Serial No. 00/33/1633) granted by the Council on 8 July 2003 and issued on 14 July 2003, for the Proposed Alterations and Additions to Existing Hotel and Change of Use from Hotel to Tavern at No(s). 292 (Lot(s) 1 & 10-16) Beaufort Street, corner Brisbane Street, Perth, to read as follows:*

- “(ix) *prior to the first occupation of the development, ~~five (5)~~ six (6) class- three bicycle parking facilities comprising three (3) class- three bicycle parking facilities along the Brisbane Street frontage and three (3) class- three bicycle parking facilities along the Beaufort Street frontage shall be provided at a location convenient to the entrances. The owners shall provide additional class two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities”;*”

Debate ensued.

Cr Farrell returned to the Chamber at 7.59pm.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.10

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 Taylor Robinson on behalf of the owner Capital Management Beaufort Group for proposed Pergola with Semi-Temporary Covering Addition to Existing Tavern (Brisbane Tavern) at No(s). 292 (Lot(s) 1 & 10-16) Beaufort Street, corner Brisbane Street, Perth, and as shown on plans stamp-dated 15 March 2005, subject to:*
- (a) *the pergola structure and semi-temporary covering shall be complementary in design and colours with the existing building, and details of the design and colours shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council AMENDS clause/condition (ix) of the Planning Approval (Serial No. 00/33/1633) granted by the Council on 8 July 2003 and issued on 14 July 2003, for the Proposed Alterations and Additions to Existing Hotel and Change of Use from Hotel to Tavern at No(s). 292 (Lot(s) 1 & 10-16) Beaufort Street, corner Brisbane Street, Perth, to read as follows:*
- “(ix) *prior to the first occupation of the development, six (6) class- three bicycle parking facilities comprising three (3) class- three bicycle parking facilities along the Brisbane Street frontage and three (3) class- three bicycle parking facilities along the Beaufort Street frontage shall be provided at a location convenient to the entrances. The owners shall provide additional class two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities”;*”

Landowner:	Capital Management Beaufort Group
Applicant:	Taylor Robinson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Tavern
Use Class:	Tavern
Use Classification:	"SA "
Lot Area:	1176 square metres
Access to Right of Way	East side, 3.06 metres wide, sealed and privately owned

BACKGROUND:

8 July 2003 The Council at its Ordinary Meeting resolved to conditionally approve the proposed alterations and additions to existing hotel and change of use from hotel to tavern on No.292 (Lots 1 and 10 - 16) Beaufort Street, corner of Brisbane Street, Perth.

28 July 2004 The Town under Delegated Authority conditionally approved the removal of the existing awning along the Beaufort Street frontage from the Brisbane Tavern.

DETAILS:

The proposal involves the reconsideration of condition (ix) imposed by the Council at its Ordinary Meeting held on 8 July 2003, which is as follows:

"(ix) prior to the first occupation of the development, seven (7) class two and twelve (12) class three bicycle parking and end of trip facilities shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking and end of trip facilities shall be submitted and approved prior to the installation of such facilities;"

Previous Bicycle Parking Calculations

Required	Provided
1 space (Class 2) per 25 square metres of bar floor area and 1 per 100 square metres of lounge, beer garden for visitors, and therefore 7 spaces required.	No bicycle parking shown on plans.

1 space (Class 3) per 25 square metres of gross floor area and 1 per 100 square metres of lounge, beer garden for visitors, therefore 29 spaces required. However, the Town's Technical Services deems 12 spaces to be appropriate for the site. Therefore, 12 spaces are required.	No bicycle parking shown on plans.
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**The theatre component of the proposal has not been included in the bicycle parking calculations as the Town's Policy makes no provision for this use."*

The applicant has requested that the above condition (ix) be deleted for the following summarised reasons:

- Buildings of a similar nature such as the Queens Hotel and Soto cafe have provided two bicycle parking facilities, with the Mykonos restaurant providing one bicycle parking facility.

- Management has observed in recent weeks that only one or two patrons on an average per week using bicycles to the tavern, usually on weekends. On the above basis, 5 bicycle racks is considered adequate in this instance.
- Tavern owners have already paid a significant amount in cash-in-lieu for car parking, which is adequately catered within the Town of Vincent paid car parking station. Owners are unaware of any complaints or suggestion of a lack of facilities being provided on-site for patrons.
- Also proposed is a timber/steel pergola with a semi- temporary covering which is planned to be used during the winter months. The material will transmit light, shed water, but will not be a metal deck and have no gutters. The material is not finalised and will be of a new "composite" product, designed to be easily removed and stored. A structure which performs a similar function has been installed at the Norfolk Hotel in Fremantle. The applicant's submission is "*Laid on the Table*".

COMMENTS:

The pergola and the semi-temporary covering, which will cover an approved courtyard area, will not require any additional car parking for the above site. This proposal is considered acceptable, subject to the design and colours being complementary to the existing building.

Based on the information provided by the applicant that the number of patrons using bicycles to access the site being once or twice a week, it is considered that in this particular proposal, the required class two and class three bicycle parking facilities are considered excessive, and it is recommended that these be reduced to five (5) class three bicycle parking facilities. The requirement for "end of trip facilities" was an oversight by Officers, and should not have been imposed, as they are only required for staff, if the number of class 2 bicycle facilities for staff are 10 or more bicycle parking bays. Should a demand arise for additional bicycle facilities, these should then be installed by the tavern owners. As such, an appropriate amended condition (ix) is recommended.

10.1.12 No(s). 65-67 (Lot(s) 111, 112 & 113) Raglan Road (Corner William Street), Mount Lawley - Proposed Alterations and Additions to Street/Front Fencing to Existing Thirteen (13) Grouped Dwellings (Part Application for Retrospective Approval)

Ward:	South	Date:	18 April 2005
Precinct:	Norfolk; P10	File Ref:	PRO2320; 00/33/2670
Attachments:	001		
Reporting Officer(s):	L Mach		
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 Palassis Architects on behalf of the owner The Wasley Institute Pty Ltd for proposed Alterations and Additions to Street/Front Fencing to Existing Thirteen (13) Grouped Dwellings (Part Application for Retrospective Approval), at No(s). 65-67 (Lot(s) 111, 112 & 113) Raglan Road (corner William Street), Mount Lawley, and as shown on plans stamp-dated 21 January 2005, subject to:*
- (a) *the fence adjacent to Raglan Road being modified so that the fence shall not exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences adjacent to Raglan Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
 - (b) *a significant and appropriate design feature being incorporated within each of the solid portions of the wall along William Street, adjacent to Units 3, 7, 8 and 9. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the works being undertaken; and*
- (ii) *the Council ADVISES the applicant that the above works are to be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this twenty-eight (28) days period.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED ON THE CASTING VOTE OF THE MAYOR (5-4)

<u>For</u>	<u>Against</u>
Mayor Catania (2 votes)	Cr Chester
Cr Doran-Wu	Cr Cohen
Cr Farrell	Cr Ker
Cr Franchina	Cr Lake

(Cr Torre on approved leave of absence.)

Landowner:	The Wasley Institute Pty Ltd
Applicant:	Palassis Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1781 square metres
Access to Right of Way	Western side, 3.96 metres wide, sealed, resumed and vested in the Town.

BACKGROUND:

The Council at its Ordinary Meeting held on 13 April 2004 resolved to conditionally approve an application for proposed alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create four (4) single bedroom grouped dwellings and five (5) grouped dwellings and construction of three (3) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, eight (8) two - storey grouped dwellings and four (4) single bedroom two - storey grouped dwellings at the subject property. The Council resolved the followed in regards to the fence:

"(v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any front fences and gates adjacent to William Street and Raglan Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. 50 percent of the length of the portion of the fences around the private courtyards of units 3, 7, 8 and 9 facing William Street may be solid to a maximum height of 1.8 metres and shall incorporate at least two design features;"

DETAILS:

The proposal involves alterations and additions to street/front fencing to existing thirteen (13) grouped dwellings (part application for retrospective approval). The proposal is considered to be part retrospective as an archive search which has since been undertaken, has indicated that the majority of the street wall adjacent to William Street has had Planning Approval, namely the portion of the wall adjacent to Units 7 and 8 and part of Unit 9. 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
Street Walls/Fences (applicable to Raglan Road)	Front walls and fences to be visually permeable above 1.2 metres and a maximum height of 1.8 metres. Decorative capping piers may extend up to a maximum of 2.0 metres.	Fence not visually permeable up to 1.3 metres high and has a maximum height of up to 2.4 metres.	Not supported- refer to 'Comments'.
Street Walls/Fences to District Distributor Road (applicable to William)	Policy requirement: Front walls and fences to be a maximum height of 1.8 metres and incorporate at least 2 appropriate design features. However, refer to 'Details' for Council resolution in relation to subject fence at 13 April 2004 Ordinary Meeting of Council.	-Design features are proposed to existing fence, which is up to 2.0 metres in height. -Approximately 60 per cent of the length of the portion of the fence around the private courtyard of unit 3 facing William Street is solid. -Full length of fence around the private courtyards of units 7, 8 and 9 facing William Street is solid.	Supported- refer to 'Comments'.
Consultation Submissions			
The application was not advertised as it does not involve intensification of the site and the matter is being referred to Council for determination. It is noted however, the non-compliant fence was brought to the Town's attention via a member of public.			
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:

Raglan Street Fence

The proposed variations relating to this matter is not supported and has been conditioned to comply.

William Street Fence

Upon further assessment of the proposal, the proposed William Street fence is now supported on the following basis:

- the majority of the fence has been approved and was existing prior to the development of the subject lot, as verified by archive records and old photographs of the site;
- the Town's Policy requirements relating to Street Walls and Fences allows fences to District Distributor Road be a maximum height of 1.8 metres with the incorporation of at least 2 appropriate design features;
- for the portions of the fence which has not received Planning Approval, these portions are within 1.8 metres in height; and
- the applicant is proposing to incorporate design features (tiled piers) to the existing fence.

In light of the above, it is considered unreasonable to require the applicant to comply with the clause/condition (v) of the previous Planning Approval (as detailed in 'Details' section of the report). It is considered appropriate however, that a design feature be incorporated within each of the solid portions of the fence adjacent to Units 3, 7, 8 and 9 to reduce its visual impact.

Summary

On the above basis, it is recommended that the application be granted approval, subject to standard and appropriate conditions to address the above matters.

10.1.14 No(s). 99 - 101 (Lot 98) West Parade, Perth - Proposed Partial Demolition of and Alterations and Additions to Two (2) Single Houses

Ward:	South	Date:	19 April 2005
Precinct:	Banks; P15	File Ref:	PRO1560; 00/33/2483
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 Matthew Ward on behalf of the owner JD & SM Ward for proposed Partial Demolition of and Alterations and Additions to Two (2) Single Houses, at No(s). 99 - 101 (Lot 98) West Parade, Perth, and as shown on plans stamp-dated 10 September 2004;

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

COUNCIL DECISION ITEM 10.1.14

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	JD & SM Ward
Applicant:	M Ward
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	2 Single Houses
Use Class:	Single House
Use Classification:	"P"
Lot Area:	513 square metres
Access to Right of Way	West side, 4.02 metres wide, sealed, Town of Vincent owned

BACKGROUND:

19 December 2000 Council at its Ordinary Meeting resolved to refuse the application for proposed demolition of existing dwellings at No(s). 99-101 (Lot 98) West Parade, Perth.

12 June 2001 Council at its Ordinary Meeting conditionally approved proposed demolition of existing dwellings and construction of one (1) single house at No(s). 99-101 (Lot 98) West Parade, Perth.

DETAILS:

The proposal involves proposed partial demolition of and alterations and additions to two (2) single houses. The dividing wall between the two dwellings has been included in the assessment due to the potential for subdivision.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65	0.38	Supported - no variation
Setbacks:			
North Unit-North	1.5 metres	0.82 metre	Supported - variation is considered minor, additions follow the existing building line and considered to not unduly impact on affected neighbour.
South	1.5 metres	Nil	Supported - building on boundary is internal and additions follow the existing building line.
South Unit: South	1.5 metres	1 metre	Supported - variation is considered minor, additions follow the existing building line and considered to not unduly impact on affected neighbour.
North	1.5 metres	Nil	Supported - building on boundary is internal and additions follow the existing building line.

Building on Boundary	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	North Unit: Boundary wall is an average of 3.4 metres high. South Unit: Boundary wall is an average of 3.4 metres high.	Supported - building on boundary is internal, additions follow the existing building line and is not considered to have an undue impact on neighbour. Supported - as above.
Consultation Submissions			
Support	Nil	Noted	
Objection	Nil	Noted	
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In regards to the proposed partial demolition, the Town's Heritage Officers provided the following comments:

The houses are an example of the Inter War California Bungalow style as applied to a semi-detached duplex pair and are a relatively rare example of such an application. This style of architecture was usually expressed only in fully detached housing. The place therefore has cultural heritage significance and its retention, restoration and adaptation to ensure its continued use as dwelling houses, as outlined in the current application, is recommended and supported.

The variations to setbacks are considered acceptable, as they will not unduly affect the neighbours and the proposed development follows the existing building line.

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

10.1.16 No. 16 (Lot 11) Stamford Street, Leederville - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Multiple Dwellings

Ward:	South	Date:	18 April 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO2820; 00/33/2261
Attachments:	001		
Reporting Officer(s):	T Durward, R Jarman Walker		
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 BD Ladyman on behalf of the owners and BD and JK Ladyman and CT and MV Edwards for proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Multiple Dwellings, at No. 16 (Lot 11) Stamford Street, Leederville, and as shown on plans stamp-dated 21 May 2004 (existing house floor plan, site plan and photographs) and 22 March 2005 (elevations, floor plans, site plan, landscaping plan and overshadowing plan), subject to:

- (i) *subject to first obtaining the consent of the owners of No. 115 and 119 West Parade for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 115 and 119 West Parade in a good and clean condition;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *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 Stamford 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;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the southern most plant, being a Myoporum parifolium, on the western elevation and a 1 metre portion of the nib wall separating the carports to units 2 and 3 on the southern elevation being removed and replaced with the driveway for the purposes of manoeuvring;*
 - (b) *the front wall to the carport/garage on the western elevation having at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature;*

- (c) *the front wall to bedroom 2 on the upper floor on the western elevation having at least one window that is considered to be a major opening as defined in the Residential Design Codes 2002;*
- (d) *the driveway being setback a minimum of 0.5 metre from the southern side boundary;*
- (e) *one enclosed, lockable storage area with minimum dimension of 1.5 metres and area of 4 square metres being provided for each multiple dwelling; and*
- (f) *the front setback of the ground and upper floors of unit 1 being a minimum of 4 metres.*

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

- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development,*
 - (a) *the windows to master suite to units 1, 2 and 3 on the northern elevation on the first floor; and*
 - (b) *the balconies to units 1, 2 and 3 on the southern elevation on the first floor;*

shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. 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;
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (viii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Stamford 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).*

Moved Cr Chester, Seconded Cr Doran-Wu

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

"(i) subject to first obtaining the consent of the owners of No. ~~115 and 119 West Parade 18 Stamford Street~~ for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. ~~115 and 119 West Parade 18 Stamford Street~~ in a good and clean condition;"

Debate ensued.

Cr Lake departed the Chamber at 8.10pm.

