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(27 SEPTEMBER 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 27 September 2005, commencing at 6.10pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.10pm and apologised for the late start.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.13pm)
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
Mark Fletcher	Journalist – The Perth Voice (until 8.37pm)
Dan Hatch	Journalist – Guardian Express (until 8.35pm)
Gary Adshead	Journalist – “The West Australian” (until 6.24pm)

Approximately 19 Members of the Public

(c) Members on Leave of Absence:

Cr Ian Ker for the Ordinary Meeting of Council held on 27 September 2005 for work reasons.

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

1. Mary-Anne Kenworthy of 4/25 Clydesdale Street, Burswood – 10.1.22 – Stated that she is a madam in the sex industry and that she had received a call from Mr Kay regarding the problems he was having over his occupation of his new premises and organised to look through his premises to decide for herself if he offered a sexual service or a legitimate healthy solution to common sexual problems. Believes, with her 23 years of experience in the sex industry, that she is in a position to judge the difference between a brothel and legitimate health service. Stated that she found nothing about the service that was not in the best interest of his consumers and nothing that suggests the service is for sexual gratification.

Believes the services that are offered have the ability to help many sexual disorders and give men and women the ability to discover their true sexual feelings and therefore adds a better quality of life for themselves and all others around them. Also believes that the service is a legal service that comes under all Councils' consulting rooms occupations.

Cr Torre arrived at 6.13pm

The Presiding Member advised that Council would be considering a Confidential Item at tonight's meeting relating to 121 Scarborough Beach Road, Mt Hawthorn.

2. Mr Dion Range of 74 Palmerston Street, Perth – Item 10.1.3 – Stated that they have done everything possible to improve the streetscape including reducing the 1800mm walls and putting in the wrought iron fencing. Requested that Council approve the application.
3. Mr David Kay of 121 Scarborough Beach Road, Mt Hawthorn – Item 10.1.22 – Stated that the preventative medicine which he has been practicing for 5.5 years is in 56 different languages around the world and the people that use his services have prostate or impotency problems and have been able to satisfy these people without any problems. Advised that, with the help of the Council, he has put a letter around to the neighbours explaining that he has an open house where they can come and communicate with him without crucifying him and that the business is only open during business hours.

The Presiding Member advised that any notification that was issued by Mr Kay was not with any co-operation of Council and that the Council was not aware of it.

4. Ms Christine Soo of 120 Egina Street, - Item 10.1.13 – Advised that there should be a new tabled document distributed to Elected Members regarding this item. Stated that the house is not to be demolished, it is to be relocated to the country. Advised that the Heritage Officer has amended their assessment of the property. Requested Council to approve the revised recommendation.
5. Ms Karlie Herbison of 43 Commonwealth Avenue, North Perth – Item 10.1.11 – Stated that a carbay already exists off the primary street and as it is already established and very convenient a car would always be parked there. Advised that there are other carports on the street but the majority of residents are parking on the verge. Stated that the house has a low open picket fence and the proposed carport is open and should not detract from the openness of the streetscape.
6. Mr Angelo Christou of T & Z Architects, 679 Murray Street, West Perth – Item 10.1.8 – Stated that his client is prepared to work with the Town's officers to revise the design in such a way as to intensify the use of the site if it is not approved. Further stated that the site is not conducive to residential as it is land locked on three sides and the open side is facing Fitzgerald Street. Requested that if the application is deferred the applicant would request that the proposal be a commercial/residential mix and not 66% pure residential component and not be faced with a possible diminishment of the required 1,000m² of retail space for their bookshop.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.26pm.

At 6.26pm Moved Cr Torre, Seconded Cr Farrell

That Item 10.1.22 – CONFIDENTIAL REPORT – No 121 (Lot 27) Scarborough Beach Road, Corner Faraday Street, Mount Hawthorn – Alleged Unauthorised Use of Consulting Room as a Brothel be accepted as Urgent Business and debated “behind closed doors” at the conclusion of the meeting as it contains legal information.

CARRIED (8-0)

(Cr Ker on leave of absence.)

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

Gary Adshead – Journalist left the meeting at 6.24pm and did not return.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

5.1 Petition received from Mr Gillam of Mt Hawthorn with 42 signatories requesting that the Town of Vincent changes authorised usage of the property situated at 121 Scarborough Beach Road to residential and monitors any future activities at this property.

The Chief Executive Officer advised that there is a confidential late report to be debated at tonight’s meeting relating to this matter. He further advised that the petition would be forwarded to the Executive Manager Environmental Services for investigation and report.

Moved Cr Farrell, Seconded Cr Chester

That the petition be received.

CARRIED (8-0)

(Cr Ker on leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Special Meeting of Council held on 7 September 2005

6.2 Ordinary Meeting of Council held on 13 September 2005

6.3 Special Meeting of Council held on 20 September 2005

Moved Cr Torre, Seconded Cr Maier

That the Minutes of the following meetings of Council be confirmed as a true and correct record:

- *Special Meeting of Council held on 7 September 2005;*
- *Ordinary Meeting of Council held on 13 September 2005; and*
- *Special Meeting of Council held on 20 September 2005.*

CARRIED (8-0)

(Cr Ker on leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 7.1 The Presiding Member advised that he had received notification from the Mount Hawthorn Precinct Group stating that they would be holding a Special Meeting on Wednesday 28 September 2005 regarding the alleged development of Hawthorn House.

He further advised that this matter has been listed on the Agenda for the Elected Members Forum to be held on 6 October 2005 commencing at 6.00pm and that members of the public are welcome to attend this briefing.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.2 – Investment Report as at 31 August 2005. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Cr Messina declared a financial interest in Item 10.3.2 – Investment Report as at 31 August 2005. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.3 Cr Doran-Wu declared a proximity interest in Item 10.1.1 – No 118 (Lot 206 D/P: 1791) Buxton Street, Mount Hawthorn – Alterations and Additions to Street/Front Fence to Existing Single House – Request for Extension to 28 Days Works Period. The nature of her interest being that she is an adjoining property owner.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.22 (Confidential Item), 10.1.3, 10.1.13, 10.1.11 and 10.1.8

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

Items 10.1.1, 10.1.2 and 10.1.19

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

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

Cr Farrell	Nil
Cr Chester	Items 10.1.5, 10.1.7, 10.1.9, 10.1.12, 10.1.16, 10.1.17, 10.1.18, 10.3.5, 10.4.2 and 10.4.4
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Item 10.1.20
Cr Messina	Nil
Cr Maier	Items 10.2.2, 10.2.4 and 10.3.1
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 10.3.2 and 10.1.1

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

Items 10.1.4, 10.1.6, 10.1.10, 10.1.14, 10.1.15, 10.1.21, 10.2.1, 10.2.3, 10.3.3, 10.3.4, 10.4.1 and 10.4.3

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

Item 10.1.22

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

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

Items 10.1.4, 10.1.6, 10.1.10, 10.1.14, 10.1.15, 10.1.21, 10.2.1, 10.2.3, 10.3.3, 10.3.4, 10.4.1 and 10.4.3

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

Items 10.1.3, 10.1.13, 10.1.11 and 10.1.8

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

Moved Cr Farrell, Seconded Cr Chester

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.6, 10.1.10, 10.1.14, 10.1.15, 10.1.21, 10.2.1, 10.2.3, 10.3.3, 10.3.4, 10.4.1 and 10.4.3

CARRIED (8-0)

(Cr Ker on leave of absence.)

10.1.4 No. 80 (Lot 6 D/P: 1176) Angove Street, North Perth - Proposed Additional Two Storey Single House to Existing Single House

Ward:	North	Date:	19 September 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO3286; 5.2005.3101.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
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 Arasi Constructions Pty Ltd on behalf of the owner N M & G Strano for proposed Additional Two Storey Single House to Existing Single House, at No. 80 (Lot 6 D/P: 1176) Angove Street, North Perth, and as shown on plans stamp-dated 9 August 2005 (excluding site plan) and 14 September 2005(site plan), subject to:

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

- (iv) *subject to first obtaining the consent of the owners of No. 76 Angove 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. 76 Angove Street in a good and clean condition; and*
- (v) *the carport adjacent to Angove Street shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted).*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner:	N M & G Strano
Applicant:	Arasi Constructions Pty Ltd
Zoning:	Metropolitan Region Scheme: Urbam Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	802 square metres
Access to Right of Way	East side, 3 metres wide, sealed, privately-owned .

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the development of an additional two-storey single house to the rear of an existing single house. The subject property is abutting a 3 metre wide right-of-way to the east, however access to the rear property is proposed to be via a 3 metre wide battleaxe leg along the west side of the existing house.

Parking and access to the existing house is proposed off a separate crossover.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 30	2 dwellings R 30	Noted
Plot Ratio	N/A	N/A	N/A

Setbacks - east (garage)	1 metre	Nil	Supported - compliant with Building on Boundary acceptable development standard within the Residential Design Codes and no undue impact on adjoining property.
Vehicle Access Policy	Vehicular Access to Car Parking is required from the existing Right of Way	Vehicular Access from Angove Street and not the Right of Way	Supported - refer "Comments - Right-of-Way"
Consultation Submissions			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

Community Consultation

The proposal was not advertised as it is in compliance with all setback, open space and building height requirements of the Residential Design Codes.

Battleaxe Lot Area

The proposed rear lot complies with the battleaxe lot area calculations of Clause 3.1.2 of the Residential Design Codes. The minimum area for battleaxe lots identified in Table 1 of the R Codes for land coded R30 is 420 square metres; the proposed lot area including the maximum access leg credit of 20 per cent, is 431 square metres.

Right-Of-Way

The proposed property has access to a right of way to the rear and whilst it is the Town's Policy to require vehicle access via a right of way where available, the Town believes that it is not appropriate in this instance, given the nature of the right of way.

The Town's Technical Services have inspected the right-of-way and have advised that it is not well maintained and extremely difficult to manoeuvre a vehicle. Furthermore, with a garage being located off the right-of-way, a 3 metre setback to the garage will be required which will significantly reduce the effective area of the site, especially given its awkward shape.