CARRIED (5-2)

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

(Cr Torre on approved leave of absence. Cr Lake was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.16

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 BD Ladyman on behalf of the owners and BD and JK Ladyman and CT and MV Edwards for proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Multiple Dwellings, at No. 16 (Lot 11) Stamford Street, Leederville, and as shown on plans stamp-dated 21 May 2004 (existing house floor plan, site plan and photographs) and 22 March 2005 (elevations, floor plans, site plan, landscaping plan and overshadowing plan), subject to:

- "(i) subject to first obtaining the consent of the owners of No. 18 Stamford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 18 Stamford Street in a good and clean condition;"*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) 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 Stamford 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;*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the southern most plant, being a Myoporum parifolium, on the western elevation and a 1 metre portion of the nib wall separating the carports to units 2 and 3 on the southern elevation being removed and replaced with the driveway for the purposes of manoeuvring;*
 - (b) *the front wall to the carport/garage on the western elevation having at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature;*
 - (c) *the front wall to bedroom 2 on the upper floor on the western elevation having at least one window that is considered to be a major opening as defined in the Residential Design Codes 2002;*
 - (d) *the driveway being setback a minimum of 0.5 metre from the southern side boundary;*
 - (e) *one enclosed, lockable storage area with minimum dimension of 1.5 metres and area of 4 square metres being provided for each multiple dwelling; and*
 - (f) *the front setback of the ground and upper floors of unit 1 being a minimum of 4 metres.*

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

- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development,*
- (a) *the windows to master suite to units 1, 2 and 3 on the northern elevation on the first floor; and*
 - (b) *the balconies to units 1, 2 and 3 on the southern elevation on the first floor;*
- shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. 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;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (vii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (viii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Stamford 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).*

Landowner:	BD & JK Ladyman and CT & MV Edwards
Applicant:	BD Ladyman
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	493 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing single house and construction of three (3) two-storey multiple dwellings. The dwellings are considered multiple as portions of the built in wardrobes on the upper levels of each dwelling are overlapping the adjoining dwelling.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3.944 multiple dwellings R 80	3 multiple dwellings R 60.85	Supported - compliant with R Codes requirements.
Plot Ratio	1.0 - 493 square metres	0.91 - 446.67 square metres	Supported - compliant with R Codes requirements.
Front Setback: Garage	6 metres	3.85 metres	Not supported - conditioned to be setback 4 metres as this is not considered to have undue impact on streetscape due to location of freeway exit and entry and the condition for design features in the wall. Please also refer to 'Comments' below.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Upper Floor	6 metres	3.85 metres	Not supported - conditioned to be setback 4 metres as this is not considered to have undue impact on streetscape due to location of freeway exit and entry and the condition for major opening in the wall. Please also refer to 'Comments' below.
Setbacks: Ground Floor			
Unit 1 - North (Parapet)	1.1 metres	Nil	Supported - compliant with provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
Unit 2 & 3 - North (Parapet)	1.5 metres	Nil	Supported - compliant with provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
Setbacks: Upper Floor:			
Unit 1 - North (Bedroom 2, Bathroom)	1.2 metres	1.1 metres	Supported - considered minor, no objections received and no undue impact.
Units 2 & 3 - North (Bedrooms 2 and 3)	2.1 metres	1.5 metres	Supported - considered minor, no objections received and no undue impact.
Units 2 & 3 - North (Bedroom W/C)	1.2 metres	1 metre	Supported - considered minor, no objections received and no undue impact.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Vehicle Access:			
Driveways	No closer than 0.5 metre to side boundary	Nil	Not supported - conditioned to comply.
Privacy:			
Unit 1 - Southern Elevation (Balcony)	7.5 metres	4.4 - 6.3 metres to southern boundary	Not supported - conditioned to comply.
Northern Elevation (Master Suite)	4.5 metres	3.8 metres to northern boundary	Not supported - conditioned to comply.
Unit 2 - Southern Elevation (Balcony)	7.5 metres	4.4 - 6.2 metres to southern boundary	Not supported - conditioned to comply.
Northern Elevation (Master Suite)	4.5 metres	3.8 metres to northern boundary	Not supported - conditioned to comply.
Unit 3 - Southern Elevation (Balcony)	7.5 metres	4.4 - 6.2 metres to southern boundary	Not supported - conditioned to comply.
Northern Elevation (Master Suite)	4.5 metres	3.8 metres to northern boundary	Not supported - conditioned to comply.
Essential Facilities:			
Storage	3 x enclosed, lockable storage area with minimum dimension of 1.5 metres with area of 4 square metres	Nil	Not supported - conditioned to comply.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted

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

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

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

COMMENTS:

Demolition

A site visit of the subject property was conducted by the Town's Heritage Officer on 21 June 2004. The dwelling is a single-storey, rendered brick and terracotta tile dwelling that was constructed in 1932. The dwelling retains many of its original Inter-War features such as decorative cornices, timber sash and casement windows, wide skirts and 5 inch floor boards. There is a small leadlight window and a small stained glass window with an 'art deco' motif. The kitchen is also relatively intact with an original 'Metters' stove set into a tiled fireplace and original 'art deco' style timber cupboards. The place is representative of an Inter-War style, single-storey dwelling. The dwelling is, overall, in poor condition with many glass panes missing from the windows, some skirts missing, floorboards and ceilings rotted and walls badly cracked.

The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base, therefore this application is a matter of general streetscape consideration and is subject to the general Town Planning Scheme provisions and Policies. Therefore, it is recommended that the proposed demolition be approved, subject to standard conditions.

Redevelopment

The proposal was advertised and no objections were received during this period.

The upper floor and garage front setback variations are supported as front setbacks to properties within the immediate vicinity along Stamford Street are 4 metres to the ground and upper floors, the garage is conditioned to have design features in the wall, and the upper floor is conditioned to contain a major opening as defined in the Residential Design Codes 2002, and its proximity to the freeway and the detrimental impact this already encumbers on the streetscape and amenity of the area.

Summary

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

10.1.21 Planning and Building Policies - Amendment No. 12 Relating to Shopfronts and Front Facades to Non-Residential Buildings

Ward:	Both Wards	Date:	20 April 2005
Precinct:	All Precincts	File Ref:	PLA0137
Attachments:	001		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’(formerly ‘Security Roller Shutters, Doors and Grilles on Non-Residential Buildings’), as shown in Attachment 001;*
- (ii) *ADOPTS the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’ to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;*
- (iii) *ADVERTISES the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’ for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the amended Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the amended Policy; and*
 - (c) *forwarding a copy of the amended Policy to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’, having regard to any written submissions; and*
 - (b) *determines the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’, with or without amendment, to or not to proceed with them; and*
- (v) *ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 7 October 2003 relating to Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, has been addressed and finalised through discussion at the Elected Members Forum held on 14 December 2004, and by the draft Policy relating to Shopfronts and Front Facades to Non-Residential Buildings.*

Cr Lake returned to the Chamber at 8.12pm.

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Chester

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

“(ii) *ADOPTS the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’ to be applied ~~in the interim during the advertising period and up to formal adoption of the draft amended Policy~~ to those planning and building applications received after the date the draft amended Policy is formally adopted by Council;*”

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Moved Cr Doran-Wu, Seconded Cr Cohen

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

“(vi) *AMENDS the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’ as shown in the Attachment, by amending the Policy Statement as follows, prior to clauses (i), (ii), (iii), and (iv) above being actioned:*

General

P10 ~~*Upon demonstration of design articulation, streetscape interaction and compliance with the performance criteria, the Town of Vincent may consider variations to those applications that demonstrate evidence of being a ‘high risk’ business or demonstrating evidence of structural difficulty of placing security grilles and shutters within the existing built structure.”*~~

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Moved Cr Lake, Seconded Cr Ker

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

“(vi) *AMENDS the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’ as shown in the Attachment, by amending the Policy Statement as follows, prior to clauses (i), (ii), (iii), and (iv) above being actioned:*

General

P10 ~~*Upon demonstration of design articulation, streetscape interaction and compliance with the performance criteria, the Town of Vincent may consider variations to those applications that demonstrate evidence of being a ‘high risk’ business or demonstrating evidence of structural difficulty of placing security grilles and shutters within the existing built structure; and*~~

ASSESSMENT TABLE

<u>Performance Criteria</u>	<u>Acceptable Development</u>
<i><u>New development (inclusive of alterations and additions) to meet these criteria:</u></i>	<i><u>Development which complies with the following will generally be approved:</u></i>
<u>Shopfronts and Front Facades to Non-Residential Buildings</u>	<u>Shopfronts and Front Facades to Non-Residential Buildings</u>
<i><u>P1 Sufficient security is to be provided without spoiling the character or appearance of a building.</u></i>	<i><u>A1 External and internal visually impermeable roller shutters, doors and grilles, and security bars are not permitted.</u></i>
<i><u>P2 Security grilles and shutters are to be discreet, have minimal impact, and not dominate the shopfront and front facades to non-residential buildings.</u></i>	<i><u>A2 Open type security grilles or transparent (visually permeable to 75 per cent of the overall surface area) shutters to are acceptable only when located behind the shopfronts and front facade to non-residential buildings are acceptable only when they are, moveable, and not visibly seen during trading hours of the business; and</u></i> <ol style="list-style-type: none"> <i><u>1) to be illuminated from behind to maintain visual privacy;</u></i> <i><u>2) the shutter box to be recessed behind the fascia panel; and</u></i> <i><u>3) the shutters and shutter box to be properly treated in a colour to tone in with the rest of the shopfront."</u></i>

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.21

That the Council;

- (i) **RECEIVES** this report and the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’(formerly ‘Security Roller Shutters, Doors and Grilles on Non-Residential Buildings’), as shown in Attachment 001;*
- (ii) **ADOPTS** the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’ to be applied to those planning and building applications received after the date the draft amended Policy is formally adopted by Council;*
- (iii) **ADVERTISES** the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’ for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) **advertising** a summary of the amended Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*

- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the amended Policy; and*
- (c) *forwarding a copy of the amended Policy to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’, having regard to any written submissions; and*
 - (b) *determines the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’, with or without amendment, to or not to proceed with them;*
- (v) **ACKNOWLEDGES** *that the Notice of Motion resolved at the Ordinary Meeting of Council on 7 October 2003 relating to Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, has been addressed and finalised through discussion at the Elected Members Forum held on 14 December 2004, and by the draft Policy relating to Shopfronts and Front Facades to Non-Residential Buildings; and*
- (vi) **AMENDS** *the draft amended Policy relating to ‘Shopfronts and Front Facades to Non-Residential Buildings’ as shown in the Attachment, by amending the Policy Statement as follows, prior to clauses (i), (ii), (iii), and (iv) above being actioned:*

General

~~**P10** Upon demonstration of design articulation, streetscape interaction and compliance with the performance criteria, the Town of Vincent may consider variations to those applications that demonstrate evidence of being a ‘high risk’ business or demonstrating evidence of structural difficulty of placing security grilles and shutters within the existing built structure; and~~

ASSESSMENT TABLE

<u>Performance Criteria</u>	<u>Acceptable Development</u>
<i>New development (inclusive of alterations and additions) to meet these criteria:</i>	<i>Development which complies with the following will generally be approved:</i>
<i>Shopfronts and Front Facades to Non-Residential Buildings</i>	<i>Shopfronts and Front Facades to Non-Residential Buildings</i>
<i>P1 Sufficient security is to be provided without spoiling the character or appearance of a building.</i>	<i>A1 External and internal visually impermeable roller shutters, doors and grilles, and security bars are not permitted.</i>
<i>P2 Security grilles and shutters are to be discreet, have minimal impact, and not dominate the shopfront and front facades to non-residential buildings.</i>	<i>A2 Open type security grilles or transparent (visually permeable to 75 per cent of the overall surface area) shutters to shopfronts and front facade to non-residential buildings are acceptable only when they are, moveable, and not visibly seen during trading hours of the business; and</i> <i>4) to be illuminated from behind to maintain visual privacy;</i> <i>5) the shutter box to be recessed behind the fascia panel; and</i> <i>6) the shutters and shutter box to be properly treated in a colour to tone in with the rest of the shopfront.</i>

ADDITIONAL INFORMATION:

The deletion of this component of the draft amended Policy relating to 'Shopfronts and Front Facades to Non-Residential Buildings', removes possible ambiguity of the document in relation to application that seek variations. Whilst the initial reasoning behind the clause was to provide surety for those applications that have demonstrated evidence, through documentation of not being able to secure insurance, of being a 'high risk business', and those applications which demonstrate through the built structure that there is no responsible way of placing shutters and the like. Notwithstanding this reasoning, it is considered that should any application that demonstrates structural or insurance security difficulties will be able to apply for a variation and the application in question will be determined by the Council.

PURPOSE OF REPORT:

The purpose of this report is to provide the outcome of the review of the Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, and seeks the Council's adoption of the Draft Policy.

BACKGROUND:

The following outlines the background to the review.

Ordinary Meetings of Council , 11 June 2002 and 10 September 2002

On 11 June 2002, the Council at its Ordinary Meeting resolved to initiate Amendment No. 5 to the Planning and Building Policies relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings.

The Council at its Ordinary Meeting held on 10 September 2002 resolved to adopt the Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings.

Notice of Motion

The Council at its Ordinary Meeting held on 7 October 2003 resolved to adopt the following Notice of Motion 11.1 relating to Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings:

"That;

- (i) the Town's Policy No 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, be reviewed, with regard to its appropriateness and effectiveness in respect of:*
 - (a) experience with the application of the current policy; and*
 - (b) awareness of commercial proprietors within the Town with respect to the current policy; and*
- (ii) the report:*
 - (a) considers:*
 - methods of measuring permeability;*
 - the ability to enforce policy;*
 - increase permeability from 50%;*
 - listing outstanding breaches/non-compliances;*
 - (b) should not consider decreasing permeability;*
- (iii) the above re-affirms the Council's commitment to Objective 2 of the Policy;*

- (iv) *the Chief Executive Officer report back to the Council no later than 2 December 2003 recommending whether the Policy should remain unaltered, be amended, or revoked; and*
- (v) *the Town consult with the Town's businesses, the Insurance Council of Australia and the Police Department of WA during the policy review."*

Staff Meeting with Councillors'

A meeting was held on 8 December 2003 with Councillors' Simon Chester and Helen Doran-Wu and the Town's Officers regarding the matter. At that meeting, it was decided that the following steps would be undertaken as part of the subject Policy review:

- "1. *Letters to be sent to the Insurance Council of Western Australia, Police Department of Western Australia, a sample of insurance companies and local business associations advising them that the Town is reviewing its Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and that comments are being sought prior to the Policy actually being reviewed.*
- 2. *The subject Policy will be concurrently reviewed during this time and a Report will subsequently be submitted to the Ordinary Meeting of Council to be held on 10 February 2004. In addition, it is proposed that the Town will include an information sheet relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings as part of the formal advertising required to be undertaken for the Policy review."*

As a result of the above, correspondence dated 19 February 2004 was received from the Insurance Council of Australia, an extract of which states the following:

" . . . The insurance industry has for some time experienced a considerable increase in the level of burglary, robbery and malicious damage in certain precincts in close proximity to the CBD. A number of security options have been developed but in many cases these are in breach of local government requirements however the industry has an obligation to ensure the most equitable and comprehensive services are provided to the business community.

. . . the underwriting guidelines for the provision of business insurance vary significantly from insurer to insurer. Each insurers' underwriting model will take into consideration the history of the business being proposed for insurance together with the security construction and access of the premises before determining the availability of terms and conditions for the covers being sought.

*There is no specific general criteria relating to the visual permeable minimum or maximum within the industry however there are certain businesses because of there claims history and situation that would require higher levels of securitisation. Some insurers have advised that there are many occupations in certain areas that may require security precautions or protection above the specification outlined in the current Town of Vincent's policy. These usually relate to issuing certain covers to occupations with high risk susceptibility relating to ram raids, smash and grabs etc. and installation of bollards on building frontage and reinforced full screen with shutters may be required to be in place particularly after hours. .
."*

One other response was received by an insurance company, advising they did not insure private business.

Ordinary Meeting of Council 16 December 2003

The Council at its Ordinary Meeting resolved the following:

"That the Council;

- (i) *RECEIVES the Interim Report relating to the Notice of Motion - Review of Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*
- (ii) *AUTHORISES the Chief Executive Officer to write to the Insurance Council of Western Australia, Police Department of Western Australia, a sample of insurance companies and local business associations advising them that the Town is reviewing its Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and that comments are being sought prior to the Policy actually being reviewed; and*
- (iii) *AUTHORISES the Chief Executive Officer to review the subject Policy and that a Report be submitted to an Ordinary Meeting of Council to be held in February 2004."*

Ordinary Meeting of Council 12 October 2004

The Council at its Ordinary Meeting resolved to action the above Notice of Motion prior to the end of 2004. In light of the above, the matter was referred to an Elected Members Forum for consideration.

Elected Members Forum 14 December 2004

A presentation was delivered to Elected Members on the issues relating to roller shutters, doors, grilles and the like on facades of non-residential building, including Policy concepts for discussion. The presentation additionally looked at issues surrounding the two appeals in regard to roller shutters at No. 159A Scarborough Beach Road, Mount Hawthorn and No. 481 Beaufort Street, Highgate.

The discussion focused on the following:

- The history of the Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, inclusive of the Notice of Motion, letters sent out to the Insurance Council of Western Australia, insurance companies and precinct groups, and interim report to Council.
- Town Planning Appeal Tribunal Appeals for No. 159A Scarborough Beach Road, Mount Hawthorn and No. 481 Beaufort Street, Highgate.
- Research into available products of security screens, inclusive of; visually permeable roller shutters, trellis security grilles and security glazing.
- Media coverage during February 2004 surrounding the property at No. 159A Scarborough Beach Road, Mount Hawthorn and the outcomes. This highlighted media propaganda, and noted that many of the security concerns can be addressed through appropriate urban design principles and place development strategies.
- Crime prevention through Environmental Design (CPTED) principles for commercial properties.
- The current Policy and current application.
- Draft Policy concepts.

Additionally, the discussion highlighted the need to significantly amend the Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, and as such amended Policy relating to Shopfronts and Front Facades to Non-Residential Buildings has been proposed.

Ordinary Meeting of Council 8 March 2005

The Council at its Ordinary Meeting resolved the following:

- “(i) *RECEIVES the Information Report relating to Notice of Motions: Cash in Lieu Policy Review and Review of Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings; and*
- (ii) *NOTES that further reports relating to Notice of Motions: Cash in Lieu Policy Review and Review of Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings are anticipated to be submitted for consideration at the Ordinary Meeting of Council to be held on 22 March 2005.*”

The report noted “. . . the Town’s Officer’s have researched information relating to ‘shop fronts’ . . .”; this research looked into various types of available products for shopfront security. The research highlighted that there are many products available, such as toughened glazing, security trellises, security mesh and the like. Additionally such product as security laminates, which add an extra coated layer of specialised material to reduce the risk of penetration allowing for additionally security to glazing. Whilst these products are not brand identified within the draft amended Policy, the Policy advocates the installation of security glass and security alarms as a deterrent to criminal activity.

DETAILS:

The draft amended Policy relating to Shopfronts and Front Facades to Non-Residential Buildings , will allow for the assessment and consideration of development applications that propose additions, alterations, installation of security grilles, bars and shutters, to existing shopfronts within the Town.

The amending of the Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, is required to allow for clarity for both applicants and the Town’s officers.

As a result of the Elected Members Forum held on 14 December 2004, discussion focused on the concerns raised by the above Notice of Motion, and as such the draft amended Policy will achieve the intention of creating certainty of development and standards for both applicants and the Town.

Draft Amended Policy

The draft amended Policy requires shopfronts and front facades to non-residential buildings to provide for security without spoiling the character or appearance of a building, and to ensure that frontages contribute to pedestrian movement, safety and interaction. Whilst allowing more functional provisions within the performance criteria to allow those properties that have serious security concerns to have design flexibility.

The draft amended Policy clearly states that solid external and internal roller shutters, doors and grilles are not permitted, to ensure that that there is a continuity of front display windows on street level. Additionally, the draft amended Policy has a provision clearly requiring an application be submitted for Planning Approval for all additions, alterations, installation of security grilles and shutters, to existing shopfronts and front facades to non-residential buildings.

To achieve a high standard of streetscape amenity, the draft amended Policy through its objectives and policy statements clarifies the intent and wishes of the Town to create high quality shopfront and front facades to non-residential buildings design.

LEGAL/POLICY:

The Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure: 1.3
"Develop, implement and promote sustainable urban design."

FINANCIAL/ BUDGET IMPLICATIONS:

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council approves and advertises the draft amended Policy, and acknowledges that the Notice of Motion resolved at the Ordinary Meeting of Council on 7 October 2003 relating to Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings has been addressed and can now be finalised.

Cr Lake had declared a financial interest in this Item. Council resolved at Item 8.3 that Cr Lake be permitted to remain in the Chamber and participate in the debate and vote on Item 10.1.22.

**10.1.22 Progress Report No.7 - Municipal Heritage Inventory Review -
Timeframe for Release of Draft, and Study of Heritage Listing and
Property Values**

Ward:	Both Wards	Date:	20 April 2005
Precinct:	All Precincts	File Ref:	PLA0098; PLA0117
Attachments:	-		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the Progress Report No.7 pertaining to the Municipal Heritage Inventory Review - Timeframe for Release of Draft, and Study of Heritage Listing and Property Values; and*
- (ii) *NOTES that a revised timeframe for the Municipal Heritage Inventory Review is listed for discussion at an Elected Members Forum at a date to be determined by the Mayor.*

COUNCIL DECISION ITEM 10.1.22

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

An update on the receipt of information relating to the Study of Heritage Listing and Property Values, and the Municipal Heritage Inventory Review Draft release timeline.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004, the Council resolved the following:

"That the Council:

- (i) *RECEIVES the Progress Report No. 6 - Municipal Heritage Inventory Review, "Publicity and Consultation Strategy - Pre-Release Phase 1"; and*
- (ii) *APPROVES to proceed with the Pre-Release Phase 1 in January 2005.*

- (iii) *AUTHORISES the Chief Executive Officer to review the timeline for the release of the Draft Municipal Heritage Inventory for public consultation and comment (Phase 2 of the Publicity and Consultation Strategy), upon receipt of the outcome of the "Study of Heritage Listing and Property Values" currently being undertaken by the Australian Property Institute, and to submit a report for the Council's consideration at the earliest opportunity and in any case no later than April 2005."*

In addition, the Council also received a Progress Report at the Ordinary Meeting of Council held on 10 February 2005 relating to the Study of Heritage Listing and Property Values in Western Australia. This Progress Report advised that the Study was not expected to be completed before June 2005.

DETAILS:

- Municipal Heritage Inventory Review - The Pre-Release Phase 1 as resolved by Council is underway and is progressing well.
- Study of Heritage Listing and Property Values - The Town's Officers have requested a written update from the Project Manager in addition to the previous two monthly progress reports which were requested by the Steering Group for this project, but it is unlikely that any results will be available before June 2005.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area 1.2 *"Recognise the value of heritage in providing a sense of place and identity."*

FINANCIAL IMPLICATIONS:

The 2004-2005 Budget allocation of \$32,400 for the Municipal Heritage Inventory Review and \$30,000 for the Study of Heritage Listing and Property Values remain and are considered sufficient to complete these projects.

COMMENTS:

Progress on the Pre-Release Phase 1 is being made with the finalisation of the website, research for news articles, and the Building Design and Conservation Awards all being completed or near completion.

The Study of Heritage Listing and Property Values is significantly behind the original schedule for completion as a result of the complex methodology and reliance on volunteer contribution of data from private business. In addition, no other comparable study has been undertaken in Western Australia and subsequently some difficulties have been experienced by the project managers/consultants.

Given the need to complete the Municipal Heritage Inventory review project and the anticipated timeframe for the completion of the Study of Heritage Listing and Property Values, it is recommended that the matter be listed for discussion at an Elected Members Forum.

10.1.24 Introduction of Parking Restrictions in the Fitzgerald Street Car Park

Ward:	South	Date:	19 April 2005
Precinct:	Hyde Park; P12	File Ref:	PKG0065
Attachments:	001;		
Reporting Officer(s):	A Munyard, J MacLean		
Checked/Endorsed by:	R Lotznicher, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of parking restrictions in the Fitzgerald Street Car Park;*
- (ii) *APPROVES the introduction of a three (3) hour parking restriction in the Fitzgerald Street Car Park, to be in force between 8am and 12noon Monday to Friday, as shown on attached Plan No. 2345-PP-1;*
- (iii) *ADVISES the surrounding businesses and associations of the Council's decision; and*
- (iv) *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 10.1.24

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF THE REPORT:

The purpose of this report is to seek the Council's approval to apply parking restrictions in the Council owned Fitzgerald Street Car Park located to the south of Lawley Street and west of Fitzgerald Street, Perth.

BACKGROUND:

At present, the Fitzgerald Street Car Park is used to approximately 60% of capacity each week day morning as commuters (mainly) and some other users park their vehicles and either walk to their local workplaces or possibly catch public transport into the City. Consequently there is a shortage of parking available for patrons and clients of the adjacent businesses and associations. A request has been received for a time restriction to be implemented in the Car Park, which would discourage City commuters from using the facility, while still providing a serviceable amenity for the local community.

DETAILS:

The sections of the Town peripheral to the City of Perth, such as the Hyde Park Precinct, have for some time been targeted by commuters, as a convenient place to park their vehicles and either walk to work, cycle or catch public transport. This practice is detrimental to the parking amenity in these targeted areas, which is provided by the Town of Vincent for the benefit of local residents and businesses.

The recent introduction of parking restrictions in some of the adjoining streets has resulted in a dramatic increase in all day parking in the Fitzgerald Street Car Park, and this has caused some parking problems for patrons and customers of businesses and services in the immediate vicinity.

Proposal

The requested restriction is for a three hour (3P) restriction to be implemented in the Fitzgerald Street Car Park, on weekday mornings only between 8.00am and 12noon Monday to Friday, on the basis that this will serve as a deterrent to commuter parking, while minimizing the impact on those intended beneficiaries of the parking facility.

When the parking time restrictions were introduced in the vicinity of Fitzgerald Street Car Park, the Town actively promoted the use of the Fitzgerald Street Car Park as an ideal facility for free all-day parking. This was promoted, primarily because past proposals to introduce time restrictions in the Fitzgerald Street Car Park did not receive support from the Council, businesses and associations in the vicinity.

Since then the incidence of commuter parking in the Fitzgerald Street Car Park has increased significantly and this appears to have created a change in sentiments by some of the adjoining businesses.

Consultation

In accordance with the Town's Policy, affected residents and business proprietors were consulted and allowed 14 days in which to provide comments on the proposed three (3) hour parking restrictions in Fitzgerald Street Car Park. Six letters were delivered, and three responses were returned, all supporting the restrictions. One response, from the Italo-Australian Welfare and Cultural Centre, while supporting the restriction in principle, expressed concerns that attendees to the Centre would be disadvantaged if they were unable to make use of the car park for periods of several hours. They advised the Centre provides valuable support to elderly members of the Italian community.

The Town's Officers consider the time restriction as proposed, will not be an impediment to those wishing to use the Car Park who arrive at nine AM or later and is in line with the requests received.

Comments by Manager Ranger Services and Community Safety

There is a concern that, if a 3P restriction from 8.00am to noon is introduced and there is an expectation of enforcement, Rangers would need to be in the car park, chalking tyres between 8.00am and 8.35am, to allow adequate time for infringement notices to be issued. As a result, either clearway commitments will be compromised, or the car park will not be policed. With a three hour parking time restriction in place, anyone arriving after 8.35am could therefore remain in the car park all day and this will disadvantage local businesses where staff arrive before 8.35am.

The Town has standardised car park restrictions operating between 8.00am and 8.00pm Monday to Sunday and it may be appropriate for the Council to consider these times, rather than 8.00am to 12 noon Monday to Friday.

CONSULTATION/ADVERTISING:

Respondents and affected residents and business proprietors will be advised of the Council decision.

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 would be approximately \$750.

COMMENTS:

It is incumbent on the Town to implement measures to ensure that its facilities provide the benefits for which they are intended. The Fitzgerald Street Car Park is a valuable amenity to the surrounding businesses and associations which has progressively been eroded by its use by commuters parking and travelling into the city centre. It is therefore recommended that the Council approve the introduction of the restriction.

10.2.1 Proposed Drainage Improvements - Intersection Green Street And Dunedin Street - Mount Hawthorn

Ward:	North	Date:	19 April 2005
Precinct:	Mt Hawthorn P1	File Ref:	TES0015
Attachments:	001:		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Proposed Drainage Improvements at the Intersection of Green Street and Dunedin Street - Mount Hawthorn, as shown on attached plan M07304-02;*
- (ii) *NOTES that the Town's share of the estimated cost of the project is \$127,053 and that funds totalling \$52,000 have been allocated for the project in the 2004/2005 budget for the Green Street Drainage Improvement project;*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY the reallocation of funds totalling \$66,000 from the 2004/2005 Drainage budget, as outlined in the report,*
- (iv) *NOTES that the other funds, \$9,053, will be sourced from the 2004/2005 Miscellaneous Drainage Works budget;*
- (v) *AUTHORISES the Chief Executive Officer to call tenders for the works; and*
- (vi) *ADVISES the City of Stirling of its decision.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Franchina

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of ongoing deliberations between the Town's officers and City of Stirling officers regarding flooding at the intersection of Green and Dunedin Streets and to recommend a way forward to address the matter.

BACKGROUND:

Since 1996, the Town has been progressively carrying out drainage improvements at all its known problem spots by installing additional drainage pits and gully soakwells, as part of the annual road resurfacing program, and drainage upgrades. On 29 March 2003, Perth experienced severe rainfall, resulting in flooding in many areas around the metropolitan area.

On 16 April 2003, the City of Stirling wrote to the Town advising that it had received reports of flooding at the intersection of Green and Dunedin Streets, Joondanna (Stirling side).

The reports were made by the owners of No 24 Green Street advising that they suffered substantial property flooding on 29 March and 10 April 2003. The residents further advised the City that flooding at this intersection was an annual event and as such the City advised the Town that it considered a detailed drainage analysis should be undertaken to try and address the problem.

DETAILS:

The pipe drainage system responsible for draining the intersection belongs to, and is located in, the Town. The majority of the catchment (approximately 4.5ha) is located within the Town with only approximately 0.45ha located within the City of Stirling. Therefore, at times of heavy rainfall, stormwater from the Town's catchment flows towards the intersection of Green and Dunedin Streets, accumulates at the low point (at the intersection on the Vincent side), builds up and subsequently flows over the crown of the road and floods the property (No 24 Green Street located below the road) on the City of Stirling side.

The existing piped drainage system from the low point at Green / Dunedin Streets runs along Dunedin Street (parallel to the Water Corporation Claisebrook Pressure Main) and connects to the main drainage piped system about 70m south of Woodstock Street (just prior to the underground storage tanks located in the Dunedin Street low point). From this point, the Main Drain comprises a gravity piped system which discharges into the Smith's Lake compensating basin.

Options Investigated

Several options were investigated to address the flooding problems at the Green/Dunedin Intersection including:

- Upgrading the existing drainage system along Dunedin Street from Green Street to connect with the existing Town drainage system at Ellesmere Street and allowing for surcharge onto Dunedin Street.
- Upgrading the existing drainage system along Dunedin Street from Green Street to the start of the Main Drain gravity system (total length approximately 650m).
- Provision of underground retention in the road reserve in Dunedin Street south of Green Street.
- Provision of underground retention / soakage in existing carpark (Dunedin Street carpark).

The option preferred by Vincent and Stirling officers is the provision of underground retention / soakage in the Dunedin Street car park (refer attached plan M07304-02). This option has the following advantages:

- Minimal disruption to Dunedin Street traffic during construction.
- Alleviate flooding along Dunedin Street by retaining the stormwater 'upstream' longer during the duration of a storm.
- Recharging of a substantial volume of stormwater into the groundwater table
- Flood alleviation at the intersection of Green and Dunedin Streets during times of heavy rainfall.

The other options examined, and discounted, had various disadvantages such as transferring future flooding problems further south into Vincent, cost (the existing drainage system is approximately 4.0m deep for a considerable length), existing underground services, major disruption to residents

Proposal

The proposal (preferred option) as outlined above is designed to cater for a 1 in 20 return storm and is estimated to cost \$200,188 (excl GST).

The existing drainage system in the area is designed to cater for at best a 1 in 5 year return storm. The Town's officers considered that a 1 in 10 year design for the new proposal would suffice, however, the City of Stirling Officers insisted that the design should cater for a 1 in 20 return storm. To this end, at a meeting held on 12 April 2005, it was agreed that the following funding split would apply

- Town of Vincent to contribute towards a 1 in 10 storm event.
- City of Stirling to contribute towards a 1 in 20 storm event.

Proposed Funding Split

As mentioned above, the majority of the catchment (approximately 4.5ha) is located within the Town with only approximately 0.45ha located within the City of Stirling. Agreement was reached on apportioning the costs for the drainage project as follows:

- City of Stirling to pay 100% of the cost for three (3) soakwells, road crossing and traffic control at Green Street.
- From that point it was agreed City of Stirling would pay for a percentage equivalent to the proportion of water originating from their side carried by each subsequent pipe leg.
- With regard to the compensating basin, City of Stirling to pay only for the percentage equivalent to their portion of the total catchment area.