The right of way provides rear access to many properties however, none of these properties are addressing or require access only from the right of way. Considering this and that the proposed lot has effective access via a battleaxe leg off Angove Street, it is recommended that access be obtained from Angove Street only in this instance.

Summary

The proposed development is considered to be supportable and does not have any undue impact on the adjoining property or surrounding streetscape.

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

10.1.6 No. 49A (Lot 228 D/P: 2334) Hobart Street, North Perth- Proposed Two Storey Single House

Ward:	North	Date:	19 September 2005
Precinct:	North Perth; P8	File Ref:	PRO2672; 5.2005.3116.1
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 Manor Home Builders Pty Ltd on behalf of the owner S P Chang for proposed Two Storey Single House, at No.49A (Lot 228 D/P: 2334) Hobart Street, North Perth, and as shown on plans stamp-dated 17 August 2005 (overshadowing plan and upper floor plan) and 16 September 2005, subject to:

- (i) *any new street/front wall, fence and gate between the Hobart Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *subject to first obtaining the consent of the owners of No. 47 and No. 49B Hobart 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.47 and No. 49B Hobart Street in a good and clean condition; and*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the windows to the master bedroom and computer nook on the eastern elevation, the windows to bedrooms 3 and 4 on the southern elevation and the window to bedroom 2 on the northern and western elevations, on the upper floor, being 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 plans shall demonstrate 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;*
 - (b) *the maximum external wall height of the dwelling, as projected above the eaves being 6.0 metres from the natural ground level;*
 - (c) *the maximum average height of the eastern and western boundary walls being 3.0 metres from the natural ground level; and*
 - (d) *the porch being setback a minimum of 5.0 metres from the Hobart Street boundary and its width not exceeding 20 per cent of the Lot frontage.*

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

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner:	S P Chang
Applicant:	Manor Home Builders Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	N/A

BACKGROUND:

8 April 2004 WAPC resolved to conditionally approve the application for the survey strata subdivision of the property at No. 49 (Lots 228 and 229) Hobart Street, North Perth. This application has not yet proceeded.

25 May 2004 Council at its Ordinary Meeting resolved to conditionally approve an application for the demolition of existing single house at No. 49 (Lots 228 and 229) Hobart Street, North Perth.

20 September 2004 Conditional approval was granted under delegated from the Council for two single houses at No. 49 (Lots 228 and 229) Hobart Street, North Perth.

DETAILS:

The proposal involves a two storey single house at the subject property. The subject property is in the Eton Locality and accordingly, is being referred to the Council for determination.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks			
Ground Floor			
-East (study and entry)	1.0 metre	Nil- 2.07 metres	Supported in part - refer to 'Building on Boundaries' below. Supported in part - as above.
-West (garage)	1.0 metre	Nil	
Upper Floor			
-West	2.3 metres	1.6-2.5 metres	Supported- minor variation, staggering of setbacks and no objections received from affected neighbour. Supported- screening of balcony not required as compliant with privacy requirements of R-Codes, therefore, as above.
-East	6.1 metres (or 2.7 metres if balcony is screened)	2.07-2.99 metres	
Minor Incursions into Street Setback Area	Porch and balcony may project not more than 1 metre into building setback area, provided that the total of such projections does not exceed 20 per cent of the frontage.	Porch projects 1.21 metres into building setback area, and occupies 24 per cent of the frontage. Balcony occupies 28 per cent of the frontage.	Not supported- has been conditioned to comply. Supported - no undue impact on streetscape.

Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres	Two boundary walls proposed with average height of 3.1 metres.	Supported in part-proposal makes effective use of space, no undue impact on adjoining neighbours in relation to over shadowing or visual impact and no objections received by affected neighbours. Height has been conditioned to comply.
Privacy Setbacks	Bedroom windows- 4.5 metres Other Habitable Rooms Windows - 6.0 metres Outdoor habitable spaces- 7.5 metres	Bedroom 3 window is 3.4 metres to the east boundary. Master bedroom window is 2.07 metres to the east boundary. Bedroom 2 window is 1.6-2.5 metres to west boundary. Bedroom 4 window is 2.7 metres to the west boundary. Computer nook window is 2.99 metres to the east boundary. Balcony is 5.4 metres to west boundary.	Not supported- has been conditioned to comply. Not supported- as above. Supported- overlooks proposed garage of adjoining property.
Wall height	6.0 metres	Up to 6.3 metres	Not supported- has been 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 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 no objections being received and the variations being addressed as above, the proposal is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.10 No 448 (Lots 2, 3 and 4 D/P: 1843) (Tenancies 3 and 4) Fitzgerald Street, corner Wasley Street, North Perth - Proposed Change of Use from Shop to Shop and Eating House and Associated Alterations.

Ward:	South	Date:	20 September 2005
Precinct:	North Perth Centre; P9	File Ref:	PRO1047; 5.2005.3123.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
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 S M Maroney on behalf of the owner V & I Prestianni Nominees Pty Ltd for proposed Change of Use from Shop to Shop and Eating House and Associated Alterations, at No. 448 (Lots 2, 3 and 4 D/P: 1843) (Tenancies 3 and 4) Fitzgerald Street, corner Wasley Street, North Perth, and as shown on plans stamp-dated 18 August 2005, subject to:

- (i) all signage shall be subject to a separate Planning Application and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) the eating house shall have a maximum public floor area of 28.5 square metres;*
- (iii) the doors, windows and adjacent floor areas fronting Fitzgerald Street and Wasley Street shall maintain an active and interactive relationship with these streets; and*
- (iv) prior to the first occupation of the development, two (2) class 3 bicycle parking facilities shall be provided at a location within close proximity to the entrance of the site. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner:	V & I Prestianni Nominees Pty
Applicant:	S M Maroney
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Shop
Use Class:	Shop and Eating House
Use Classification:	"P" and "P"
Lot Area:	1092 square metres
Access to Right of Way	East side, 4 metres wide, sealed, owned by the Town.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the change of use for Tenancies 3 and 4 from shop to shop and eating house. The applicant proposes to remove part of the partition wall between the existing Tenancy 4 being a retail clothes store "*The Sugar House*" and incorporate this with a cafe in Tenancy 3 with a maximum public floor area of the eating house being 28.5 square metres.

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
Car Parking			
Car parking requirement (nearest whole number)		27 car bays	
<ul style="list-style-type: none"> Existing Shops - 215 square metres (14.33 car bays) Existing Office - 155 square metres (3.1 car bays) Existing Consulting Rooms (3.0 car bays) Proposed Eating House - 28.5 square metres (6.3 car bays) 			
Apply the adjustment factors.		(0.85)	
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 		22.95 car bays	
Minus the car parking provided on-site		25 car bays	
Minus the most recently approved on-site car parking shortfall		Nil	
Resultant Surplus		2.05 car bays	
Bicycle Parking			
Requirements	Required	Provided	
Restaurant/Eating House:			
<ul style="list-style-type: none"> 1 space per 100 square metres (proposed floor area 28.5 square metres) public area for employees (class 1 or 2) 	Nil	Nil	
<ul style="list-style-type: none"> 2 spaces plus 1 per 100 square metres for visitors (class 3) 	2 spaces	Nil	
Consultation Submissions			
Support (5)	No objection to proposed change of use to accommodate cafe bar.		Noted
Objection	Nil		Nil
Other Implications			
Legal/Policy		TPS 1 and associated Policies.	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

COMMENTS:

The application was not advertised as written submissions stating no objection from all other tenants within the complex were submitted. The application is referred to the Council for its consideration and determination.

Bicycle Parking

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed eating house requires the provision of two (2) class 3 bicycle parking facilities. No bicycle parking is provided on-site and the provision of these is conditioned in the Officer Recommendation.

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

10.1.14 East Perth Redevelopment Authority – Proposed Modifications to the Lake Street Precinct (Northbridge) Design Guidelines

Ward:	South Ward	Date:	19 September 2005
Precinct:	Beaufort; P13	File Ref:	PRO1409
Attachments:	"Laid on the Table"		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 7 September 2005 and associated documentation in relation to proposed modifications to the East Perth Redevelopment Authority Lake Street Precinct (Northbridge) Design Guidelines, as "Laid on the Table"; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has no objection to the proposed modifications to the Lake Street Precinct (Northbridge) Design Guidelines.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to outline to the Council the modifications proposed by the East Perth Redevelopment Authority (EPRA) to the Lake Street Precinct (Northbridge) Design Guidelines. The EPRA are seeking comments from relevant stakeholders with regard to the modifications, with the closing date for submissions being 30 September 2005.

DETAILS:

The Town has received a letter dated 7 September 2005 and associated documentation advising that the East Perth Redevelopment Authority (EPRA) Board, at its August 2005 meeting, endorsed some proposed modifications to the Design Guidelines for the Lake Street Precinct in Northbridge, as "Laid on the Table".

EPRA is now seeking comments on the proposed modifications to the Design Guidelines. Whilst the Precinct is not situated within the Town of Vincent, it is situated adjacent to the Town's boundary and therefore, comment is warranted from the Town.

The proposed modifications are explained below:

"The modifications primarily relate to the lots fronting onto Plateia Hellas, which have recently been amalgamated as follows:

- *Lots 207, 208 and 209 on the western side of Plateia have been amalgamated as Lot 207 (914m²).*

- *Lots 301 and 302 on the eastern side of the Plateia have been amalgamated as Lot 301 (1129m²).*

Given that the Plateia is earmarked to become the hub of the Lake Street Precinct, the development of these newly amalgamated lots will be key in achieving this vision. As such, the Lake Street Precinct design guidelines have been amended to introduce some specific design guidelines for Lots 207 and 301, as well as some other provisions that are aimed at activating the Plateia and achieving the right development mix for the adjacent lots."

The proposed modifications to the *Lake Street Precinct (Northbridge) Design Guidelines* relate to additional provisions being incorporated into the existing guidelines that relate specifically to future development fronting onto the Plateia Hellas, with specific reference to Lots 207 and 301. (Refer to Section 3.8.4 in the modified Guidelines, as "*Laid on the Table*").