The agreed funding split, based on a total estimated cost of the project of \$200,188, is as follows:

Note: This is based on the current estimate. This would need to be amended, on the same funding split basis, should the cost change through the tender process.

• Town of Vincent	\$127,053
• City of Stirling	<u>\$73,135</u>
• Total	\$200,188

Project Implementation

Should the Council approve the proposal (reallocation of funds, etc) both parties will be required to sign off on the design and tender documentation. Public tenders will be called by the Town and a recommendation made to the Council.

Once a tenderer has been selected and price agreed, a preliminary invoice for the City of Stirling's contribution will be sent. Payment will be required prior to the works commencing, however, this amount may need to be adjusted should a contingency, etc be allowed for.

In addition, the Council has allocated \$18,000 in the 2004/2005 budget for resurfacing of the Dunedin Street car park. These works will be placed on hold pending the completion of the works.

CONSULTATION/ADVERTISING:

Adjoining businesses and residents will be advised when the works are to commence.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "g) *Work with stakeholders to develop strategies for improved drainage, stormwater conveyance and improved water quality.*"

FINANCIAL/BUDGET IMPLICATIONS:

~~Total funds required (Town of Vincent contribution) for the project are \$127,053.~~

~~Funds totalling \$52,000 have been allocated in the 2004/2005 drainage budget for the Green Street drainage Improvement works.~~

~~The Pier Street drainage project (pipe replacement) which has funds of \$30,000 allocated in the 2004/2005 budget has been placed on hold.~~

~~The remaining funds of \$45,053 may be sourced as follows:~~

- ~~• \$36,000 from contribution to EPRA works allocated in the 2004/2005 budget (on hold).~~
- ~~• \$9,053 from the miscellaneous drainage works 2004/2005 budget.~~

Total funds required for the Town of Vincent contribution are \$127,053. Funds totalling \$52,000 have already been allocated in the 2004/2005 drainage budget for the Green Street Drainage Improvement project leaving a shortfall of \$75,053.

It is recommended that the shortfall in funding be made up from drainage funds allocated in the 2004/2005 budget as follows:

- \$30,000 from the Pier Street drainage project (on hold).
- \$36,000 from Contribution to EPRA Drainage Works (on hold)
- \$9,053 from the miscellaneous drainage works 2004/2005 budget.

It is therefore recommended that the Council reallocates funds totalling \$66,000 from the 2004/2005 Drainage budget (i.e. \$30,000 plus \$36,000) and that the other funds required (\$9,053) be sourced from the 2004/2005 Miscellaneous Drainage Works budget;

COMMENTS:

This matter has been ongoing since 2003. The Green Street and Dunedin Street intersection has experienced severe flooding on several occasions since then, resulting in extensive property flooding on the north side of Green Street. Officers from the Town and the City of Stirling, after much discussion, agreed on a shared funding arrangement that is considered to be fair and equitable.

During times of excessive rainfall the recommended proposal will have positive benefits for the Town's residents located further south along Dunedin Street and beyond, property owners at the Green / Dunedin Street intersection, road users and storm water will be recharged into the ground water.

It is therefore recommended that the proposal, as presented, be approved by the Council and that the City of Stirling be advised of the Council's decision

10.2.3 Further Report Proposed Embayed Angle Parking - Eastern End of Mary Street, Highgate

Ward:	South	Date:	20 April 2005
Precinct:	Mt Lawley Centre P11	File Ref:	PKG0002
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed Embayed Angle parking - Eastern end of Mary Street, Highgate;*
- (ii) *APPROVES the implementation of the proposal estimated to cost \$30,000 as outlined on attached plan A (as amended); and*
- (iii) *ADVISES the respondents of its decision.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

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

“(iv) NOTES that the cash-in-lieu provided will be \$16,900 and the transfer from the Stirling Street upgrade will be \$13,100.”

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the further report on the proposed Embayed Angle parking - Eastern end of Mary Street, Highgate;*
- (ii) *APPROVES the implementation of the proposal estimated to cost \$30,000 as outlined on attached plan A (as amended);*
- (iii) *ADVISES the respondents of its decision; and*

-
- (iv) *NOTES that the cash-in-lieu provided will be \$16,900 and the transfer from the Stirling Street upgrade will be \$13,100.*
-

PURPOSE OF REPORT:

To advise Council of the results of the recent community consultation and make recommendation that the parking proposal be implemented.

BACKGROUND:

A report on the proposal to provide additional 'angled' on road parking at the eastern end of Beaufort Street was presented to the Ordinary Meeting of Council held on 22 February 2005 where the following decision was adopted.

"That the Council;

- (i) *RECEIVES the report on the proposed Embayed Angle parking - Eastern end of Mary Street, Highgate;*
- (ii) *APPROVES IN PRINCIPLE, the proposal estimated to cost \$30,000 as outlined on attached plan A;*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$30,000 (being \$21,000 from the Stirling Street Angle Parking project to the Mary Street proposal and \$9,000 from Cash-in-Lieu);"*
- (iv) *CONSULTS with adjoining property owners giving them 21 days to provide comments regarding the proposal; and*
- (v) *RECEIVES a further report should any adverse comments be received at the conclusion of the consultation period."*

DETAILS:

The Council was previously advised that there is a need for increased parking in the ever expanding and popular Beaufort strip and to this end the eastern end of Mary Street was identified as a possible location for the installation of embayed angle parking.

In accordance with clause (iv) of the Council's decision, on 1 March 2005 letters were distributed to the affected properties in the vicinity of the proposed angle parking. At the close of the consultation two responses were received with one fully *in favour* of the proposal and one respondent *in favour* of the increased parking, however, not in favour of the proposal as presented. The respondent indicated that the proposal as presented will not provide extra shade, there is no seating indicated and no acknowledgement of the winter sun has been taken into account.

Officer Comments

Trees have been added to the proposal (refer plan A as amended). The respondent suggested the angle parking should also be installed on the north side of Mary Street to enable seating to be provided on the south side of the street. This is beyond the scope of the current proposal. Additional funds would be required for this and the northern verge is currently landscaped to a high standard. A seat may be accommodated on the south side, however, funds for this are not currently available.

CONSULTATION/ADVERTISING:

Affected residents and businesses will be advised of the Council's decision.

LEGAL/POLICY

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(i) Develop a strategy for parking management in business, residential and mixed use precincts.”*

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to Council, the estimated cost of the proposal as outlined on plan A is as follows:

• Removal	\$4,000
• Road works	\$6,500
• Kerb	\$2,300
• Drainage	\$7,500
• Paving/brickpaving	\$2,500
• Services	\$4,500
• Landscaping	\$1,200
• Traffic Control / Supervision	\$1,500

Total: \$30,000

The Council has previously approved by an absolute majority to reallocate \$30,000 (being \$21,000 from the Stirling Street Angle Parking Project to the Mary Street proposal and \$9,000 from Cash-in-Lieu) for the project

COMMENTS:

The proposal will increase the number of on road parking bays in the vicinity of the Beaufort café strip and improve the streetscape in this vicinity. Some of the comments received during the community consultation have been incorporated in the proposal and it is requested that the Council approve the implementation of the proposal as recommended.

The Chief Executive Officer advised that Mayor Catania had declared a financial interest in this Item. Mayor Catania departed the Chamber at 8.30pm and did not speak or vote on the matter.

Deputy Mayor – Cr Ian Ker assumed the Chair.

10.3.1 Investment Report as at 31 March 2005

Ward:	Both	Date:	4 April 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 March 2005 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Franchina, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 April 2005, the Council resolved:

"That the Item be DEFERRED, due to a lack of a quorum which would be created if Mayor Catania departed the Chamber, as required by his declaration of proximity interest in the Item."

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

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

DETAILS:

Total Investments for the period ended 31 March 2005 were \$10,300,776 compared with \$10,300,776 at 28 February 2005 At 31 March 2004, \$9,951,125 was invested.

Total accrued interest earned on Investments as at 31 March 2005:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	253,669	84.56
Reserve	297,300	237,833	80.00

COMMENT:

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

10.4.1 Delegations for the Period 1 January 2005 to 31 March 2005

Ward:	Both	Date:	19 April 2005
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland		
Checked/Endorsed by:	R Boardman; John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 January 2005 to 31 March 2005 as shown in Appendix 10.4.1; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices to the value of \$30,057.00 as detailed below:*

<i>Description</i>	<i>Amount \$</i>
<i>Ranger/Clerical Error</i>	<i>\$1,660.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$6,110.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$1,925.00</i>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$770.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$1,695.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$4,410.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$630.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$435.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$12,405.00</i>
<i>Penalties Modified</i>	<i>\$1,695.00</i>
<i>Litter Act</i>	<i>\$950.00</i>
<i>Dog Act</i>	<i>\$300.00</i>
<i>Pound Fees Modified</i>	<i>\$72.00</i>
TOTAL	\$30,057.00

The majority of reasons are that the resident or a resident's visitor failed to display the required residential parking permit – proof was provided.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Franchina, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Torre on approved leave of absence. Mayor Catania was absent from the Chamber and did not vote.)

The Presiding Member advised that the next item for consideration was Item 10.4.4. As Cr Franchina had declared an interest in this Item and Item 10.4.7, it was agreed to hold over Item 10.4.4 until consideration of Item 10.4.7.

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the delegations for the period 1 January to 31 March 2005 and obtain the Council's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer and Executive Managers exercise the delegated authority in accordance with the Council's policies.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.1. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to Council for a decision to write-off the value of the infringement notice. In these cases it is the opinion of the Manager Ranger Services and Community Safety that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice. The details of the infringement notices are as follows:

Description	Amount \$
Ranger/Clerical Error	\$1,660.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$6,110.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,925.00
Breakdown/Stolen (Proof Produced)	\$770.00
Details Unknown/Vehicle Mismatched	\$1,695.00
Interstate or Overseas Driver	\$4,410.00
Signage Incorrect or Insufficient	\$630.00

Description	Amount \$
Equipment Faulty (Confirmed by Technicians)	\$435.00
Failure to Display Resident or Visitor Permit	\$12,405.00
Penalties Modified	\$1,695.00
Litter Act	\$950.00
Dog Act	\$300.00
Pound Fees Modified	\$72.00
TOTAL	\$30,057.00

The majority of reasons are that the resident or a resident's visitor failed to display the required residential parking permit – proof was provided.

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

10.4.5 Information Bulletin

Ward:	-	Date:	20 April 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 26 April 2005 as distributed with the Agenda, be received.

Moved Cr Cohen, Seconded Cr Lake

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

“ (ii) in relation to Information Bulletin ITEM IB05, the Council ACKNOWLEDGES and THANKS the Minister for Planning and Infrastructure for her response dated 5 April 2005, and further WRITES to the Minister for Planning and Infrastructure seeking a more detailed informative response to the issue of cost associated in defending "Reviews" lodged with the State Administrative Tribunal.”

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.4.5

"That;

- (i) the Information Bulletin dated 26 April 2005 as distributed with the Agenda, be received; and*
- (ii) in relation to Information Bulletin ITEM IB05, the Council ACKNOWLEDGES and THANKS the Minister for Planning and Infrastructure for her response dated 5 April 2005, and further WRITES to the Minister for Planning and Infrastructure seeking a more detailed informative response to the issue of cost associated in defending "Reviews" lodged with the State Administrative Tribunal."*

DETAILS:

The items included in the Information Bulletin dated 26 April 2005 are as follows:

ITEM	DESCRIPTION
IB01	Rangers' Statistics for January, February and March 2005
IB02	Letter from Minister for Housing and Works; Heritage; Assisting in Planning and Infrastructure - Antisocial Behaviour of Park Dwellers in Birdwood Square

ITEM	DESCRIPTION
IB03	Letter from East Perth Redevelopment Authority - East Perth Power Station Draft Masterplan
IB04	Letter from Heritage Council of Western Australia - Robertson Park and Archaeological Sites - Removal of Lot 88
IB05	Letter from Office of the Minister for Planning and Infrastructure - Costs associated with defending Appeals before the State Administrative Tribunal
IB06	Letter from State Administrative Tribunal - Matter No.RD 229 of 2004 - Nos. 405-407 (Lots 301 and 300) William Street, Perth
IB07	Letter to State Administrative Tribunal - Matter No.CC 225 of 2005 - Response Statement - Nos. 434-446 (Lot 4 on Deposited Plan 42026) Lord Street, Mount Lawley
IB08	Letter to State Administrative Tribunal - Matter No.RD 380 of 2005 - Response Statement - No. 15 (Lot 11, Strata Lot 4) Hutt Street (Corner Grosvenor Road), Mount Lawley
IB09	Letter to Dr Margaret Stevens, Executive Director, Public Health, Health Department of Western Australia - Town of Vincent Comment on a New Approach to Public Building Management for Western Australia
IB10	Minister for Local Government and Regional Development – Circular No 03-2005 – Elected Members Voting to Give Themselves a Financial Benefit

Mayor Catania returned to the Chamber at 8.32pm and assumed the Chair.

10.4.6 Amendment No. 23 to Planning and Building Policies - Draft Policy relating to Variations to Planning Approval and Building Licence Plans and Associated Delegation of Authority

Ward:	Both Wards	Date:	21 April 2005
Precinct:	All Precincts	File Ref:	PLA0156
Attachments:	001		
Reporting Officer(s):	D Abel		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the draft Policy relating to Variations to Planning Approval and Building Licence Plans;*
- (ii) *ADOPTS the draft Policy relating to Variations to Planning Approval and Building Licence Plans, to be applied in the interim during the advertising period and up to formal adoption of the draft Policy;*
- (iii) *ADVERTISES the draft Policy relating to Variations to Planning Approval and Building Licence Plans for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft Policy relating to Variations to Planning Approval and Building Licence Plans, having regard to any written submissions; and*
 - (b) *determines the draft Policy relating to Variations to Planning Approval and Building Licence Plans, with or without amendment, to or not to proceed with them; and*
- (v) *pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:*

<i>No.</i>	<i>Area</i>	<i>Description of Council Function Delegated to the Chief Executive Officer from Council</i>	<i>Assignee(s)</i>	<i>Conditions</i>
107	Planning, Building and Heritage Services	Authority to exercise discretion and to approve variations to Planning Approval Plans and Building Licence Plans.	EMEDS MPBHS	(i) <i>The variations to the Planning Approval Plans and Building Licence Plans comply with the provisions of the Town of Vincent's Policy - Variations to Planning Approval and Building Licence Plans.</i> (ii) <i>Report to the Council on a quarterly basis.</i>

COUNCIL DECISION ITEM 10.4.6

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Franchina, Seconded Cr Farrell

That the Item be DEFERRED to allow for rewording and definitions/clarifications of significant variations compared to minor variations.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present a draft Policy and associated delegation of authority that addresses variations to Planning Approval and Building Licence Plans.

BACKGROUND:

This draft Policy was developed mainly as a result of the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development at No. 516 Fitzgerald Street, North Perth. The draft Policy is ~~being finalised and will be provided to Elected Members and the public prior to this Ordinary Meeting of Council.~~ *Included as an attachment to this report.*

The Town of Vincent - Report of the Independent Organisational Review, dated April 2003, states the following relevant recommendations:

'Recommendation 6

Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council's consideration.

Recommendation 41

(As per Recommendation 6 Council delegates approval of specified development applications to the Manager Planning and Building Services.)

Recommendation 42

Within 24 hours of initial assessment of an application for a Development application or Building license, applicants be advised electronically in notation form of any issues of non-compliance or otherwise and approximate approval time if in compliance.

Recommendation 43

Where non-compliance is noted, the applicant be invited to attend a meeting with the application Officer to discuss options. Where compliance options are identified, the Officer initiates a facilitative process including persons that may be immediately impacted on by the development or matter under consideration....

Recommendation 47

The Manager Town Planning and Building Services initiates a review of processing building license applications to reduce the processing time to 2000/2001 levels....'

DETAILS:

The objective of the draft Policy relating to Variations to Planning Approval and Building Licence Plans is to define the criteria and procedures for considering and determining variations to Planning Approval and Building Licence plans. The draft Policy and associated delegation of authority will provide consistency in dealing with such matters, while aiming to minimise undue delay in processing, assessing and determining Planning and Building Licence applications.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

'1.3 Develop, implement and promote sustainable urban design.'