As identified in the Design Guidelines, *'the intention is that the Plateia Hellas will form the hub of the Precinct. It will be designed for versatile use for surrounding business, residential and recreational activities, as well as providing an ideal venue for public events.'*

The lot specific guidelines provide specific guidance with respect to such design and land use matters as desired character, preferred land use, building appearance and streetscape, car parking and sound attenuation.

The Design Guidelines relating to the Plateia Hellas encourage such design features as:

- active shopfronts and street frontages to the Plateia;
- food vendors, casual dining options and commercial tenancies at ground level; and
- the development of family oriented alternate dining and light entertainment precinct.

The Guidelines also encourage increased exposure of the Plateia to Newcastle and Aberdeen Streets to reinforce its position to the north-west entry point to Northbridge from Newcastle Street and the promotion of the Plateia as a social space for community, business, cultural and entertainment activities.

Building appearance and streetscape is encouraged to be cognisant in creating an intimate, human scaled environment. Passive surveillance design features, such as not allowing blank walls to car parking areas, and encouragement of balconies for upper level apartments fronting onto the Plateia are examples of such measures outlined.

Overall, the Design Guidelines proposed for the Plateia Hellas, Lots 207 and 301 can be easily read and incorporated into the design of buildings that will be proposed for this Precinct.

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".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed amendment will have no impact on the Town of Vincent itself, in, that none of the land parcels that form part of the extension of the East Perth Redevelopment Area are within the Town of Vincent's municipal boundaries.

In light of the above, it is recommended that the Council receives the documentation relating to the proposed modifications to the *Lake Street (Northbridge) Precinct Guidelines* and advises that the Town does not object to the proposed modifications.

10.1.15 East Perth Redevelopment Authority – Amendment No.20

Ward:	South Ward	Date:	19 September 2005
Precinct:	Beaufort; P13	File Ref:	PRO1409
Attachments:	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 24 August 2005 and associated documentation in relation to Scheme Amendment No. 20 for the purpose of extending the East Perth Redevelopment Scheme to include both the Perth Cultural Centre Precinct and Northbridge Link Rail Precinct, as shown in Attachment 10.1.15; and*
- (ii) *ADVISES the East Perth Redevelopment Authority that the Council has no objection to the East Perth Redevelopment Authority seeking consent from the Minister for Planning and Infrastructure to advertise Amendment No.20 to the East Perth Redevelopment Scheme.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The East Perth Redevelopment Authority (EPRA) has requested the Town of Vincent's comments on the proposed Amendment No.20 to the East Perth Redevelopment Scheme. The proposed amendment relates to the extension of the existing East Perth Redevelopment Area to extend further north-west and south-east of the current defined area. These areas have been referred to within the Scheme Amendment Report as the 'Perth Cultural Centre Precinct' and the 'Northbridge Link Rail Precinct'.

The amendment has been instigated by the State Cabinet, which has requested that EPRA undertake an integrated urban renewal strategy for the Perth Cultural Centre Precinct and a detailed masterplan for the Northbridge Link Rail Precinct.

To facilitate this, the land must be under EPRA's planning jurisdiction and to this end two key processes needing to be undertaken are identified as follows:

- The extension of the boundaries of the East Perth Redevelopment Area over each Precinct, which involves the formal amendment to the Regulations; and
- Amendment of the East Perth Redevelopment Scheme to include the Precincts within its scheme boundaries. This will complete a formal transfer of planning powers from the existing planning authorities to EPRA.

BACKGROUND:

8 February 2005 Council resolved to advise the East Perth Redevelopment Authority (EPRA) that the Council had no objection to the proposed extension of the East Perth Redevelopment Area to include the '*Perth Cultural Centre*'.

DETAILS:

The East Perth Redevelopment Scheme was gazetted in 1992 and has been amended a number of times since, including amendments necessitated by the extension of the East Perth Redevelopment Area boundaries.

The proposed amendment, subject of this report, provides for an extension of the East Perth Redevelopment Area over the '*Perth Cultural Centre Precinct*' and '*Northbridge Link Rail Precinct*'. The '*Perth Cultural Centre Precinct*' is bound by William Street, Beaufort Street, Roe Street and Aberdeen Street. The '*Northbridge Link Rail Precinct*' is bound by Roe Street, Citron Street (adjacent to Mitchell Freeway interchange), Wellington Street and William Street in Northbridge. (Refer to Attachment 10.1.15)

The extension of the redevelopment area is the first of a two-part process that allows for the land to be included in EPRA's boundary so that planning and co-ordination of land within this additional area can be undertaken. This first part involves the preparation and gazettal of Regulations, which set out interim standards for the transfer of powers from the Western Australian Planning Commission or the City of Perth to EPRA.

The extension itself will not provide the Authority with exclusive development control powers. These can only be conferred by extending the coverage of the Redevelopment Scheme over the additional area, which will have effect pursuant to Section 5 (2) of the *East Perth Redevelopment Act 1991* of repealing the operative planning schemes which, in this instance, are the Metropolitan Region Scheme and the City of Perth Planning Scheme.

This process will also include the amendment of the current Scheme Map to reflect the proposed changes but does not involve any textual changes to the East Perth Redevelopment Scheme text. Although the general provisions of the Scheme and the Authority's planning policy will apply to the land upon gazettal of this Scheme amendment, specific Scheme provisions and precinct planning policies for the extended area will be introduced as a separate amendment following completion of the urban renewal strategy for the *Perth Cultural Centre Precinct* and the masterplan for the *Northbridge Link Precinct*.

The process for extending the coverage of the Redevelopment Scheme is set down in the *East Perth Redevelopment Act 1991*. This requires, among other things, that a Scheme amendment be referred to the City of Perth, Town of Vincent and the Environmental Protection Authority for consultation and the views of these authorities be considered prior to the proposed amendment being submitted to the Minister for consent to advertise.

If the Minister grants consent for the proposed extension to be advertised, the Act requires that a period of 42 days be available for interested parties to lodge submissions on the proposed extension.

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”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed amendment will have no impact on the Town of Vincent itself, in so much, that none of the land parcels that form part of the future extension of the East Perth Redevelopment Area are within the Town of Vincent’s municipal boundaries.

As EPRA is advising the Town of the intention prior to seeking consent of the Minister to formally advertised Scheme Amendment No.20, there does not appear to be any further significant issues that need to be addressed at this stage.

In light of the above, it is recommended that the Council receives the documentation relating to the proposed EPRA Scheme Amendment No.20 and advises that the Town does not object to EPRA seeking consent from the Minister to advertise Amendment No.20, in accordance with the Officer’s Recommendation.

10.1.21 Nos. 8 (Lot 3), 10 (Lot 2) and 12 (Lot 1) View Street, North Perth – Unacceptable condition of properties

Ward:	North	Date:	21 September 2005
Precinct:	North Perth; P8	File Ref:	PRO0673 & PRO0292
Attachments:	001 ; 002		
Reporting Officer(s):	S.Teymant, A. Neilson		
Checked/Endorsed by:	D. Brits, R. Boardman John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** the report in relation to the properties located at Numbers 8 (Lot 3), 10 (Lot 2) and 12 (Lot 1) View Street, North Perth;
- (ii) **is the OPINION** that Numbers 8 (Lot 3), 10 (Lot 2) and 12 (Lot 1) View Street, North Perth, contains car bodies, timber, asbestos sheeting, scrap metal, furniture, broken asbestos and/or cement fibre fence sheeting, weeds, undergrowth, vegetation which in the opinion of the Council;
 - (a) *is likely to adversely affect the value of any adjoining property;*
 - (b) *is likely to adversely affect the health, comfort or convenience of the inhabitants of any adjoining property; or*
 - (c) *results in that property having an appearance which does not conform with the general appearance of other properties in the locality;*
- (iii) **pursuant to clause 4 of the Town of Vincent Local Law Relating to the Removal of Refuse, Rubbish and Disused Material AUTHORISES** a notice to be served on the landowners, Andonis and Alexandra Vosnakis of 138 Raglan Road, North Perth, requiring the properties to be cleared of car bodies, timber, asbestos sheeting, scrap metal, furniture, broken asbestos and/or cement fibre fence sheeting, weeds, undergrowth and vegetation within thirty (30) days of the service of the Notice; and
- (iv) **AUTHORISES** the Chief Executive Officer to take legal action in the case of default and including the removal of the material and recovering the costs in a court.

COUNCIL DECISION ITEM 10.1.21

Moved Cr Farrell, **Seconded** Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE:

The purpose of the report is to obtain Council approval to serve notice on the owners of the properties located at Numbers 8, 10 and 12 View Street, North Perth, in accordance with provisions of the *Town of Vincent Local Law Relating to the Removal of Refuse, Rubbish and Disused Materials*, as a result of the unkempt condition of the properties.

BACKGROUND:

The Town has received ongoing complaints regarding the alleged substandard condition of the properties located at Nos 8, 10 and 12 (Lots 3, 2 and 1 respectively) View Street, North Perth, owned by Andonis (Tony) and Alexandra Vosnakis of No. 138 Raglan Road, North Perth, since February 2001. Despite verbal undertakings given to improve the condition of the properties, Mr and Mrs Vosnakis have failed to sufficiently and constantly progress matters, in relation to previous requests by the Town's Officers. Initial requests to undertake remedial action extend as far back as 22 February 2001, with insufficient maintenance of the properties. Previous reasons provided by Mr Vosnakis for delaying requests, include health problems and insufficient funds.

Numbers 8, 10 and 12 View Street, North Perth, are located within close proximity to the North Perth commercial precinct, and adjacent to Casson House (a lodging house facility for the elderly).

DETAILS:

In response to a recent complaint, the Town's Development Compliance Officer contacted Mr Vosnakis on 13 June 2005, and again on 4 July 2005, to request that immediate arrangements be made to remove the disused items and that failure to do so would result in the matter being reported to the Council. In addition, a further complaint was received on 11 May 2005, in relation to concerns regarding tenant safety at No. 12 View Street, due to the presence of alleged fire hazards at the premises. An inspection of the property on 28 June 2005 by an Environmental Health Officer (with Mr Andonis Vosnakis in attendance) revealed that the dwelling house at No. 12 View Street, North Perth, did contain a large quantity of disused furniture, and other items, which were stacked to the ceiling within the dwelling. Furthermore, it was identified that a considerable quantity of disused items were being stored in the yard areas of the properties at both Numbers 10 and 12 View Street, North Perth.

As a result of the inspection, a letter was sent to Mr Vosnakis requesting that he attend to non-compliance matters identified. However, as in the past and despite verbal assurances, Mr Vosnakis has not complied with any of the Town's requests in relation to undertaking remedial action, at either of the properties to date. Two further complaints were received regarding the properties on Friday, 2 September 2005.

Due to the unacceptable conditions of the properties at Numbers 8, 10 and 12 View Street, North Perth, it is recommended that a Local Government Act (Local Law) Notice be served on the property owner Andonis and Alexandra Vosnakis of No. 138 Raglan Road, North Perth, in accordance with provisions of the *Town of Vincent Local Law Relating to the Removal of Refuse, Rubbish and Disused Materials*, to remove the refuse, rubbish, disused material (including car bodies, timber, asbestos sheeting, scrap metal, furniture, broken fence sheeting and any other disused item that may appear prior to notice being served) and vegetation/undergrowth from the properties.

Digital photographs of the yard areas at Numbers 8, 10 and 12 View Street, North Perth, are attached as Appendix 001. The photographs illustrate the unkempt condition of the properties and the types of disused materials stored thereon as follows:

No. 8 (Lot 3) View Street, North Perth

- Broken asbestos sheeting;
- Long grass.
- Scrap metal and timber; and
- Disused furniture and other miscellaneous items.

No. 10 (Lot 2) View Street, North Perth

- Two disused vehicles;
- Scrap metal and timber;
- Disused furniture and other miscellaneous items; and
- Long grass.

No. 12 (Lot 1) View Street, North Perth

- Scrap metal and timber;
- Long grass.
- Disused furniture (internally and externally); and
- Other miscellaneous items.

Location of Properties – General appearance of other properties in the locality

The subject properties are located in View Street on the corner of View and Woodville Streets, North Perth. View Street is a major road. Woodville Street is a local road. The unsightly appearance of the properties portrays an unacceptable image to persons passing through the Town. Furthermore, the two properties do not conform with the general appearance of other properties in the locality, which are well kept and maintained.

To the south of the properties is a church and North Perth Plaza Shopping Centre which is well kept.

To the west of the properties are relatively new buildings which are very well kept.

To the north of the properties is Casson House, which is well kept.

To the east of the properties are residences which are well maintained.

Adversely affecting the value of any adjoining property

As stated above, the adjoining properties are well kept and maintained. It is advised that the unsightly nature of the subject properties would adversely affect the value of any adjoining property.

Adversely affecting the health, comfort or convenience of adjoining property owners

Complaints from nearby persons has revealed that a number of adjoining property owners have expressed their dissatisfaction at the unsightly appearance of the subject properties.

Due to the nature of the complaints and lack of co-operation from the owners, it is recommended that a Notice is served on the property owners Andonis and Alexandra Vosnakis of 138 Raglan Road, North Perth under the Town of Vincent Local Law Relating to the Removal of Refuse, Rubbish and Disused Materials, to remove the car bodies, timber, asbestos sheeting, scrap metal, furniture, broken asbestos and/or cement fibre fence sheeting, weeds, undergrowth and vegetation.

CONSULTATION/ADVERTISING:

Not applicable.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010 (Amended), Key Result Area 1.4: *“Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment; (d) Work with owners of significant vacant blocks to ensure that the blocks are maintained in keeping with the statutory regulations and the amenity of the area.”*

LEGAL/POLICY:

Local Government Act 1995 and the Town of Vincent Local Law Relating to the Removal of Refuse, Rubbish and Disused Materials.

Clause 3 (1) states that:

“Refuse, rubbish or disused material” includes –

- (i) any material which is abandoned or unwanted by its owner or the person in possession of it;*
- (ii) any material which is not being used for its original intended purpose and which has been deposited or stored upon any property for no current purpose other than the deposit or storage;*
- (iii) any motor vehicle, motor vehicle part or machinery which has been deposited or stored upon any property for the purpose of dismantling or breaking up;*
- (iv) Any wood, timber, lumber; or cuttings, logs or remnants of trees; or chopped, split or chipped wood, deposited, stored, located or placed on property; and*
- (v);*

And any material may be refuse, rubbish or disused material notwithstanding that it may have a monetary or other value to its owner or the person in possession of it or to the owner or occupier of any property upon which it is deposited or stored; ...’

Clause 4 states that:

‘If there is

- (b) on any property within the District other than vacant property any refuse, rubbish or disused material or any trees, scrub or undergrowth which, in the opinion of the Council-*
 - (i) is likely to adversely affect the value of any adjoining property;*
 - (ii) is likely to adversely affect the health, comfort or convenience of the inhabitants of that property or any adjoining property; or*
 - (iii) results in that property having an appearance which does not conform with the general appearance of other property in the locality*

the Town may cause a Notice signed by the Chief Executive Officer to be served on the owner or occupier of that property requiring that owner or occupier as the case may be to clear the property of the trees, scrub or undergrowth or refuse, rubbish or disused material specified in the Notice with the time specified in the Notice.’

Clause 5 states that:

‘the Town may Act in Default:

- (a) Where an owner or occupier who is served with a Notice under Clause 4 of this Law fails to comply with the terms of the Notice, the Town is authorised –*

- (i) *to clear or remove from the property the trees, scrub or undergrowth or refuse, rubbish or disused material specified in the Notice, and dispose of the same, without payment of any compensation; and*
- (ii) *to recover in a court of competent jurisdiction the amount of the Town's expenses in so doing from the owner or occupier who was served with the Notice.'*

FINANCIAL/BUDGET IMPLICATIONS:

An estimate to clear the properties is approximately \$4,400. The cost will be as follows:

Labour costs and machinery*	=	\$2,100
Truck costs	=	\$650
Tipping fees (based on 3 truckloads)	=	<u>\$1,650</u>
		<u>\$4,400</u>

(* 4 men, 15 hours)

Three quotations will be obtained should it be necessary to carry out the works. Any costs will be recovered from the owner of the properties.

COMMENTS:

It is recommended that the Chief Executive Officer be authorised to serve a Local Government Act (Local Law) Notice on the owner of the properties at Numbers 8, 10 and 12 View Street, North Perth, Andonis (Tony) and Alexandra Vosnakis of No. 138 Raglan Road, North Perth to remove the refuse, rubbish and disused material in accordance with the *Town of Vincent Local Law Relating to the Removal of Refuse, Rubbish and Disused Materials*, and in case of default, the Town's contractors will complete the necessary works and recoup the costs from the owners.

As the complaints have been ongoing, it is recommended the CEO also be authorised to act if the owner fails to comply with the Notice.

10.2.1 Adelaide International Public Works Conference - 21/25 August 2005

Ward:	-	Date:	1 September 2005
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council

- (i) *RECEIVES the report on the attendance of the Executive Manager Technical Services at the Adelaide International Public Works Conference - 21/25 August 2005; and*
- (ii) *NOTES that the next International Public Works Conference will be held in Cairns, Queensland in August 2007.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide information on some of the papers presented at the Adelaide International Public Works Conference held between 21 and 25 August 2005.

BACKGROUND:

The Executive Manager Technical Services (EMTS) attended the International Public Works Conference held at the Adelaide Convention Centre from 21 to 25 August 2005.

Over 470 delegates from Australia, New Zealand, Asia, the United States of America and Canada were in attendance from both State and Local Governments and private industry. There were 60 delegates from Western Australia in attendance.

The theme of the 2005 International Public Works Conference was:

- Lifestyle
- Infrastructure
- Services

A common thread in the many papers presented was the need for strategic and sustainable management of Local Government assets.

With Australia's aging infrastructure, the need to have an inventory of all assets to determine their long term maintenance and replacement requirements and develop long term financial management plans and ensure sustainability, was highlighted. A plan to fund the management of assets in terms of short term and long term cash requirements was considered to be essential to ensure future generations were not overtly burdened.

Another emphasis of the Conference was attracting young people to the engineering industry.

It was reported that young people were not pursuing science and engineering studies and with almost 50% of engineers about to reach retirement age in the next ten to fifteen years, the country (Australia) could be adversely affected if these engineers are not replaced.

Many other interesting papers were presented, ranging from road surface treatments to the value of urban trees.

DETAILS:

The Conference was officially opened by the Governor of South Australia, Her Excellency Marjorie Jackson-Nelson, where delegates were welcomed to Adelaide and encouraged to visit the city's various facilities and attractions.

Following the official opening, two key note addresses were delivered, the first from Professor Andrew Dowing, National President of Engineers Australia, and the second from Matthew Lugg, Director of Highways, Transportation and Waste Management from Leicestershire County Council in the United Kingdom.

Professor Dowing proclaimed the virtues of the need to attract young people to the engineering profession and stressed the importance of catchment management and reducing runoff to rivers and streams to replicate natural water cycles.

He concluded his paper by indicating that long term planning (at least two generations ahead) must be implemented, the need for sustainable development, the funding challenge facing governments, particularly Local Governments, the current skills challenges already affecting the Engineering profession, and that children at school should be encouraged to pursue careers in science, engineering and technology.

Matthew Lugg, formerly from Cambridgeshire Council in the United Kingdom, presented a paper titled "Delivering Sustainable Infrastructure".

This presentation centred on the Cambridgeshire sub region, which requires 50,000 new homes to be build by 2016, due to the region's economic success, which has made it one of the most attractive places to live and work in the United Kingdom.

Over 2 billion pounds of new infrastructure and improvements to existing infrastructure is required, including:

- A major road upgrade (of the A14 trunk road) estimated to cost 0.5 billion pounds.
- A new Guides bus way
- Many new access roads
- Improvement to a number of key transport corridors.
- Numerous new cycleways.

The Cambridgeshire County Council will be responsible for the delivery of the above schemes. In addition to gaining political support for overall funding of the projects, the Council will need to develop new approaches to procurement, ensure there are adequate professional, technical and construction personnel to deliver the projects and, once built, ensure the overall asset management of the new and existing infrastructure is undertaken.