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

FINANCIAL/ BUDGET IMPLICATIONS:

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Chief Executive Officer is currently reviewing the procedure relating to variations to planning approval and building licence plans which will also address the Draft Policy, the subject of this report. This will include both the Building Surveyors and Manager Planning, Building and Heritage Services or Principal Planning Officer (Statutory) endorsement on the Building Licence for development which also requires a planning approval.

In light of the above, it is recommended that Council receives and adopts the draft new Policy relating to Variations to Planning Approval and Building Licence Plans to be applied in the interim, and advertises the draft Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

It is further recommended that Council approves the delegation of authority to approve variations to the Planning Approval plans and Building Licence plans, provided the variations comply with the provisions of the subject draft Policy.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 8.40pm and did not speak or vote.

10.4.8 LATE ITEM – Proposed Stage 2 Redevelopment – Members Equity Stadium, 310 Pier Street, Perth – Progress Report No 5, Approval of Preliminary Agreement and Creation of a Special Reserve Fund

Ward:	South	Date:	22 April 2005
Precinct:	Beaufort, P13	File Ref:	RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No 5 as at 22 April 2005 relating to the Proposed Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth;*
- (ii) *APPROVES of the creation of a new Reserve Fund known as “Perth Oval – Stage 2 Redevelopment”, pursuant to Section 6.11 of Division 4 of Part 6 of the Local Government Act 1995 as required by clause 5.2 of the Preliminary Agreement and prescribes the purpose of the Reserve Fund to be:*

“works associated with the maintenance, repairs, alterations, upgrade and replacement of Perth Oval – Stage 2 buildings, major plant and equipment, fixtures, fittings and associated land.”;
- (iii) *APPROVES the Preliminary Agreement between the State Government of Western Australia and the Town as detailed in this report;*
- (iv) *AUTHORISES the Mayor and Chief Executive Officer to sign the Preliminary Agreement and affix the Council’s Common Seal;*
- (v) *AUTHORISES the Chief Executive Officer to chair the Project Control Group as prescribed in the Preliminary Agreement and to select the most appropriate officer to also be on the Project Control Group to consider tenders for the appointment of the architect and other consultants for the redevelopment project; and*
- (vi) *NOTES that the;*
 - (a) *tender for Architectural Services has now been advertised; and*
 - (b) *Town will receive \$500,000 from the State Government within seven (7) days of the Preliminary Agreement being signed for the purpose of calling tenders for the appointment of the project architect, consultants and obtaining of necessary advice.*

COUNCIL DECISION ITEM 10.4.8

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be considered “behind closed doors” as information received after the report was finalised is considered confidential.

CARRIED (6-1)

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

(Cr Torre on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be held over and debated “behind closed doors” at the conclusion of the remaining items.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

(Refer to page 174)

Cr Lake had declared a financial interest in this Item. Council resolved at Item 8.3 that Cr Lake be permitted to remain in the Chamber and participate in the debate and vote on Item 11.1.

Journalist – Dan Hatch left the meeting at 8.40pm.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Councillor Simon Chester – Heritage Grants

That the Council;

- (i) *DEVELOPS a Heritage Grants Program prior to the consultative phase of the Towns Municipal Heritage Review that defines:*
- (a) *Eligible projects or Applicants;*
 - (b) *Ineligible Projects or Applicants;*
 - (c) *Selection Criteria;*
 - (d) *Conditions of Grant funding;*
 - (e) *Grant amounts and Payment Details;*
 - (f) *Information Required in applications;*
 - (g) *The Application Process; and*
 - (h) *Application forms; and*
- (ii) *NOTES that an amount of \$30,000 has been listed for consideration in the 2005/2006 Budget to be allocated to eligible projects in Town of Vincent Heritage Grants Program.*

Cr Franchina returned to the Chamber at 8.41pm.

COUNCIL DECISION ITEM 11.1

Moved Cr Chester, Seconded Cr Ker

That the motion be adopted.

Debate ensued.

CARRIED (7-1)

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

(Cr Torre on approved leave of absence.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Economic Regulation Authority Consumer Consultative Committee; WA Land Information Service Council (WALIS) and Core Management Group

Ward:	-	Date:	21 April 2005
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

RECOMMENDATION:

That;

- (i) ----- *be nominated as WALGA Member - Economic Regulation Authority Consumer Consultative Committee; and*
- (ii) ----- *be nominated as WALGA Member - WA Land Information Service Council (WALIS) and Core Management Group.*

COUNCIL DECISION ITEM 12.1

Moved Cr Ker, Seconded Cr Farrell

That nil nominations be made.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

BACKGROUND:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB THURSDAY 12 MAY 2005.

Mayor Catania advised that Cr Franchina had declared a proximity interest in Items 10.4.4, 10.4.7 and 10.4.8. Cr Franchina departed the Chamber at 8.50pm and did not speak or vote on the Items.

Cr Cohen departed the Chamber at 8.50pm.
Journalist – Mark Fletcher left the meeting at 8.50pm.

10.4.4 Members Equity Stadium – Declaration of a Significant Event by the State Government - Western Australia Rugby League National Game to be held on 7 May 2005

Ward:		Date:	20 April 2005
Precinct:		File Ref:	RES0072
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report concerning the State Government of Western Australia's declaration of Western Australian Rugby League National game at Members Equity Stadium on 7 May 2005 as a significant event in accordance with the Financial Assistance Agreement 2003; and*
- (ii) *NOTES that the Town and the Stadium Manager – Allia Venue Management Pty Ltd (Allia) will be required to comply with the conditions specified by the State Government.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

The Chief Executive Officer advised that there had been a minor correction to the report at the paragraph before "*Item 5.1*" under the heading "*Details*". These have been indicated in italic and underline.

Debate ensued.

Cr Cohen returned to the Chamber at 8.52pm.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of State Government's declaration of Western Australian Rugby League (WARL) National game at Members Equity Stadium on 7 May 2005 and the specified conditions as a significant event.

DETAILS:

In October 2004 the Western Australian Rugby League (WARL) negotiated with the Stadium Manager – Allia Venue Management Pty Ltd (Allia) to hold two National Rugby League games and an all day community event at Members Equity Stadium to be held in February 2005, 23 April 2005 (community event) and 7 May 2005.

In October 2004, Allia calculated the estimated event costs to be paid by WARL for the commercial games to be approximately \$48,000 each inclusive of a \$20,000 Licence Fee.

The actual event costs for 10 February 2005 game were \$47,997, however on 8 April 2005, Allia advised WARL that the estimated event costs for the proposed May game were to be \$70,600.

WARL objected to the significant costs (an increase of \$22,603 which is approximately 46% increase) and requested the Town and the State Government assist in resolving the matter.

The Town requested Allia, both verbally and in writing, to provide justification for the significant costs estimates. Allia responded that the major cost increases were:

- Increased security and event staff
- Increased cleaning costs
- Increased arena/turf set up costs

However, Allia did not provide *detailed* reasons *or a satisfactory explanation* for the significant increased costs and the Town called a Stadium Committee meeting on 14 April 2005. The Committee discussed the matter for over two hours and resolved as follows:

Item 5.1

1. *That the Stadium Committee considers in this instance, that Allia's performance in providing the event cost estimates to the Committee, Town and WARL for a game to be held on 7 May 2005, to be unsatisfactory.*
2. *That;*
 - (i) *in order for the Stadium Committee to adequately perform its function, the Stadium Manager provide the following information for the proposed WARL game to be held on 7 May 2005;*
 - (a) *a detailed cost breakdown of how each event cost was estimated, including hourly rates, number of employees required, materials and/or services required;*
 - (b) *a justification for the increase in cost estimates for the substantial rise, when compared to the similar games held in February 2005 and in October 2004 (cost estimates provided to WARL); and*
 - (c) *the amount of costs alleged to have been absorbed by the Stadium Manager for the WARL game held in February 2005; and*
 - (ii) *the information requested in (i) be provided to the Town's Chief Executive Officer by close of business Monday 18 April 2005.*

3. *The Committee requests the Stadium Manager to provide the following information;*
- (i) *what is the basis or rationale, legislation requirement or industry standard for calculating the number of event employees required for an event of 15,000;*
 - (ii) *using the criteria in (i) above, what is the actual number of security employees required for an event of 15,000 patrons;*
 - (iii) *using the criteria in (i) above, what is the number of ticket/gate employees required for an event of 15,000 patrons;*
 - (iv) *using the criteria in (i) above, what is the required hours for a plumber, electrician and maintenance employees;*
 - (v) *what is the second quote cost estimate for cleaning of the Stadium for an event of 15,000 patrons;*
 - (vi) *what is the actual cost breakdown for turf related expenses, in particular the arena changeover;*
 - (vii) *what would the cost estimates in Question 3. be for an event of; 5,000 patrons, 10,000 patrons.*
4. *That the Stadium Committee considers that the event cost estimates for the WARL game to be held on 7 May 2005 to be as follows;*

CORRECTED COSTS AS AT 18 APRIL 2005

Expenses	May Costs (Incl. GST)	Feb Costs (Inc. GST)	\$ Variation Feb/May	Committee Cost Estimates (INC gst)
Event Licence				
Rental:				
Hiring Fee (as agreed minimum)	22,000	22,000	0	22,000
Town of Vincent: Licence Application Processing	550	550	0	550
Staffing				
Staffing Related Expenses:				
Allia Event Staff Costs	3,410	1,980	1,430	2,080
Security Event Related Costs	8,470	5,060	3,410	6,037
Facilities Staff (& trade standby):				
• Plumber	385	330	55	270
• Electrician	385	385	0	270
• Maintenance	330	330	0	270
Venue Set Up Staff Costs	660	495	165	520
Ticket/Gate Staff Costs	8,910	6,600	2,310	6,930
Emergency				
Emergency Management Expenses:				
Police Costs	253	110	143	115
First Aid Provision (St John Ambulance)	1,300	910	390	955
St John's Expenses - F&B & Amenities	165	275	-110	165
Traffic Management	3,740	3,340	400	1,566

Expenses	May Costs (Incl. GST)	Feb Costs (Inc. GST)	\$ Variation Feb/May	Committee Cost Estimates (INC gst)
Production				
Production Expenses:				
Scoreboard Operations	0	0	0	
In House PA Operators (additional cost if required)	0	0	0	
Telephone Line Installation (as per requirements)	0	0	0	
Telephone Call Charges (metred usage)	0	0	0	
Pass Printing	137.50	0	137.50	50
Venue Costs				
General Venue Costs:				
Power Usage	1,072.50	1,067	5.50	1,120
Cleaning Costs (all inclusive)	14,025	3,025	11,000	8,250
Two Way Radio & Comms Equip. Hire	627	220	407	230
Turf				
Turf Related Expenses:				
Arena changeover (line markings, goals installation)	3,080	1,320	1,760	2,772
Arena Logos (additional cost if required)	0	0	0	0
Catering				
Function/Catering Related Expenses: As per Promoter Requirements	0	0	0	0
Ticketing				
Ticketmaster 7:				
Staff Charges	0	0	0	0
Credit Card Charges	0	0	0	0
Printing Charges	0	0	0	0
Zero Priced Tickets	0	0	0	0
Joint Ticketing				
TransPerth: Pre-Purchase Charges (11,000)	0	0	0	0
Damages				
General Stadium Damage - As per post event inspection	0	0	0	0
Capital				
Capital Reimbursement: Event Related Signage - Crowd Management/Directional	1,100	0	1,100*	0
Total Expenses (incl Venue Hire of \$20K)	70,600	47,997	22,603	54,150

*Town to pay these costs out of stadium reserve fund as approved by Committee – Allia to provide written quotations for each item.

Item 5.2

- The Stadium Committee delegates to the Town's Mayor and Chief Executive Officer, the authority to initiate the issue of a Licence Agreement, in accordance with the Heads of Agreement, Clause 6.3(i) and to approve such Licence Agreement, with appropriate conditions to be imposed, at the discretion of the Town's Mayor and Chief Executive Officer.*

Item 5.3

6. *That pursuant to the Heads of Agreement, Clause 5.4, the Committee requires on a monthly basis, at the discretion of the Town's Chief Executive Officer for Allia's CEO or his or her representative to attend before the Town's CEO to give performance reports to the CEO of the Town and to supply oral answers to any reasonable questions asked by the Town's CEO at the time.*

Item - Business Arising

Delegation for Approval of Licences

That the Committee delegates to the Town's Chief Executive Officer and Allia's Chief Executive Officer (or representative) to approve of the authority to approve applications for events at Members Equity Stadium in the following categories;

1. *functions/events within the Grandstand;*
2. *events using the Stadium, other than non-sporting Commercial events;*

Subject to;

- (a) *compliance with Key Performance Indicators and any conditions required by the Council; and*
- (b) *a report being submitted to each Stadium Committee meeting detailing the licences approved under delegated authority."*

The Committee's decisions were sent in writing to Allia on 14 April 2005.

Declaration of Significant Event

On 15 April 2005, the Minister for Sport and Recreation sent a letter to the Town declaring the WARL 7 May 2005 game as a significant event and stated the following:

"The State declares the Event, being a round 9 match of the National Rugby League, a "Significant Event" under Clause 5.11 of the Financial Assistance Agreement with the Town of Vincent dated 10 July 2003 (FAA).

In accordance with 5.11(b) of the FAA the Town and its stadium manager are to make the Stadium available for use. While the State is not a party to the Town's agreement with its stadium manager, the State understands that there is a requirement that if a "Significant Event" is declared that both the Town and its stadium manager must comply with the directions of the State in relation to the provision of services.

Accordingly, the State directs the Town and its stadium manager to deliver the Event under the following terms:

- *The State considers the WARL to be a community based organisation and not a commercial or private promoter;*
- *The State accepts the recommendation of the Stadium Management Committee meeting of 14 April 2005 in relation to the hire and event fees to be levied based on the expected size of the crowd and required level of service. The cost being \$54,150 incorporating a hire fee of \$22,000 (including GST), in this instance.*

- *All services required for the Event (particularly ticketing, security and catering services) are to be provided to the same level as the February WARL event.*
- *The State acknowledges that since the February 2005 event the stadium cleaning contract has been reviewed. However, any cost escalation to this particular service is to be offset through a reduced hire fee.*
- *Should there be a conflict with the Event organiser's (WARL) suppliers and those of the Town or its managing agent that is likely to prevent the Event from occurring, the State will direct that the suppliers of the Town or its managing agent will not apply during the Event."*

On the evening of 19 April 2005, WARL's President complained to the Town that Allia's performance with WARL was considered totally unacceptable and this was confirmed in writing on 20 April 2005. He advised that Allia had increased the Licence Fee and estimated event cleaning costs for the 23 April 2005 community event to \$8,500 and has prohibited WARL carrying out their own catering. In view of the significant increase, WARL have been forced to relocate the community event elsewhere.

At the time of writing this report, Allia has not responded to the Stadium Committee's request.

On 20 April 2005 the Town wrote to Allia seeking its assurances that it will comply with the State Government's declaration. At the time of writing this report, no response had been received.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Heads of Agreement prescribe the terms, conditions and responsibilities of all parties in relation to Members Equity Stadium.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is disappointing that the differences between Allia and WARL have resulted in an acrimonious relationship necessitating the intervention of the Town and State Government. However, the Town will continue to ensure that the Heads of Agreement requirements in relation to the declaration of a significant event will be complied with.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina had already left the Chamber and did not speak or vote.

10.4.8 LATE ITEM – Proposed Stage 2 Redevelopment – Members Equity Stadium, 310 Pier Street, Perth – Progress Report No 5, Approval of Preliminary Agreement and Creation of a Special Reserve Fund

Ward:	South	Date:	22 April 2005
Precinct:	Beaufort, P13	File Ref:	RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Progress Report No 5 as at 22 April 2005 relating to the Proposed Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth;
- (ii) **APPROVES** of the creation of a new Reserve Fund known as “Perth Oval – Stage 2 Redevelopment”, pursuant to Section 6.11 of Division 4 of Part 6 of the Local Government Act 1995 as required by clause 5.2 of the Preliminary Agreement and prescribes the purpose of the Reserve Fund to be:

“works associated with the maintenance, repairs, alterations, upgrade and replacement of Perth Oval – Stage 2 buildings, major plant and equipment, fixtures, fittings and associated land.”;
- (iii) **APPROVES** the Preliminary Agreement between the State Government of Western Australia and the Town as detailed in this report;
- (iv) **AUTHORISES** the Mayor and Chief Executive Officer to sign the Preliminary Agreement and affix the Council’s Common Seal;
- (v) **AUTHORISES** the Chief Executive Officer to chair the Project Control Group as prescribed in the Preliminary Agreement and to select the most appropriate officer to also be on the Project Control Group to consider tenders for the appointment of the architect and other consultants for the redevelopment project; and
- (vi) **NOTES** that the;
 - (a) tender for Architectural Services has now been advertised; and
 - (b) Town will receive \$500,000 from the State Government within seven (7) days of the Preliminary Agreement being signed for the purpose of calling tenders for the appointment of the project architect, consultants and obtaining of necessary advice.