Other initiatives that will be implemented as part of the "sustainable" development will be demand management through:

- The promotion of car sharing and car pooling.
- The introduction of congestion charging and road user charging.
- Control of access, e.g. rising bollards where a detector mounted on a bus will raise the bollards as it approaches.

Following the two keynote addresses, the conference proceedings split into various streams over the next three days, including:

- Asset Management Roads
- Water and Waste Water Revitalisation
- Stormwater Management & Asset Management
- Road Maintenance
- Public / Private Partnership
- Environmental Sustainability
- Stormwater Management
- Fleet Management
- Developments in Pavement Technology
- Human Resources Management
- Risk Management
- Pipe Performance
- Water Use & Re-use
- Coastal and Foreshore Works
- Environmental Sustainability
- National Transport Planning

Included were also two panel sessions which included:

- Public, Private Partnership Panel
- Where is Asset Management heading in the next two to five years

Each session comprised three (3) papers being presented simultaneously. A brief summary of some of the sessions attended by the EMTS is outlined below:

Lessons learned in Asset Management - Worldwide

Roger Byrne, Principal Consultant GHD - Asset Management Group.

This paper attempted to answer how can logical, sustainable and cost effective asset management be driven across an organisation to derive the benefits available through advanced asset management techniques to achieve best value asset service delivery at the lowest sustainable triple bottom line cost for present and future generations.

The paper also looked at the steps that have been taken by GHDs Asset Management Group to address issues such as ensuring that uniform performance is achieved by the various organisations they have assisted.

Causes of poor performance

Some of these causes include but are not limited to:

- No clear quality assurance framework in place
- Local governments not taking ownership of the asset management activities
- Inadequate training to raise awareness and understanding of asset management across the entire organisation
- Lack of communication with all stakeholders
- Difficulty in quantifying benefits

Best practice model

The outcome of a survey conducted by GHD of several organisations, resulted in the development of a sustainable best practice model which included:

- Vision of best appropriate practice
- Setting minimum standards
- Monitoring performance
- Implementation of a continuous improvement program

The paper also discussed training and education aspects of asset management, what various organisations are doing, awareness-raising for non experts, manuals and guidelines that are available.

A New Heart for an Old Soul - The Revitalisation of Port Kembla

Rosemary Cranhurst, Wollongong City Council

This was a colourful presentation about two project managers from different sides of the track (Engineering / Social Planning) together creating an innovative community engagement process. The presentation included tips on managing and balancing relationships internally and externally, and providing project outcomes and learnings.

The Revitalisation of Port Kembla began in 2000, however, it wasn't until 2003 when a strategic partnership emerged within the "silos" of Council that resulted in "real" environmental, economic and social benefits.

Within an operational environment that included unprecedented political tensions, executive management changes, a thriving sex and drug industry, a dysfunctional business chamber, media keen for failure, a community that was on the "verge" and a number of divisions of Council with very different ideas on revitalisation, a model for organisational integration was developed.

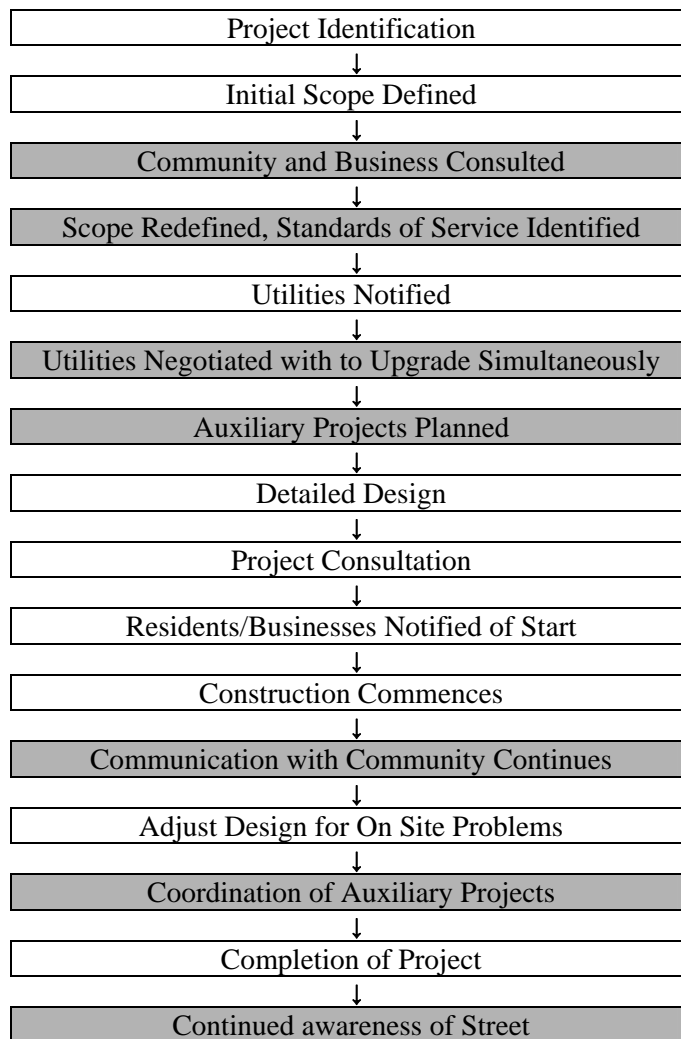
Community safety led the "place" improvement project and unconventional methods were utilised to engage street sex workers, a culturally diverse community and business people to develop a community endorsement concept. The engagement continued to the construction phase, with a clear understanding by the community and workers of the outcomes of creating a safer place to work in a previously unsafe street.

What initially began life as a footpath replacement project quickly enveloped into a successful renewal program. The project was ambitious not only in its construction but also because of complexities of relationships, egos, expertise, budgets, engagement and project management.

The many groups involved in the project included:

- Councillors
- Council divisions, including
 - Works Division'
 - Community and Cultural Services
 - Recreation and Natural Resources
 - Landscape design
 - Civil Design
 - Planning
 - Communications and Public Relations
 - Executive Management
- Community groups including:
 - Schools
 - Italian
 - Macedonian
 - Indonesian
 - General groups
- Utility providers

Below is a demonstration of the process of the construction project. The highlighted cells identify the steps outside the normal flow of a project.



With the completion of the Project, some of the outcomes are beginning to come to fruition.

Coffs Harbour City Centre Revitalisation Project

Stephen Sawfell, Coffs Harbour City Council

This paper outlined the process undertaken to revitalise a mundane area of the Coffs Harbour CBD.

High vacancy rates, falling property values, unemployment and crime, accentuated the need for revitalisation.

The Coffs Harbour City Centre Strategic Plan necessitated the demolition and removal of the existing mall and kiosks to facilitate the re-opening of the main (High Street) street and the upgrading of various inner city streets. It further identified the need to form a multi disciplinary project team.

The \$3.75 million, 22 week contract was tendered and awarded for the re-opening of High Street, which was the most critical part of the revitalisation.

Features included an 8.4 m wide footpath for alfresco dining, 50 new parking spaces and discrete landscaping. The outcome was a City Square which now features kiosks, arbors, a water feature and five all weather sail-structures with unique lighting cross High Street, together with dual access to the highway. Further, the project was completed within timeframes and budget in December 2001. The retention of a 4m wide strip of existing pavers adjacent to shop fronts during construction was the result of good risk management and ensured continual access for businesses. A full dilapidation report/audit was conducted on existing buildings prior to commencement.

Ongoing media coverage, information updates and a shop front office ensured the success of the project, together with marketing into the future, establishing a vital hub to the city centre.

Three years of consultation with more than 500 people being directly involved in the process, led to the development of the plans to create the new city centre.

Preparations included detailed design and engineering plans, landscape plans, the development of a financial plan, a review of environmental factors, implementation plan and developer contributions plan, in consultation with the community.

Council adopted the plan in June 2000 and has since been involved in further community consultation in relation to design and other issues.

Studies of Other Centres

The Council embarked on a series of studies of other similar city centres and malls in regional and metropolitan areas before making any decisions on the future of the city centre.

Some valuable lessons were learned from centres experiencing a similar economic climate to that of the Coffs Harbour City Centre.

Key findings were that re-introducing traffic to malls had resulted in increased trade, increased tenancy rates, more job opportunities and improved security.

Financing

The financing for the City Centre Revitalisation was generally based on an extraordinary business rate, raised above the normal land rates and levied on businesses and owners. This was referred to as the CBD rate. This rate became the basis for loan funding across a 10 year period and required agreement from at least 70% of the city centre ratepayers before it could be introduced.

The objectives of the program were:

- Provide direction for the growth and development of the city
- Improve business within the city centre
- Meet the needs of users of the city centre
- Co-ordinate public and private resources

Marketing

One of the keys to ensuring success of the City Centre Revitalisation Plan was the implementation of the city centre marketing strategies.

A series of workshops were conducted, with the aim of marketing the city centre and to assist businesses to achieve the best retail returns during the construction phase.

Other promotional measures included the planning of major events, such as a highly successful Buskers Festival, street opening celebrations, Christmas celebrations, business development, advertising and other promotions. A series of TV advertisements were also run advertising the "Heart of the City" as the place to shop.

Future Potential

Since the opening of High Street, various traders had reported increases of between 50% and 100% on trading figures as compared with the previous year. An increase in property values of up to 30% had occurred, with a marked increase in development activities. Up to \$7.5m worth of property had been sold along High Street alone since construction. Up to 13 shops were leased during the construction period, with a total of 21 following completion (February 2002 figures).

The Coffs Harbour City Revitalisation Project was an example of social change through the renewal of infrastructure, which provided community benefits of lifestyle, community access and ownership, quality surrounds and economic viability injecting growth into the heart of a Central Business District.

A Stormwater Management Strategy for Wetlands - Lake Goollelal Case Study

Kym Hockley, Connell Wagner & Peter Pikor, City of Joondalup

This paper outlined what the City of Joondalup is doing to enhance water quality and protect various wetlands in its region.

The City's Yellagonga Regional Park covers an area of 1400 hectares encompassing the wetlands of Lake Joondalup, Lake Goollelal, Beenyup and Walluburnup swamps. The wetlands are surface expressions of the Gnangara Mound, an important source for the water supply for the Perth Metropolitan region. Approximately 20 stormwater outfalls discharge directly into the wetlands allowing significant amounts of particulate matter and pollutants to enter the wetlands system, with the inherent impacts of increased nutrient loading, algal blooms, gross pollutants problems and increased midge and mosquito populations.

Connell Wagner was commissioned by the City to undertake a review of the environmental and engineering aspects of the various stormwater outfalls associated with the Regional Park.

The paper outlined the research undertaken, the development of the best management practice strategy considered appropriate for the management of stormwater entering Lake Goollelal, the consultation process undertaken and the final recommendations made that form the basis of ongoing design and management principles to be applied for stormwater run off within these wetlands.

Drainage Strategy Development

Objectives

- Stormwater pollutant characteristics were determined largely by the land uses within the catchment.
- Gross pollutants in the form of wrappers, cigarette butts, containers and bottles;
- Hydrocarbon pollutants from petrol stations;
- Nutrients and sedimentation from residential areas and from parks and reserves
- Heavy metals from vehicles in road reserves.

Four (4) major sources of these pollutants were identified in the catchment for the main Outfall:

- Commercial areas (shops, fast food outlets, etc);
- Petrol station;
- Residential areas, two small parks, and two reserves; and,
- Road reserves and footpaths.

The strategy also looked at

- Source Control
- Community Awareness
- Municipal Operations
 - street sweeping
 - drain maintenance
 - parks and reserves
 - graffiti removal
- Building Construction Activity

Treatments Implemented

The treatments were grouped into three categories:

- Primary - physical screening such as gross pollutant traps.
- Secondary - sedimentation and filtration.
- Tertiary - enhanced sedimentation and filtration, biological uptake.

Some of the measures implemented were:

- Gross pollutant traps - 2 installed.
- Offline soak wells and percolations cells, implemented to reduce stormwater runoff allowing pollutants to be filtered.
- Retention/infiltration basins and swales.
- Constructed wetlands

A regular monitoring program is now being implemented and will include local community input. It will also include testing of water, assessment of health of flora and fauna, recording maintenance requests and types and frequency of pollutants collected.

Innovation in Waste Collection Systems

Anthony Reed - Waverly Council

This paper detailed the process employed by the City of Ryde and their contractor, Collex Pty Ltd, in introducing a bin identification and weighing system that would work effectively in the Australian environment.

Benefits of Bin and Weighing Systems

There are significant benefits associated with bin identification and weighing systems as part of the collection process. These benefits can be summarised as follows:

- Complete record of all MGB's and their location.
- A complete record of all MGB's emptied is automatically generated.
- Collection data is transferred to the office software without any manual input.
- Missed collections are automatically highlighted improving customer service. Missed collection reports from the customer are easily verified.
- Better route planning and control.
- Better driver control and the prevention of fraud.
- Trend analysis can be used to identify problem locations or specific properties.
- Residential bins are differentiated from Commercial bins.
- Opportunity to introduce demand management initiatives, using price.

The available range of hardware associated with tagging the bin utilises three (3) technologies:

- Manual identification systems which involves the logging of information by the driver into a data-logger on-board the truck.
- Bar coding and snowflake technology which relies on optical reading.
- Electronic tagging the latter was chosen by the Council.

The latter which provides the means of automatically and reliably identifying individual residential and commercial waste collection bins was chosen. The technology which uses a small radio frequency transponder contains a unique unalterable 64 bit identification code and a radio frequency reader with an antenna integrated into the bin lifter system.

The transponder is packaged in a robust tag that is easily fixed to the bin and is resistant to weather conditions as well as the significant jolting characteristics of the lifting process and discharge of waste into a receiving hopper.

The transponder on the bin is charged by the radio frequency reader's antenna which is located on the collection vehicle. The responder, when charged by the reader, emits the identification code and, as such, automatically identifies a bin. The code is passed onto the data logger where it is checked and verified.

The data logger records:

- Date and time of pickup
- Weight of bin
- Bin location (property/business)

The proclamation of the Waste Avoidance and Resource Recovery Act in 2001 in New South Wales has resulted in a Waste Avoidance and Resource Recovery Strategy being developed that has set targets for Councils in terms of resource recovery rates. As a result some Council's have already moved to introduce volume based charging in an attempt to comply with the Local Government Action Plan and the State Government's Waste Strategy.

The introduction of weight measurement as the primary pricing mechanism will mean that the local resident would have greater control over the final waste bill than the current standard annual charge for a 120, 140 or 240 litre service.

Environmental Savings of Going "Green" in your Fleet

Grant Andrews, Uniqco International Vehicle Management, Western Australia
Steven Colliver, Dubbo Council, New South Wales

This paper reviewed the principles that could create a "green" vehicle fleet and discussed the use of alternative and more sophisticated fuels, better engine technology and improved recycling of plant and vehicle waste.

Australia currently has less than 1% of the world's vehicles and the utilisation of local government fleets is extremely low by commercial standards and therefore any emission savings have to be substantial to produce any environmental savings.

It was considered that in "greening" the plant and vehicle fleet it was important to measure the total environmental impact and not just consider vehicle emissions.

It was considered that the application of best practice fleet management should achieve a balanced and long term positive outcome in all aspects of fleet operation, not just in one aspect that is often recognised, and seemingly desirable at the time, but may in fact have a negative environmental result when the holistic approach was considered.

The Cities for Climate Protection Program was discussed where Fleet Managers need to develop and support environmentally sustainable pollution policies such as Carbon credits, alternate fuels and hybrid vehicles. It was also indicated that the most appropriate and economic method to achieve significant reductions in vehicle emissions was to ensure that the fleet was technologically up to date.

One of the main problems in trying to protect the environment is the public perception that simply changing your vehicle to an alternative fuel can potentially "save" the environment. The negative impact on the environment by motor vehicles comes not only from CO₂ but also from the other noxious substances such as total hydrocarbons (THC), oxides of nitrogen (NO_x) and diesel particulate matter (PM).

In considering the environment, Fleet Managers should also consider the components used in the construction or build up of the vehicle and question the following:

- Is the vehicle manufactured with recycled plastics?
- Are the plastics labelled?
- Is the vehicle produced with permanent corrosion protection for long service life?

Whole of Life Cost which is the total cost of owning and operating a vehicle over the estimated life of the item was also discussed.

The paper discussed emissions where the main greenhouse gas emitted by motor vehicles is carbon dioxide and the level of CO₂ emissions is linked to the amount of fuel consumed by the vehicle, and the type of fuel used.

Safety Considerations were also discussed and it was concluded vehicles that would be most advantageous to purchase should have a balanced assessment to ensure the fleet is environmentally friendly, safe and operates at a reasonable cost as follows:

- Total whole of life costs
- Safety
- Greenhouse emissions and
- Air pollution rating.

A list of future fuels that would reduce the environmental impact was provided as follows:

- Biodiesel (B20) - a mix of diesel (mineral diesel) and biodiesel (vegetable extract diesel). Current supply of this product in Australia is limited and quality seems to be an issue.
- Fuel cell technology - the cleanest concept available to date. However, only available in limited numbers and extremely expensive due to emerging technology status. Perth currently operates some trial buses using this technology.
- Ethanol ULP mix (E10) - current federal government incentives see this fuel regularly becoming available in the Australian market.
- Ultra low sulphur diesel - available in many areas in Australia now. By 2006 this will be available throughout Australia.
- Zero sulphur diesel - not commercially available in Australia to date. Should be available in Australia by 2010.
- Diesel electric hybrid - new technology just arrived in some commercial vehicles in Australia.
- ULP electric hybrid - two manufacturers have hybrid vehicles available in Australia. Improvements in resale value are making these vehicles more viable for inner city commuter use.
- LPG - commonly available in Australia. Greenhouse ratings are average due to fuel consumption being higher when compared to the same vehicle powered by ULP. This combined with their higher air pollution rating does not necessarily make them an environmentally friendly fuel derivative.
- Compressed Natural Gas (CNG) - limited use in Australia. Greenhouse ratings are average due to fuel consumption being higher when compared to the same vehicle powered by ULP. This combined with their higher air pollution rating does not necessarily make them an environmentally friendly fuel derivative.

However, many of the above fuels, and the technology involved in using them, are at an early developmental stage. As a result of reliability issues with some fuels, the resultant downtime, mechanical failures and low resale value can make using them expensive.

Therefore, it was considered that Fleet Managers needed to consider the ultimate cost of going "Green".

The paper concluded by indicating that Australia represents less than 1% of the international vehicle market and that as vehicle manufacturers were fully aware of their environmental responsibilities and they produced vehicles to meet stringent environmental requirements in Europe and America and that before simply changing to an alternative fuel, organisations needed to ensure that the environmental savings were real.

The Growing Transport Challenge

Dr Wayne Stewart, Opus International

This was a very informative and inspiring presentation.

The paper discussed some of the transportation issues facing society and provided an insight into the role engineers need to play in solving some of these issues.

The paper focussed mainly on transport issues facing Auckland in New Zealand and indicated that:

- Congestion and pollution were seen as being caused by other people's vehicles
- All wanted Governments to invest in a subsidised rail and bus transport for "others" to use

The reason for the above paradox was explained as the car providing unprecedented accessibility, being convenient, comfortable, secure and private. It was this mindset that was at the heart of the problem of creating sustainable transport solutions.

Some of the transportation issues discussed were:

- Women in paid employment - complex vehicle trips
- Changing population
- Dispersed employment locations - only 11% of people in Auckland work in the CBD
- Changing employment patterns

The questions asked were "who is responsible for solving people's transport needs" and "should more roads be built", etc.

In Auckland, only 2.2% of all work related trips are made by bus and 0.25% by rail. This was mainly due to the low density suburbs of New Zealand cities and public transport did not cater for shift work, early starts and late finishes. Many women also felt unsafe using public transport, especially at night.