(Also refer to page 164)

COUNCIL DECISION ITEM 10.4.8

At 8.55pm **Moved Cr Ker, Seconded Cr Chester**

That the meeting proceed "behind closed doors" to consider Items 10.4.8 and 10.4.7.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

The Mayor and Chief Executive Officer provided information to Elected Members.

MOTION CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

To update the Council on the progress of the redevelopment project, to seek Council's approval of the Preliminary Agreement and to create a Reserve Fund for the project.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 March 2005, the Council resolved as follows:

"That the Council;

- (i) RECEIVES the Progress Report No. 3 as at 16 March 2005 relating to the proposed Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth;*
- (ii) NOTES the draft Preliminary Agreement as detailed in this report;*
- (iii) AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to negotiate the finalisation of the Preliminary Agreement to the Town's satisfaction;*
- (iv) APPROVES IN PRINCIPLE the Town's requirements, conditions and expectations, as detailed in Confidential Appendix 10.4.6(C);*

- (v) *AUTHORISES the Mayor and Chief Executive Officer to negotiate the finalisation of the Town's Requirement, Conditions and Expectations, subject to;*
 - (a) *the Requirements, Conditions and Expectations identified by the Chief Executive Officer in Confidential Appendices 10.4.6(A) and 10.4.6(C), being resolved to the satisfaction of the Town;*
 - (b) *a further report being submitted to the Council for final approval;*
- (vi) *PURSUANT to Section 5.95 of the Local Government Act 1995 and Clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the confidential information, circulated separately to Elected Members, relating to the Town's Requirements, Conditions and Expectations relating to the Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth;*
- (vii) *NOTES that the details in the Confidential Appendices are to remain confidential until approved for public information; and*
- (viii) *REITERATES its position that development of the Stadium shall be at no net cost to the Town and its ratepayers.*

At the Ordinary Meeting of Council held on 8 February 2005, the Council resolved (inter alia) as follows:

- "(i) RECEIVES the Progress Report No 3 ...; and*
- (ii) AUTHORISES the Chief Executive Officer to call tenders for architectural and consultant services for the proposed upgrade of Members Equity Stadium."*

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

"That the Council;

- (i) RECEIVES the Progress Report No. 2 as at 15 December 2004 relating to Australian Rugby Union Super 14's at Members Equity Stadium, 310 Pier Street, Perth;*
- (ii) NOTES that;*
 - (a) the Australian Rugby Union Licence for Super 14's (2004) has been awarded to Perth; and*
 - (b) the State Government of Western Australia has publicly announced that it will provide \$25 million for the upgrade of facilities at Members Equity Stadium (MES); and*
- (iii) CONDITIONALLY APPROVES;*
 - (a) to ACCEPT the \$25 million for the upgrade of Members Equity Stadium subject to the Council receiving a further report on the proposed Financial Assistance Agreement (FAA) between the State Government of Western Australia and the Town; and*

- (b) *the construction/upgrade of Members Equity Stadium, Stage 2 works, subject to the Council receiving a further report on the proposed details and plans as indicatively shown in Appendix 10.4.11, subject to a further report being submitted to the Council."*

A previous report was submitted to the Ordinary Meeting of Council held on 26 October 2004.

On Friday 10 December 2004, the Australian Rugby Union (ARU) allocated an additional licence to Perth to host a team in the ARU Super 14s Rugby Union Tri-Nation competition which involves Australia, New Zealand and South Africa. The new competition starts in February 2006. It is envisaged that the new team will play at Subiaco Oval during 2006.

The State Government has announced that it will upgrade Members Equity Stadium (MES) which is considered the most suitable venue, as it has been specifically built for sports requiring a rectangular pitch (e.g. rugby, soccer, lacrosse, etc.). As Elected Members are aware, the Stage 1 redevelopment involved a complete upgrade of all services and the construction of part of the pitch and surrounding seating. The existing grandstand was also substantially refurbished. The existing grandstand was also substantially refurbished. In order for Stage 2 Redevelopment to comply, it will be necessary to construct a new grandstand on the eastern side and this will incorporate corporate suites, coteries, additional changerooms and seating. The actual size of this new grandstand would ultimately depend on the capacity specified by ARU. The current capacity of 18,150 will need to be increased to 22,500.

The estimated cost is approximately \$25 million.

Meetings

The following meetings have been held since 22 March 2005;

Date	Item/Attendees	Reason for Meeting
1 April 2005	WARU	<ul style="list-style-type: none"> To discuss preliminary Licence Agreement conditions and specific requirements for the Stadium upgrade.
7 April 2005	DSR	To discuss; (Mayor and CEO) <ul style="list-style-type: none"> Draft Preliminary Agreement No. 7 Draft Project Budget State Government, Terms and Conditions and Expectations for the proposed Financial Assistance Agreement
21 April 2005	DSR	To: <ul style="list-style-type: none"> finalise the Preliminary Agreement. clarify meeting notes of the 7 April Meeting

DRAFT PRELIMINARY AGREEMENT

The DSR have proposed a draft Preliminary Agreement. This document;

- provides for a Project Control Group, comprising of Town and DSR Officers to consider tenders for the appointment of architects and consultants for the redevelopment;
- requires the DSR to pay the Town \$500,000 to cover the Town's costs in appointing architects, consultants, legal advice and other preliminary matters;

3. the money to be held in a Town Reserve Fund, to be specifically created for this project;
4. requires the Town to satisfactorily negotiate with WARU and Allia to satisfy the State Government's conditions and expectations (issued in Confidential Appendix 10.4.6(B));
5. states that the State Government is not obliged to provide the Town with any further assistance to complete Stage 2 redevelopment;
6. has a "sunset clause" for the Project Control Group, which is 30 June 2005 or upon the signing of the Financial Assistance Agreement.
7. has standard requirements for audit purposes and payments of monies if a material default occurs.

The Draft Preliminary Agreement is acceptable, the Mayor and CEO should be authorised to sign the document and are currently being negotiated.

Town's Requirements, Conditions and Expectations

At the Ordinary Meeting of Council held on 22 March 2005, the Council determined its requirements, conditions and expectations. These were sent to the Department of Sport and Recreation.

Stage 2 - Indicative Timeline

A revised indicative timeline was adopted at the Ordinary Meeting of Council held on 22 March 2005. It is advised that the negotiations are taking a lot longer than originally proposed. At this stage, the progress is approximately one (1) month behind the previous indicative timeline. An updated indicative timeline is shown below:

Date	Item
10 December 2004	<ul style="list-style-type: none"> • ARU announces site for new Super 14s licence
22 December 2004	<ul style="list-style-type: none"> • Meeting with DSR to discuss general terms and conditions for redevelopment
6 January 2005	<ul style="list-style-type: none"> • Town/WARU initial meeting to discuss Licence Agreement conditions and Stadium requirements
7 February 2005	<ul style="list-style-type: none"> • WARU provides Town with letter of requirements
10 February 2005	<ul style="list-style-type: none"> • Meeting with DSR to discuss Preliminary Agreement - Draft 5 provided
16 February 2005	<ul style="list-style-type: none"> • Town provides comments on Draft 5
18 February 2005	<ul style="list-style-type: none"> • Town of Vincent to write to WARU and Allia re: commence licence
28 February 2005	<ul style="list-style-type: none"> • Town's second meeting with WARU concerning Licence Agreement and Stadium conditions - Draft Licence provided
1 March 2005	<ul style="list-style-type: none"> • Prepare report for Council Meeting of 8 March 2005 for approval of Preliminary Agreement signed by Town of Vincent/State Government
8 March 2005	<ul style="list-style-type: none"> • Town receives DSR conditions and expectations and Draft 7 of Preliminary Agreement
14 March 2005	<ul style="list-style-type: none"> • Town provides DSR with comments on Preliminary Agreement and outlines concerns
21 April 2005	<ul style="list-style-type: none"> • Town and DSR agree on Preliminary Agreement and finalise document • Negotiations on Terms and Conditions

Date	Item
23 April 2005*	<ul style="list-style-type: none"> • Advertise "Request for Tender" document - Architectural Services
26 April 2005*	<ul style="list-style-type: none"> • Council Meeting to approve Preliminary Agreement
13-20 April 2005	<ul style="list-style-type: none"> • Evaluation/Assessment of Tenders - preparation of Report
13 April 2005 - onwards	<ul style="list-style-type: none"> • Town to commence negotiations with WARU re Licence Agreement • Town/DSR to commence negotiations with Allia • Town/DSR to negotiate FAA requirements
26 April 2005	<ul style="list-style-type: none"> • Town to sign Preliminary Agreement
3 May 2005	<ul style="list-style-type: none"> • DSR to pay \$500,000 to Town
17 May 2005*	<ul style="list-style-type: none"> • Tender closes for Architectural Services
16 June 2005*	<ul style="list-style-type: none"> • Council Meeting to approve of tender for Architectural Services
17 June 2005*	<ul style="list-style-type: none"> • Appoint Architects and commence Preliminary Design, discussions with WARU/Allia/Stakeholders
June 2005	<ul style="list-style-type: none"> • Consultation and design
May-July 2005	<ul style="list-style-type: none"> • Town/WARU to negotiate Licence Agreement • Town/DSR/Allia to negotiate final conditions
5 July 2005	<ul style="list-style-type: none"> • Agenda closes for OMC 12 July 2005
12 July 2005*	<ul style="list-style-type: none"> • Council Meeting to approve FAA • Council to approve Major Land Transaction
18 July 2005*	<ul style="list-style-type: none"> • Town to sign FAA
25 July 2005*	<ul style="list-style-type: none"> • DSR pays balance of money (plus accrued interest) to Town
July 2005	<ul style="list-style-type: none"> • Preparation of Major Land Transaction - Business Plan document
15 July-31 August 2005	<ul style="list-style-type: none"> • Advertise Major Land Transaction Business Plan (6 weeks)
31 August 2005	<ul style="list-style-type: none"> • Major Land Transaction - Public Submissions closing date
1-16 September 2005	<ul style="list-style-type: none"> • Consideration of Public Submissions and preparation of Agenda Report
21 September 2005	<ul style="list-style-type: none"> • Agenda closes for OMC 28 September 2005
28 September 2005*	<ul style="list-style-type: none"> • Council to consider Public Submissions and approve (or discontinue) with Major Land Transaction
28 September 2005*	<ul style="list-style-type: none"> • Council approval of "Request for Tender - Construction of Stadium" documentation
1 October 2005*	<ul style="list-style-type: none"> • Advertise "Request for Tender - Construction of Stadium" (30 days)
1 November 2005	<ul style="list-style-type: none"> • Construction Tender closes
1-14 November 2005	<ul style="list-style-type: none"> • Evaluation of Construction Tender
16 November 2005	<ul style="list-style-type: none"> • Agenda closes for OMC 22 November 2005
22 November 2005*	<ul style="list-style-type: none"> • Council to approve Construction Tender
23 November 2005*	<ul style="list-style-type: none"> • Appointment of Builder
23 November-December 2005	<ul style="list-style-type: none"> • Builder Mobilisation
9 January 2006*	<ul style="list-style-type: none"> • Construction commences
31 December 2006*	<ul style="list-style-type: none"> • 2nd Stage complete and opened
January 2007	<ul style="list-style-type: none"> • Finalisation of "snag list".

Date	Item
31 January 2007*	<ul style="list-style-type: none"> • Building handover.
February 2007	<ul style="list-style-type: none"> • Opening of Stage 2 in time for Super 14 games at Stadium

* *Critical Dates*

On 14 April 2005, the Town wrote to Stadium Managers (Allia) seeking information about the Stadium. Whilst a response has been received, the information provided is lacking in detail and this matter will be pursued.

FINANCIAL/BUDGET IMPLICATIONS:

The Town does not have any funds for the upgrade of MES in the current budget. It is envisaged that the State Government will allocate the \$25 million for the Stadium upgrade through another Financial Assistance Agreement.

LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995, Section 6.11 allows for the Council to create a Reserve Fund. Funds are therefore only to be used for the specific purpose prescribed by the Fund.

Council Decision

At a Special Council Meeting on 16 December 2002, the Council approved of the redevelopment of Perth Oval, subject to (inter alia);

"(b) the State Government of Western Australia entering into a legal agreement to build Stage 2 of the redevelopment project at an estimated cost of \$4,950,000 at a date mutually agreed between the state Government of Western Australia and the Town, or within five years of the agreement being signed, subject to a feasibility development being carried out; ..."

Financial Assistance Agreement (FAA)

The DSR has held two meetings with the Town's CEO to discuss the terms and conditions of the proposed FAA.

Heads of Agreement (HOA)

1. Redevelopment Clause

The HOA between the Town, Managing Agent, Allia Holdings Pty Ltd (Allia), Nicola (Nick) Tana and David George Rodwell, Guarantors, contains numerous provisions referring to the redevelopment of the Stadium.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable, at this stage, however it will be required when details become more available.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 3.2(g) - *"Implement and upgrade Perth Oval in liaison with all stakeholders"*.

COMMENT:

Negotiations to date have been slower than expected. The complexity of the various issues has necessitated considerable research and time to action. Hopefully, matters will become clearer as time progresses. The signing of the Preliminary Agreement will enable the Project Architect tender to be called and an appointment made. It will also allow for legal and other advice to be obtained.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina had already left the Chamber and did not speak or vote.

10.4.7 CONFIDENTIAL REPORT - Request from Perth Glory Soccer Club Pty Ltd to vary their Deed of Licence with the Town of Vincent - Insurance Requirements

Ward:		Date:	20 April 2005
Precinct:		File Ref:	RES0072
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report concerning Perth Glory Soccer Club Pty Ltd's request to vary their Deed of Licence – insurance requirements;*
- (ii) *ADVISES Perth Glory Soccer Club Pty Ltd and Allia Venue Management Pty Ltd of the following:*
 - (a) *that it does not approve of Perth Glory Soccer Club Pty Ltd's request to vary the insurance requirements in their Deed of Licence;*
 - (b) *that it will not approve of any request to vary the insurance requirements in the standard Deed of Licence;*
 - (c) *that it considers it essential and crucial to protect the Town's interest and in this regard requires the Town (Licensor) and Allia (Manager) interests to continue to be noted on the Licensee's insurance policies;*
 - (d) *that it is essential for Perth Glory Soccer Club Pty Ltd, Allia, the Football Federation of Australia and other users of the Stadium to fully satisfy the Deed of Licence requirements if they intend to use Members Equity Stadium;*
 - (e) *it considers the Football Federation of Australia's position not to comply with the Deed of Licence insurance requirements to be unacceptable to the Town and requests Perth Glory Soccer Club and/or Allia to request the Football Federation of Australia to reconsider their position; and*
 - (f) *that any non-compliance with the Deed of Licence requirements will be considered a breach of the Deed and if the Licence is amended by Allia or Perth Glory Soccer Club Pty Ltd without the Town's prior approval, this constitutes a breach of the Heads of Agreement and the Town reserves its legal rights in respect of any such breach;*
- (iii) *NOTES that a Deed of Licence application has not been received by the Town or the Stadium Committee for the proposed soccer game to be held on 11 May 2005 at Members Equity Stadium;*
- (iv) *REQUESTS the Chief Executive Officer to closely monitor this matter to ensure full compliance with the Deed of Licence and Heads of Agreement;*

- (v) *REQUESTS the Stadium Manager and/or Perth Glory Soccer Club Pty Ltd to provide copies of the relevant insurance policies with respect to the proposed game to be held on 11 May 2005 and prior to the 'A'-League competition commences and prior to any other Deed of Licence being approved for future events at the Stadium; and*
- (vi) *ADVISES the Minister for Sport and Recreation and the Department for Sport and Recreation of this matter and the Council's decision.*
-

COUNCIL DECISION ITEM 10.4.7

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 9.18pm.