Studies had shown that a city needs employment zones of 450 persons per hectare and residential zones of 100 households per hectare to make rail passenger transport effective.

Auckland has very few areas with more than 15 households per hectare.

In addition, the social mix of people living near the rail link for Auckland was compared with another large New Zealand city - Wellington.

It was discussed that while Wellington had a significantly higher percentage of high income householders with office employment living near the railway line, and hence rail use was high, Auckland had the opposite situation.

In addition very cheap second hand Japanese imported cars had flooded the market in New Zealand, making car ownership very affordable for all social groups.

The need for travel demand management was discussed and the search for sustainable transport.

The paper concluded that one possible way could be by replacing the car with a totally new mobility technology. Such technology would need to be more than just clean burning fuels, cells and recyclable body parts, which while reducing the many adverse effects of car use, would not reduce congestion or social exclusion. The new technology would need to offer all the benefits that the car provided in terms of no-wait, no-transfer, door-to-door service. It would also need to be faster, and so easy to use that everyone, and not just the present 70% of the population, could use it. While developments in intelligent transport systems had the potential to create truly automated cars and higher capacity automated guide-ways, they were unlikely to solve congestion.

Other Sessions

Some of the other sessions attended by the EMTS included the following:

- Traffic Management - The 40kph speed limit introduced in the City of Unley in 1991 has revealed considerable benefits over a period of time. The paper discussed the measured benefits of the lower speed zoning.
- Yardstick Benchmarking for Parks - Collection and comparison of a range of information relating to the provision of services, cost of service provision, asset management processes, planning and policy information.
- Use of scrap tyres in Asphaltic Concrete - Using 15% rubber granules has indicated a significant modification in the characteristics of the rubber-bitumen gel resulting in an increase in stability of the mix design
- Permeable Segmental Pavers - The paper summarised the technology of permeable paving, the environmental advantages, application and the need for the development of an Australian Standard for this type of paving.
- How long will stormwater pipes last - The paper described the development of a methodology and model for concrete pipes that can be implemented to determine condition based depreciation to better represent deterioration and depreciation of stormwater assets. The model indicated that at best (given certain ground conditions) pipes will last at least 26 years and at worst 150 years.
- Crack Sealing - The paper promoted the use of crack sealing as long as it is carried out correctly in terms of preparation, selection of appropriate materials, application, timing and temperature of sealant at time of application.
- Street Sweeping - This paper outlined the history and evolution of street sweeping, the objectives of street sweeping, equipment, what if street sweeping was not carried out (Adelaide metro area collects 40,000m³ to 60,000m³ of material per annum), the sweeper industry and where to from here.
- Stone Mastic Asphalt on Australian Local Roads - This asphalt resurfacing treatment developed in Europe in the 1960's, provides good skid resistance, low traffic noise, resistant to permanent deformation, is highly durable and hence suitable for lower trafficked roads.
- Urban Trees and Their Habitat Value for Birds in the Northern Suburbs of Adelaide - This paper discussed the importance of the "urban forest" for providing a functional habitat for native and exotic birds.

CONSULTATION/ADVERTISING:

N/A.

LEGAL AND POLICY:

The Council's Policy relating to Attendance at Conferences requires a report to be submitted to the Council and for a copy of the report to be placed in the Town's Library.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2002-2008 – 1.3 Develop, implement and promote sustainable urban design. *"f) Participate in initiatives and incentives to foster sustainable building and urban design."*

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

As mentioned in the report, over 470 delegates participated in the International Public Works Conference held in Adelaide and the event had a significant focus on asset management and environmental issues.

Sustainable development, water sensitive urban design etc was highlighted in several papers presented at the conference where, while water conveyance is crucial to ensure that stormwater that falls within a catchment is transported via pipes and channels, compensation basins, water quality, stormwater recharge and other ways to improve stormwater management are also a priority.

Initiatives such as permeable pavers, water infiltration, and retention systems are being trialled throughout Australia. The Town has also embraced this practice, to some extent, and is installing "soakwell gullies" in roadways as part of the Town's road resurfacing program.

Another issue to emerge from the conference was the need for a national approach for asset management and IPEWA has been driving technical input into developing a national asset management framework by re-establishing its National Asset Management Committee with the aim to compliment the work already being done in the various states.

The importance of the urban forest for sustaining bird life, street sweeping practices, greening of the vehicular fleet, revitalisation of inner city areas, road maintenance and upgrade techniques, and innovations in waste management, to name but a few papers presented, made for a very informative and thought provoking Conference.

10.2.3 Dedication of Little Parry Street, Between Lindsay and Beaufort Streets, Perth

Ward:	South	Date:	21 September 2005
Precinct:	Beaufort Street (P13)	File Ref:	PRO0568
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Dedication of Little Parry Street, between Lindsay and Beaufort Streets, Perth;*
- (ii) *NOTES its previous decision at its Ordinary Meeting held on 11 September 1995 to approve the dedication of Lot 28 as part of Little Parry Street (as shown in Appendix 10.2.3 A & B); and*
- (iii) *ADVISES the City of Perth and the East Perth Redevelopment Authority of its decision.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to inform the current Council of a previous decision to approve the dedication of Lot 28 and to obtain approval for the process to be completed.

BACKGROUND:

The Town has received a request from the East Perth Redevelopment Authority (EPRA) to seek approval for the dedication as a public road of a lot jointly owned by the Town and the City of Perth. The Town's records show that the Council had previously approved the dedication of this lot at its Ordinary Meeting held on 11 September 1995, and that the City of Perth was notified of the Council's decision at that time.

DETAILS:

As part of the redevelopment of that land within the auspices of EPRA, a number of new roads are to be created. One of these is *Elovalis Lane*, the Council having endorsed the naming in 2003. A copy of a plan supplied by EPRA and indicating the location of the proposed *Elovalis Lane* and the section of Little Parry Street which must now be dedicated, is attached to this report, together with a copy of the title for Lot 28.

EPRA are now preparing for the creation of *Elovalis Lane*, however the proposed new road, a cul-de-sac, will originate from a leg of Little Parry Street which is itself not yet dedicated as a public road. This land is a freehold lot (Lot 28) which is jointly owned by the City of Perth and the Town of Vincent.

In August 1995, the City of Perth wrote to the Town requesting the Council's approval of the dedication of Lot 28 with the view of alleviating any future ownership conflicts and to formalise its long time usage as a road. The Council endorsed the dedication of the lot at its Ordinary Meeting held on 11 September 1995 and advised the City of Perth of its decision in a letter written to them on 21 September 1995. It now appears that the City of Perth did not complete the dedication as proposed.

EPRA have now asked both the City of Perth and the Town of Vincent to proceed with the dedication so that *Elovalis Lane* can subsequently be created.

CONSULTATION/ADVERTISING:

EPRA will complete the necessary consultation with service providers and government bodies so that the dedication can be completed.

LEGAL/POLICY:

There is no legal impediment to the dedication of Lot 28 as part of Little Parry Street

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "a) *Continue to develop and implement annual road and footpath upgrade programs.*"

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications to the dedication.

COMMENTS:

The dedication of Lot 28 is necessary so that its current usage can be formalised, and to enable the creation of *Elovalis Lane*. It is therefore recommended that the Council approve the dedication and advise both the City of Perth and EPRA of its decision.

10.3.3 Authorisation of Expenditure for the period 1 August - 31 August 2005

Ward:	Both	Date:	12 September 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

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

as shown in Appendix 10.3.3

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 - 31 August 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	\$1,966,592.48
	EFT	946,280.51
Total Municipal Account		\$2,912,872.99
Advance Account		
Automatic Cheques		
	52603, 52605-52769, 52770-52873,	\$607,649.18
Trust Account Cheques		0
Transfer of Creditors by EFT Batch 416-417-418-419-421-422-423-424-426-427-428		\$4,093,313.28
Transfer of PAYG Tax by EFT	August 2005	\$76,442.60
Transfer of GST by EFT	August 2005	\$0.00
Transfer of Child Support by EFT	August 2005	\$519.44
Transfer of Superannuation by EFT City of Perth	August 2005	\$14,978.98
Local Government	August 2005	\$81,070.93
Total Advance Account		\$4,873,974.41
Transfer of Payroll by EFT	August 2005	\$514,251.04
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$2,073.65
Lease Fees		\$1,005.09
Corporate Master Cards		\$9,470.85
Australia Post Lease Equipment		\$476.91
2 Way Rental		\$107.55
Loan Repayment		\$30,835.13
Rejection Fees		\$2.50
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$43,971.68
Less GST effect on Advance Account		-\$101,472.78
Total Payments		\$8,243,597.34

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.

10.3.4 Local Government (Financial Management) Regulations 1996 - Adoption of Percentage for Reporting of Material Variances

Ward:	Both	Date:	20 September 2005
Precinct:	All	File Ref:	FIN0044
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES that the percentage to be used in statements of financial activity in the year 2005/06 for reporting material variances, in accordance with Regulation 34 of the Local Government (Financial Management) Amendment Regulations (No.2) 2005, shall be ten percent (10%).

COUNCIL DECISION ITEM 10.3.4

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to address the new requirement for the Council to adopt each year a percentage or value to be used in the statements of financial activity for reporting material variances and approves a reporting of variance of ten percent (10%).

BACKGROUND:

Amendment to the Financial Management Regulations, gazetted in March 2005 and effective from 1 July 2005 have repealed the existing Regulations 34 and 35 relating to monthly and quarterly/triennial financial reports.

DETAILS:

The new Regulation 34 contained within the Local Government (Financial Management) Amendment Regulations (No. 2) 2005 outlines the format that monthly financial reporting is to take and requires that "Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances".

"AAS 5" refers to Australian Accounting Standard No 5, which has in fact been replaced by Australian Accounting Standard (AASB) 1031 for annual reporting periods beginning after 1 January 2005.

Advice received from professional development courses covering the changes to the Regulations have proposed that an appropriate figure to be adopted by local governments for highlighting variances would be ten (10%). This figure is supported by AASB 1031 paragraph 15, and is the level proposed for adoption by the Town of Vincent for the financial year 2005/06.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Local Government (Financial Management) Amendment Regulations (No. 2) 2005, Regulation 34.