The Mayor and the Chief Executive Officer provided an update to Elected Members.

Cr Farrell returned to the Chamber at 9.20pm.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

ADDITIONAL INFORMATION

Letter from Football Federation Australia (FFA)

On 22 April 2005, the Football Federation Australia (FFA) wrote to the Town as follows;

"In this letter we seek to give the Town of Vincent comfort that it is adequately protected and we respond to your specific queries of FFA. We adopt your numbering system.

3. *FFA is not refusing to comply with the Deed of Licence. FFA is unable to note the interests of the Town of Vincent because our insurer refuses to do so. The reasons are:*
 - a. *We are advised that the term "noting interest" is vague and has no legal meaning. Could you please let us know the precise "interest" of TOV and what you mean by "noting" it on the policy;*
 - b. *The concern is that there could be a transfer of risk or liability from the venue owner to the hirer (ie liability arising out of the Stadium that has nothing to do with FFA or Perth Glory, such as a stadium collapse due to structural inadequacies); and*
 - c. *In our view, TOV as the venue owner is adequately covered for FFA or Perth Glory negligence. Our policy covers principals indemnity. There is nothing preventing TOV from joining or recovering from FFA or Perth Glory if it had action taken against it due to use of the stadium by FFA or Perth Glory.*

5. *FFA confirms it is no longer industry standard to note the interests of venue owners on hirer's public liability policies for the reasons listed above. This comment is also made from our experience with negotiating venue hire agreements with over 15 venues across Australia, including Telstra Stadium, Aussie Stadium, Melbourne Cricket Ground, Telstra Dome, Suncorp Stadium and Subiaco Oval where we have not noted the interests of the venue owner. Further, no other venue that hosts national team matches and no other A-League club has requested the venue owner be noted.*
6. *QBE is refusing to note the interest of the venue owner for the reasons specified in point 3 above. FFA is two-thirds of the way through our policy and so have no leverage to force an amendment.*
7. *FFA's policy is comprehensive and would cover all intended activities of FFA or Perth Glory at the matches to be staged at the stadium. We can not note the interests of a third party because we do not want to pick up a third parties' liability. Quite simply, FFA and our insurer can not be liable for the negligence of the venue owner. We assume TOV has its own insurance to cover its own liabilities. Please let us know as a matter of urgency if this assumption is incorrect.*
8. *It is not an "FFA requirement" not to note, it is an industry requirement. This issue was not picked up earlier because, in our view, it is not a standard to request to note the interests of a third party on an insurance policy.*

In light of the above information, we sincerely trust that the Town of Vincent would not refuse to allow matches to be staged at Members Equity, particularly the intended Club World Champions in early May 2005. It would be a great pity for the people of Perth and, in particular, the Perth Glory fans if the match had to be moved.

We hope this matter can be resolved. If you require any clarification, please do not hesitate to contact me."

Town's Response to FAA Letter

The Town replied in writing on 22 April 2005 to the FFA as follows;

"Thank you for your letter received on 22 April 2005 concerning the above. Your comments are noted and will be made available to the Council Meeting to be held on 26 April 2005.

In the interim, the Town has also urgently requested further advice concerning this matter.

As you are aware:

1. *The Town has engaged Stadium Managers, Allia Venue Management Pty Ltd, who manage the Stadium on behalf of the Town and are responsible for operational management matters, including the issuing of licences for persons wishing to use Members Equity Stadium. Allia operates under the Heads of Agreement.*
2. *Persons wishing to use the stadium can apply to the Stadium Manager to use the Stadium. Approval is granted via a Deed of Licence.*

3. *To date, whilst the Town is aware of the proposed game to be held on 11 May 2005, no Deed of Licence application has been received for consideration. The Town has been advised by Allia that you are currently holding the documentation pending the insurance requirements being resolved.*
4. *Perth Glory Soccer Club have a twenty (20) year Deed of Licence which enables them to play at Members Equity Stadium. The insurance requirements for both Deeds are almost identical.*

The Town appreciates the seriousness of this matter and the implications for the Football Federation, Allia and Perth Glory. I must say, it is disappointing that this situation was only recently been brought to the Town's attention as the Stadium owner on 13 April 2005 and the limited time remaining before the event, places considerable pressure for the matter to be resolved.

It is important that you be aware of the Town's position and the following comments are provided:

- *Both PGSC and FAA were well aware of the Town's requirements prior to negotiating entry into the new FAA - 'A' League competition and accordingly should have addressed the matter at the time.*
- *Soccer Stadiums are considered high risk venues (as seen in overseas incidents) and the potential for insurance claims is very high. Accordingly, the Town has a responsibility to take all necessary action to protect its interests of its ratepayers and minimise its liability.*
- *The FFA's insurer's (QBE) refusal to note the Town or Allia on the required insurance policy is noted however, we are informed they choose to do so as they do not want to "accept a contractual transfer of risk ..." This is precisely what the Town requires by insisting on its insurance requirements in the Deed of Licence.*
- *It is considered irrelevant what other stadia managers require. The Town is legally entitled to expect that its negotiated contractual obligations specified in the Deed of Licence requirements are fully satisfied.*
- *The Town has spent considerable time, monies and resources preparing the Heads of Agreement and Deed of Licence and other associated documents. The Town's insurance requirements were extensively investigated and were the subject of protracted and intense negotiations with Allia Holdings Pty Ltd and PGSC. The Town rightly insisted on these requirements at the time, as they are considered essential in order to protect the Town and its ratepayers' interests.*
- *The requirement for PGSC in their Deed of Licence is identical for all other potential users of the Stadium, who are required to sign the standard Deed of Licence and they have been well aware of the Town's requirement since the documents were executed on 9 July 2004.*
- *Other users have satisfactorily met the insurance requirements for previous events at the Stadium since the opening of the redeveloped Stadium (e.g. Rugby League, Concert Promoters, PGSC in the National Soccer League).*

As a way forward, for the 11 May 2005 event only, the FFA should consider taking out a policy which complies with the Town's requirements and I believe this should be carried out as a matter of urgency.

In view of the above, let me reaffirm that I do not believe that the Council will lightly consider any change to this essential and crucial requirement."

On 26 April 2005, Eugenie Buckley, Legal Counsel for FFA, telephoned and spoke to the Town's Chief Executive Officer.

She advised that;

1. the FFA were of the opinion that their insurance policy provided sufficient coverage of the Town's liability. She emailed a copy of their policy;
2. the FFA would not "note" the Town on their policy as their insurer refused to accept this;
3. it was a commercial decision that the FFA would not take out a separate policy for the proposed game; and
4. the FFA would seriously consider relocating the game away from Members Equity Stadium - which would most likely result in negative publicity.

Questions and responses from the Town's Public Liability Insurers

The CEO also requested information from the Town's Public Liability and Professional Indemnity Insurers - Municipal Liability Scheme. They provided the following additional info;

Q1. Would you advise the Town to delete or waiver our requirement?

Answer 1

It is our experience that the Australian Insurance Industry almost as a whole will no longer detail *'the interest'* of another party on Public Liability insurance policies. It is possible therefore that Council, in the absence of suitable alternatives, will have no option but to accept that this requirement is almost not achievable.

By way of example, the MLS are often approached by Councils with requests that other entities have their *'interest'* noted on Councils Liability insurance policy. This often occurs when Councils are entering into Leases involving the State Government i.e.; the Council, as per the wording of the Lease, requests that the State Governments *'interest'* be noted under the MLS policy. As a matter of policy, the MLS (as per the insurance industry) will not do this.

The reason we are unwilling to comply (and presumably this is the reason QBE will not comply) is that conceivably, if another entities *'interest'* is noted they would also have cover under the policy in the event of a claim; in this case, QBE want to avoid any uncertainties that could indicate they are covering the Town of Vincent-they only wish to cover their insured the FFA.

I am unsure whether such a situation has been tested however, to avoid any uncertainties, the insurance industry seems to have taken the overall stance that noting another parties interest is unwise and is to be avoided.

Q2. If yes, what are the ramifications to the Town?

Answer 2

In the event of a claim, all documentation relating to Councils OWNERSHIP of the venue and Allia Venue Management Pty Ltd/Perth Glory Soccer Club and the FFA's OCCUPATION of the facility would be carefully examined.

In particular, enquiries would be made to establish who was 'negligent' and therefore responsible at Common Law for the claimants loss whatever this may be (i.e.; an injury, a loss or damage). If Council were negligent, the MLS policy would consider discharging the claim on behalf of the Town. Conversely, if Allia Venue Management, Perth Glory or the FFA were considered negligent their respective policies would respond.

The claim process would also look into the licenses etc in particular the insurance and indemnity provisions. If these provisions were sound and favoured Council as owners, then we would hope that the fact that the Town of Vincent had not had their 'interest' noted under the FFA's insurance would not have a significant detrimental affect on the Town. This however should be verified by way of Lawyers examining all relevant paperwork.

Q3. Would the Town's position be weakened by deleting or waivering the requirement?

Answer 3

If we accept that noting the Towns 'interest' under the FFA's policy could conceivably mean that QBE might have to deal with a claim not only from the FFA but also from Vincent (i.e.; Council have cover via the FFA's insurance policy AND cover through the MLS), then perhaps Council position is weakened somewhat i.e.; by deleting the requirement Council only have cover through a single insurer, the MLS rather than potentially two insurers.

Q4. By deleting the requirement, would there be any change or increase to the Town's premiums?

Answer 4

There will be no change to the Town's Public Liability premium with the MLS whether the requirement is deleted or not.

Q5. Is it possible for the FAA or their insurers to take out a separate policy for the proposed event on 11 May?

Answer 5

The FFA could certainly look into taking out a 'one off' PL policy for the event on 11 May 2005 this 'one off' policy noting the Towns 'interest'. However, bearing in mind the insurance industries overall stance as already mentioned in this e-mail, the FFA might find it difficult to source an insurer willing to do this. It might warrant further investigation however?

Q6. If yes, what would be the indicative cost of such policy?

Answer 6

I am unable to state precisely what sort of premium would be payable by the FFA should they find an insurer/underwriter willing to comply with A5 above. However, the event on the 11th May could be significant in terms of attendance and I would anticipate that the premium for such a policy would be significant to say the least.

Some broad thoughts are;

1. It would seem correct that both PGSC and the FFA were advised of Councils requirements earlier and probably should have considered the matter then rather than now.

2. Without doubt the provision of large sporting venues does carry with it a significant legal exposure to both OWNERS and OCCUPIERS.

In terms of the Deed of License, the indemnity provisions (1.2) would seem to be well worded and clear in their intent and we would hope do protect the Town of Vincent from claims/losses etc that could arise due to the negligence of the license holder(s). As is obviously the case, the stumbling block is proviso (b)(i).

The following further information was received late on Tuesday 26 April 2005;

Q1. Is the stance of the insurance industry only a practice?

Answer 1

Yes, I would suggest the stance taken by insurance companies could best be described as a 'practice' i.e.; it is the practice of most Liability insurers not to detail the 'interest' of other entities under their Public Liability portfolios.

Q2. If yes to Q1, if a party such as the Town still requires "noting" on their policy, could this still be achieved? - albeit with an increased premium (due to the increased coverage and uncertainty)?

Answer 2

I believe it may be possible to negotiate with an insurer to have another party's 'interest' noted on a PL policy. I would suggest that if negotiations were successful this would result in additional premiums being charged.

Q3. Now that the Town has negotiated this requirement for "noting" in our Deed of Licences, why do you think Allia/PGSC agreed to such requirement?

Answer 3

This is a sound question. Whilst I have not seen Allia/PGSC insurance details I wonder whether they have in fact been able to comply? Have actual checks been made to confirm that the Town of Vincent's 'interest' has been noted under Allia and PGSC Liability insurance policies? Perhaps Allia and PGSC think or believe they have complied with the Deed of License whereas in fact they have not?

If checks indicate that they have fully complied I wonder who their insurers are? Are they specialist insurers/underwriters who deal with venue management companies and/or professional sporting clubs or are we concerned with insurers who are based overseas and perhaps are not subject to the strict underwriting criteria's that Australian Insurers have to comply with? I would be very interested to know.

Q4. Is the insurance industry practice on commercial grounds and to minimise their liability/exposure?

Answer 4

Yes, I believe an insurance companies unwillingness to note the 'interest' of another entity is made for commercial reasons i.e.; to avoid any possibility of the 'interested' party arguing that they too have cover under the policy. In our situation, I would imagine that QBE want to ensure that if for example, Vincent received a Writ from a third party, they would want Council and their insurers (the MLS) to deal with the claim and avoid any opportunity for Council to pass the Writ to QBE to deal with.

Whilst I am not a Lawyer, there could be other (additional) reasons such as QBE's 'subrogation' rights against Council being compromised.

Subrogation is a very old and common insurance principle. Basically, let us say that Allia are successfully sued and their insurers, QBE settles the PL claim on their behalf.

The insurance policy between QBE and Allia allows QBE to legally pursue another party who they believe to be either fully or partly responsible. This is known as Subrogation.

The contract of insurance allows QBE to do this in the name of their insured 'Allia'. Effectively, QBE having settled the claim against Allia can therefore take over Allias legal rights of recovery allowing them, QBE to claw back some (or all) of the money they have had to pay to the third party.

Now, let us suggest that the party QBE wishes to use its 'subrogation rights' against is the Town of Vincent. QBE may feel that the danger is that if they include the Towns 'interest' the Town as I have mentioned earlier are effectively an 'insured' under the policy along with Allia. QBE cannot use their subrogation rights against their own insured i.e.; by noting the Towns interest, QBE are in effect eliminating any rights of recovery (subrogation) they would otherwise have against the Town of Vincent.

In summary, they may not wish to include the Town as an 'interested' party because;

- a) It would breach their underwriting practices.
- b) They do not want the Town passing Public Liability claims to them.
- c) Noting the Towns 'interest' may prejudice their subrogation rights should they find themselves in a situation where they wished to mount a recovery action against Council.

Q5. *If yes to Q4, could this be overcome by the insured party paying a higher premium to achieve the "noting" requirement?*

Answer 5

I would suggest that most insurers would do back flips if the money was right! Perhaps I'm being overly cynical. However, maybe QBE would relent but I guess this would depend on the Underwriter who was looking at the risks, how important the FFA are considered in the scheme of things and whether they could do anything to minimise the chances of (b) and (c) above occurring.

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

The purpose of the report is for the Council to consider Perth Glory Soccer Club's request to vary the insurance requirements prescribed in the Deed of Licence between the Town and Perth Glory Soccer Club.

BACKGROUND:

Perth Glory Soccer Club Pty Ltd (PGSC) has announced on 4 February 2005 that it has been successful in obtaining a Football Federation of Australia (FFA) licence to permit it to play in the new soccer 'A'-League competition, which commences on 26 August 2005. It has also publicised that it has entry into a Club World Championship Australian semi final game to be held at Members Equity Stadium on 11 May 2005 (see Appendix A).

As part of the redevelopment of Perth Oval a number of legal documents were prepared for the various terms and conditions of the Members Equity Stadium management and use. These documents are between the Town and Allia Holdings Pty Ltd and/or Perth Glory Soccer Club Pty Ltd and/or the Guarantors. This documentation included:

1.	Heads of Agreement (<i>Allia and Guarantors</i>)	This prescribes the overall requirements about terms, conditions, management and use.
2.	Deed of Licence with Perth Glory Soccer Club	This is a 20 year licence which prescribes the requirements and conditions for Perth Glory Soccer Club to use the Stadium.
3.	Deed of Licence – Standard (<i>Allia</i>)	This is a proforma licence which prescribes the requirements of users (other than PGSC) who wish to use the Stadium.
4.	Deed of Clarification (<i>Allia and Guarantors</i>)	This deed clarifies a number of clauses in the Heads of Agreement. (It arose out of a dispute with Allia and Perth Glory Soccer Club in the early part of 2004.)
5.	Deed of Covenant (<i>Allia and Guarantors</i>)	This requires Allia and the guarantors to provide catering equipment to the value of \$300,000.
6.	Mortgage (<i>Guarantors</i>)	This is to protect the Town's loan of \$4.469 million and is lodged against Nick Tana's personal property.
7.	Water Rights Licence (<i>Guarantors</i>)	This is a document associated with the mortgage.
8.	Deed of Priority (<i>Guarantors</i>)	This document prescribes the Town as a first ranking priority on the mortgage securities.

On 13 April 2005, PGSC's Manager of Operations and Administration wrote to the Town as follows:

"I am writing to you in my positions with both Perth Glory and Allia Venue Management to advise of a significant problem that has developed regarding the noting of interested parties on Licensee Insurance policies.

Background

One of the conditions of Perth Glory joining the new A-League was that the Football Federation Australia (FFA) would hold a Public Liability policy for themselves and all of the A-League clubs. Perth Glory worked closely with the FFA to ensure this policy was comprehensive and met all Perth Glory's requirements to play at the stadium. For some time, Perth Glory has been chasing a copy of the policy including the noting of Allia and TOV as interested parties.

Insurance Issue

The issue for Allia Venue Management is that the FFA has refused to provide a policy for themselves and Perth Glory that notes Allia and TOV as interested parties. Please refer to the string of e-mails below where Allia & Perth Glory have repeatedly attempted to obtain this information. The most pertinent e-mail is the one immediately below from Eugenie Buckley of the FFA dated 13th April.

Impact

The FFA has a match scheduled at MES on the 11th May 2005 that will involve Perth Glory playing another A-League club. In accordance with the normal process, the FFA will be asked to sign a Deed of Licence for this event and supply their insurance details. As you can see from the message below they are refusing to do this. This situation now jeopardises this event and FFA has indicated that they will explore moving the match if necessary.

Further to the impact on the FFA event, Perth Glory now has exactly the same problem for the coming season where without a policy that notes TOV and Allia we are in breach of the licence. This effectively jeopardises Perth Glory being able to participate in the A-League.

Allia's Position

Under the Heads of Agreement between Allia and the TOV that includes the Deed of Licence, Allia has no choice but to demand that all users provide Insurance including the noting of Allia and the TOV (Clause 10.1 b i of the General Deed of Licence and 9.1 c i of the Perth Glory Deed of Licence). Having said this, we understand the issues highlighted by the FFA in terms of:

- *Their policy being comprehensive and easily satisfying the requirements of the TOV and Allia*
- *The reluctance of insurers to note 3rd parties due to the vagueness of the expression 'noting the interest'. This expression having no real legal meaning and insurers feel they are opening up their policy to unintended liabilities, including liabilities arising out of the stadium which have nothing to do with FFA or Perth Glory and are attributable to the parties asking to be noted*
- *That noting of interest is no longer a standard practice as it may have been in the past because of the issues in 2 above. This being evidenced by their relationships with other stadiums and supported by our experiences with Subiaco Oval and the WACA.*
- *Allia and the TOV both hold comprehensive policies*

The last thing that any of us want to see is the stadium not being unusable because of an insurance requirement that appears to have little real meaning to the insurance status of the venue/event. I would appreciate it if you could explore this situation to determine a suitable way forward that in the first instance will allow the schedule FFA match on the 11th of May to proceed and also clears the way for Perth Glory to use the venue.

General

Since commencing the management of the stadium, Allia has experienced extreme difficulty in obtaining policies noting Allia and TOV from both users and suppliers. While we have achieved it to date we can see that this is a problem that will not go away. The Public Liability Insurance industry is extremely small with very few underwriters that are willing to provide this form of insurance. In other words the insurers hold a very strong position. The problem experienced with the FFA above is definitely the tip of the iceberg, so it may be prudent to explore a change to the Deed of Licence and remove this requirement. I would be interested in your views on this issue.

On 6 April 2005 the FFA advised PGSC of the following:

1. *"We did review the information provided by Perth Glory in relation to its business activities (including the Members' Equity Stadium – Insurance Requirements) and confirm the insurance cover is broad enough to cover those activities."*

CEO's Comment

As PGSC and FAA were aware of the Town's Deed of Licence insurance requirements well in advance of their licence conditions, it would be incumbent on them to satisfy the insurance requirements. However, they have been unable to do so and expect the Town to change its requirements. This is not only poor business practice, but a totally unreasonable request.

2. *"We will not be noting Allia Holdings or Town of Vincent on that insurance because quite simply the insurer, QBE, refuses to do so (and we are 6 months into an 8 month insurance policy). As previously advised, QBE will not note 'the interest' of other parties due to the vagueness of the expression 'noting the interest'. This expression has no real legal meaning and QBE could be opening up their policy to unintended liabilities, including liabilities arising out of the stadium which have nothing to do with FFA or Perth Glory and are attributable to the parties asking to be noted."*

CEO's Comment

It is acknowledged world wide that soccer stadiums are high risk venues and the potential for insurance claims is very high. It is for this reason that the Town rightly insisted on this insurance requirement during the negotiation of the Deed of Licences. In fact, this was one of the most contentious items that were negotiated. To waiver this condition would weaken the Town's position, should a claim be lodged.

3. *"In any event, FFA's position is that we do not note third parties because we do not accept a contractual transfer of risk, including from a stadium to a hirer. In our experience, based on venue hire agreements with over 15 venues throughout Australia (including Telstra Stadium, Telstra Dome, MCG and Suncorp Stadium), we have never noted the interests of the venue owner. The basic principle is that each party should be responsible for their own liabilities and not attempt to shift cover for these on to other parties' insurance policies."*

CEO's Comment

It is obvious that FFA do not want to accept a contractual transfer of risk. However, it is the Town's position (through its insurance requirements in the Deed of Licence) that if the FAA wish to use our facility they must comply with our requirements. If they choose (for commercial or any other reason) not to do so, they have a right to use someone else's facility.

The fact that they do not note the interest of the venue owner at other stadia is irrelevant. The Town has its insurance requirements to protect its interest and users (including PGSC and the FAA) must comply with this.

4. *"Remember, FFA's position also protects Perth Glory as hirer of the stadium. We would assume Perth Glory would not want to pick up liabilities caused by the venue owner."*

CEO's Comment

The above comment clearly states the FFA's position. It obviously wants to limit its liabilities (which would be to the detriment of the Town). This clearly weakens the Town's position in the event of a claim.

5. *"Our policy does cover 'Principals Indemnity' as set out in the definition 1.23.4 "You/Yours" of the policy, and this may satisfy the Stadium's requirements. As soon as we receive payment of the premium, we will forward you a copy of the final policy."*

CEO's Comment

The Town should insist on full compliance with the insurance requirements.

6. *"Allia Holdings and Town of Vincent's own liability policies should cover their liabilities as managers/owners and we would be very surprised if their policies excluded liabilities for their exposures in regard to the Stadium or that there was a condition that they must be noted on the hirer's policy. Allia Holdings or Town of Vincent would not be prevented from joining and possibly recovering from Perth Glory if they had an action taken against them due to the use of the Stadium by Perth Glory caused by Perth Glory's negligence."*

CEO's Comment

The above comments are acknowledged. However, by having the Town and Allia noted on the policies, it provides the extra benefit to the Town if a claim is lodged.

7. *"If this remains a major issue for Perth Glory, we would be happy to address this is our insurance renewal discussions. If, however, FFA had to note the interest of every venue owner for FFA and A-League clubs, we would assume that we would not get the cover or that the premium would be prohibitive."*

CEO's Comment

It would appear that one of the main reasons for the FFA not to agree to this requirement is due to the cost of insurance premiums. It appears they are happy to address the matter during insurance renewal discussions. Therefore, they should reconsider the matter now and if need be, pay the additional premium required. The matter of FFA insurance premiums is not a concern to the Town.
(It would be interesting to hypothesise the outcome, if the roles were reversed and the Town was seeking dispensation of this requirement!)

"I am happy for you to pass this email direct to Town of Vincent and would welcome the opportunity of discussing it with them.

Finally, in terms of your comment that the CWC match may have to be moved, Matt will speak with Jeff [Dennis] this afternoon. Obviously we don't want to move the match away from Glory (especially as you [PGSC] have already sent out a press release advertising tickets), but we can commence a contingency plan of moving the match back east if required."

CEO's Comment

If the FAA does not want to comply with the Deed of Licence insurance requirements and choose to relocate the proposed game elsewhere, this is their prerogative. If PGSC choose to advertise tickets, without having the necessary Deed of Licence approval, they do so at their own risk and contrary to the Council's request.

It should be noted that at the Ordinary Meeting of Council held on 18 January 2005 the Council resolved inter alia:

"That events should not be advertised before a licence has been issued."

Note: Underlining added by CEO

Town's Initial Response

The Town replied to PGSC on 14 April 2005 requesting further information and advised as follows:

"Comment:

As you are aware, the Town spent considerable time, monies and resources preparing the Heads of Agreement, Deed of Licences and other associated documents. The Town's insurance requirements were extensively investigated and were the subject of protracted and intense negotiations with Allia Holdings Pty Ltd and PGSC. The Town rightly insisted on these requirements at the time, as they are considered essential in order to protect the Town and its ratepayers' interests.

The possibility of Members Equity Stadium not being able to be used for FFA matches, including the proposed World Championship Australia game to be held on 11 May and the forthcoming A-league is of major concern to all stakeholders, considering that the State Government contributed \$6.8 million to the redevelopment and the Town over \$1 million upgrading adjoining carparks, Loton Park and surrounding footpaths and landscaping.

Any change to our insurance requirements in the Deed of Licence will require the Council's approval. Our next Council Meeting is on 26 April 2005 and the Agenda for this meeting closes at 12 noon on Wednesday 20 April 2005. A report would need to be prepared (after receiving the requested information) and investigations would need to be carried out.

In view of the very short time available, this matter may be tabled as a "Late Item" (which requires the Mayor's approval) or a Special Council Meeting may be called in emergency circumstances.

The timing of the Council considering the matter will depend upon the above.

I do not believe that the Council will lightly consider any change to this essential and crucial requirement, given that;

- (a) the requirement for PGSC in their Deed of Licence is identical for all other potential users of the Stadium, who are required to sign the standard Deed of Licence;*
- (b) other users have satisfactorily met the insurance requirements for events at the Stadium since the opening of the redeveloped Stadium (e.g. Rugby League, Concert Promoters, PGSC in the National Soccer League); and also,*
- (c) the nature of the previous and current negotiations involving use of the Stadium.*

However, in conclusion, I appreciate the seriousness of the ramifications of this matter not being addressed (to the satisfaction of all parties) and therefore, subject to receiving the information requested in the abovementioned questions, am prepared to investigate the matter."

PGSC replied on 15 April 2005 and provided the requested information. It also reaffirmed the FFA's position that it does not agree to the noting the Town and Allia on the insurance policy. The Town acknowledged this response and reiterated the above comments. The Town has not received any Deed of Licence application from Allia or PGSC for the proposed soccer game to be held on 11 May 2005. On 21 April it received a letter from Allia stating that the proposed event will be conducted by the FFA (subject to the insurance matter being resolved). See letter at Appendix B.

During the drafting of the Heads of Agreement and Deed of Licences, the Town initially requested that it be "*jointly insured on the relevant insurance policies*". At the time, Allia/PGSC vigorously opposed the Town's request. During negotiations a compromise position was reached and it was agreed that the Town "*will be noted on the relevant insurance policies*". Subsequently Allia also insisted on this requirement to protect their position as Stadium Manager.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The PGSC Deed of Licence requires the following insurance requirements:

"9.1 The Licensee [PGSC] must have insurance

- (a) Subject to **clause 9.1(b)**, the Licensee must have current insurance for all the following:*
 - (i) public liability insurance policy for each Event for the amount specified in **Item 6**;*

- (ii) *any other insurance of a type and for a level of cover reasonably required by the Licensor or the Manager.*
- (b) *Insurance of a particular type and for a particular level of cover will be deemed to be reasonably required for the purposes of **clause 9.1(a)(ii)** if:*
 - (i) *a reasonable person in the Licensor's or the Manager's position (as the case may be) would consider it prudent to require insurance of the type and for the level of cover which the Licensor or the Manager has specified for the purposes of **clause 9.1(a)(ii)** (**Required Insurance**);*
 - (ii) *the Required Insurance applies to a majority of Australian rectangular sports stadiums that are similar to the Stadium; and*
 - (iii) *the Licensor or the Manager (as the case may be) confirms in writing to the Licensee at the time when it requests the Required Insurance that it will be using its best endeavours (which it then must use) to ensure that every other Licensed Party is also required to have insurance that is equivalent to the Required Insurance in those cases where the scale and nature of the relevant Licensed Event is substantially the same as that of the Licensee's Events.*
- (c) *The Licensee must:*
 - (i) *have the Licensor's [Town] and the Manager's [Allia] interests noted on the Licensee's insurance policies;*
 - (ii) *satisfy the Manager and the Licensor when required by either of them to do so (by providing copies of the policies to the Licensor or the Manager, as the case may be) that the Licensee's insurance is effected with a reputable insurer carrying on business in Australia, is on terms which the Licensor and the Manager consider to be usual, and is not subject to levels of excess or exclusions which either the Licensor or the Manager (both acting reasonably) consider unacceptable; and*
 - (iii) *give the Licensor and the Manager evidence of the Licensee's insurance in writing when required by either of them to do so (by providing copies of the certificates of currency to the Licensor or the Manager, as the case may be).*
- (d) *The Licensee must not do anything that:*
 - (i) *may make any insurance held by either or both of the Licensor and the Manager in respect of the Stadium and which the Licensee has received:*
 - (A) *written notice from the Licensor or the Manager or both (as the case may be); and*
 - (B) *a copy of the relevant policy,*
invalid or liable to be cancelled; or

- (ii) may increase either or both of the Licensor's and the Manager's insurance premium unless the Licensee first obtains the Licensor's approval (or the Manager's approval as the case may require) and pays the increased premium."

The Standard Deed of Licence (used by all persons other than PGSC) has a similar clause about insurance requirements.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Due to the constraints, no investigation has been carried out into the implications on the Town's insurance premium, if the Town changes its position. The Deed of Licence has a requirement that the Licensees must not do anything that may increase the Town and Manager's insurance premiums.

COMMENTS:

- **Summary of Reasons Not to Vary the Deed of Licence Insurance Requirements**
1. Both PGSC and FAA were well aware of the Town's requirements prior to negotiating entry into the new FAA - 'A' League competition and accordingly should have addressed the matter at the time.
 2. Soccer Stadiums are considered high risk venues (as seen in overseas incidents) and the potential for insurance claims is very high. Accordingly, the Town has a responsibility to take all necessary action to protect its interests and minimise its liability.
 3. The FFA's insurer's (QBE) refusal to note the Town or Allia on the required insurance policy is contrary to the Town's previous insurance advice. They choose to do so as they do not want to "*accept a contractual transfer of risk ...*" This is precisely what the Town requires by insisting on its insurance requirements in the Deed of Licence.
 4. The Town may face an increase in its insurance premiums if it changes its requirement.
 5. It is considered irrelevant what other stadia managers require. The Town is legally entitled to expect that its negotiated Deed of Licence requirements are fully satisfied.
 6. The Town has spent considerable time, monies and resources preparing the Heads of Agreement and Deed of Licence and other associated documents. The Town's insurance requirements were extensively investigated and were the subject of protracted and intense negotiations with Allia Holdings Pty Ltd and PGSC. The Town rightly insisted on these requirements at the time, as they are considered essential in order to protect the Town and its ratepayers' interests.
 7. The requirement for PGSC in their Deed of Licence is identical for all other potential users of the Stadium, who are required to sign the standard Deed of Licence.
 8. Other users have satisfactorily met the insurance requirements for previous events at the Stadium since the opening of the redeveloped Stadium (e.g. Rugby League, Concert Promoters, PGSC in the National Soccer League).

9. The nature of the previous and current negotiations involving use of the Stadium.
10. The matter is considered a vital issue which may be usefully used in the forthcoming renegotiations with Allia and PGSC.

The Town's solicitors have verbally advised that Allia and PGSC are legally required to meet all of the Deed of Licence conditions for any event held at Members Equity Stadium. The Town is under no obligation to change these Deed of Licences, particularly as they were the subject of extensive negotiations in 2003 and 2004. Notwithstanding that this requirement will have significant implications for Allia and PGSC with respect to FFA events, it is strongly recommended that the Deed of Licence insurance requirements not be changed. Furthermore, as a requirement of due diligence and to protect the Town's interest, the Town should request Allia or PGSC (as required) to provide copies of the relevant insurance policies.

The Town may wish to re-visit the matter during negotiations of the Stadium Stage 2 redevelopment. Accordingly, it is imperative that this report remain confidential.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.40pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	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)

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 26 April 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005