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.”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Amendments to the Financial Management Regulations require that the Council adopt each year a percentage or value to be used in the statements of financial activity for reporting material variances. This report recommends the adoption of a figure of ten percent (10%) for the financial year 2005/06. This will assist Council in reviewing the financial performance of the Town of Vincent on a regular basis.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	19 September 2005
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
23/08/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Perth Glory Pty Ltd of 310 Pier Street, Perth WA 6000 re: Western Power Meeting in the Chairman's Lounge - 24-25 August 2005
02/09/05	Contract of Employment	3	Town of Vincent and Bee Choo Tan - Manager Financial Services
02/09/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Members Equity Bank of L1, 111 St Georges Terrace, Perth re: Event on 13 September 2005

Date	Document	No of copies	Details
12/09/05	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Ms P. Norton re: Unit 15, Leederville Gardens Retirement Village
12/09/05	Application for New/Balance Title	1	Town of Vincent for registration of Deposited Plan 36820 and the subsequent issue of new Certificates of Title, the subject of the Said Deposited Plan (re: Lots 13, 14, 15, 16 on Plan 2736, and Lot 3 on Plan 2889)
13/09/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Members Equity of L1, 111 St Georges Terrace, Perth 6000 re: Members Equity Bank Seminar in Chairman's Lounge on 16 September 2005
13/09/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Perth Glory Pty Ltd of 310 Pier Street, Perth WA 6000 re: Perth Glory Function in Garth Naven Room- 29 September 2005

10.4.3 Adoption of Policy No 4.1.3 – Customer Service Complaints Management

Ward:	-	Date:	21 September 2003
Precinct:	-	File Ref:	ADM0021
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES Policy No 4.1.3 – “Customer Service Complaints Management” and Guidelines as “Laid on the Table” and previously circulated to Elected Members.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to note that one submission was received from the public and to adopt the policy relation to Customer Service Complaints Management.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 August 2005 the Council resolved inter-alia to approve in principle of the Draft Policy – Customer Service Complaints Management and Guidelines.

One submission was received as follows:

- Smiths Lake Precinct Group

The Smith’s Lake Precinct Groups discussed this matter at its August meeting and provided the following comment:

“We noted that this revision was a redraft of the Objectives part of the policy to improve the wording and clarity, presumably as a consequence of experiences with the current wording.”

DETAILS:

The Town's current policy was adopted in January 1997. Following the Independent Organisational Review Report in April 2003, the Chief Executive Officer assumed direct responsibility for the Town's Customer Service Centre.

Over the previous twelve (12) months a review of the Town's Customer Service Centre, policies, practices and procedures have been progressively carried out. A number of new initiatives have been introduced, for example; computerised recording of customer requests/complaints; introduction of a new electronic approval module including proforma application forms on the Town's webpage and a restructure of the Town's Customer Service Centre. The natural progression has resulted in a review of the Town's Customer Service Charter and associated documents.

There has been a commitment from the Town's administration to raising the level of customer service, both internal and external. This has resulted in the existing complaints handling policy being made redundant and a new comprehensive Customer Service Complaints Management policy and procedures being introduced. The new policy is based on the Australian Standard for complaint handling and also incorporates "Best Practice".

The new policy, guidelines and procedures include the following:

1. Definitions of complaints and service requests;
2. Principles for dealing with complaints (including anonymous) and requests ;
3. Timelines for responding to complaints/requests;
4. Comprehensive procedures and guidelines for reviewing of complaints at various levels, including referral to an external review if need be;
5. Comprehensive procedures for investigation of complaints concerning Employees and Elected Members;
6. Procedures for reporting analysis and annual review of the processes; and
7. Reference to Australian Standards criteria for dealing with complaints.

CONSULTATION/ADVERTISING:

The Draft Policy was advertised for a period of twenty-one (21) days, in accordance with the Town's Community Consultation Policy. One submission was received, as detailed above.

LEGAL/POLICY:

The Council's Code of Conduct (currently being advertised) makes reference to investigation and dealing with complaints/allegations in accordance with this proposed policy.

STRATEGIC IMPLICATIONS:

This Draft Policy is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 4.3(a) - *"Develop guidelines and policies to facilitate the interaction of all parties, which clearly identifies the roles and relationships between the Elected Members and the Town's administration and promotes professional and workable relationships between Elected Members"*.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

The proposed policy and procedures will formalise the current practices of the Town's administration and will provide for openness, transparency and accountability for these matters. It will also provide persons with the opportunity to have any complaints to be reviewed within clear and concise parameters.

10.1.3 No. 74 (Lot 40, Strata Lot 2) Palmerston Street, Corner Stuart Street, Perth - Proposed Alterations and Carport Addition to Existing Single House

Ward:	South	Date:	16 September 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3277 5.2005.3088.1
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners S L & D A Range for proposed Alterations to Existing Single House, at No. 74 (Lot 40, Strata Lot 2) Palmerston Street, corner Stuart Street, Perth, and as shown on plans stamp-dated 5 August 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, 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) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following :*
 - (a) *deletion of the carport structure, and the provision of two open uncovered car parking spaces; and*
 - (b) *provision of visual truncations of 1.0 metre by 1.0 metre, where the proposed driveway adjoins the footpath and the right of way.*

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) *any new street/front wall, fence and gate between the Palmerston Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) *the solid portion adjacent to the Stuart Street boundary from the above truncations can be increased to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That;

1. *the preamble of the officer's recommendation be amended to read as follows:*

“in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners S L & D A Range for proposed Alterations and Carport Addition to Existing Single House, at No. 74 (Lot 40, Strata Lot 2) Palmerston Street, corner Stuart Street, Perth, and as shown on plans stamp-dated 5 August 2005, subject to:”; and

2. *existing clause (ii) be deleted and a new clause (ii) inserted as follows:*

“(ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of visual truncations of 1.0 metre by 1.0 metre, where the proposed driveway adjoins the footpath and the right of way. Fencing may be permitted within the south-east truncation provided it is of an open scale and nature with a maximum of one post/pier with a maximum width, depth and diameter of 230 millimetres within this truncation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and”

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners S L & D A Range for proposed Alterations and Carport Addition to Existing Single House, at No. 74 (Lot 40, Strata Lot 2) Palmerston Street, corner Stuart Street, Perth, and as shown on plans stamp-dated 5 August 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, 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) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of visual truncations of 1.0 metre by 1.0 metre, where the proposed driveway adjoins the footpath and the right of way. Fencing may be permitted within the south-east truncation provided it is of an open scale and nature with a maximum of one post/pier with a maximum width, depth and diameter of 230 millimetres within this truncation. 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) any new street/front wall, fence and gate between the Palmerston Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) the solid portion adjacent to the Stuart Street boundary from the above truncations can be increased to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

Landowner:	S L & D A Range
Applicant:	D A Range
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	137 square metres
Access to Right of Way	East side, 3.0 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations, additions and carport addition to the existing single house. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 - 148.68 square metres	0.62 - 143.3 square metres	Supported - no variation, existing dwelling.
Building on Boundary	One boundary wall is permitted with an average height of 3.0 metres and a maximum height of 3.5 metres, for 66 percent length of the boundary.	Two boundary walls proposed. Northern boundary wall - existing length 28.9 metres. - proposed length 34.3 metres (an additional length of 5.4 metres for the proposed carport). Eastern boundary wall has a height of 2.3 - 2.95 metres and a length of 5.7 metres.	Supported - length of existing northern boundary wall already exceeds requirements. Proposed additional boundary wall of the carport is considered to be supportable as the structure is open in design and appears to be a normal 1.8 metres high fence.
Open Space	45 per cent	24 per cent	Not supported - while it is noted that there are site constraints due to the retention of the existing dwelling, it is considered that the variation sought is significant and open car bays in lieu of the proposed carport should be provided to comply with the total open space requirement.
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:

The subject property is located on the corner of Palmerston and Stuart Streets. This area is characterised by a mix of dwelling types, with a predominance of single storey older homes on smaller properties. The alterations to the existing dwelling are supportable as they do not propose any further variations. However, whilst there are constraints on site in terms of the size of the property and the existing dwelling, the proposed carport is not considered supportable as it would increase the shortfall in open space.

In regard to the above, the subject planning application is recommended for approval, subject to the deletion of the carport from the plans and subject to standard and appropriate conditions.

10.1.13 No. 120 (Lot 257 D/P: 1791) Egina Street, Mount Hawthorn - Proposed Demolition of Existing Single House

Ward:	North	Date:	20 September 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3264; 5.2005.3068.1
Attachments:	001		
Reporting Officer(s):	H Eames, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner W N Tran for proposed Demolition of Existing Single House, at No. 120 (Lot 257 D/P: 1791) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 22 July 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 existing place has cultural heritage significance in terms of its historic and rarity value.*

(Recommendation withdrawn by the Chief Executive Officer)

COUNCIL DECISION ITEM 10.1.13

The Presiding Member advised that as a result of information received by the Heritage Officer from the applicant the Officer Recommendation included in the Agenda has been withdrawn by the Chief Executive Officer and the following alternative recommendation would be considered.

ALTERNATIVE RECOMMENDATION

Moved Cr Torre, 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 W N Tran for proposed Demolition of Existing Single House, at No. 120 (Lot 257 D/P: 1791) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 22 July 2005, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (iii) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.”*

CARRIED (8-0)

(Cr Ker on leave of absence.)

ADDITIONAL INFORMATION:

As a result of information received by the applicant on 27 September 2005, an amended Heritage Assessment has been prepared and is attached to this report. The amended Heritage Assessment has resulted in the above “Alternative Officer Recommendation”. The information received related to photographic evidence dating approximately ten years old, showing alterations and subsequent reconstruction of the front facade, side walls, fenestration and windows, which was not evident in archives or physical inspection at the time the original assessment was undertaken. The reconstruction of the weatherboard cladding, fenestration and facade footprint matches that which is shown in the archival sewerage plans from the 1930s. Available Building Licence archive records did not illustrate the changes which occurred to the building in more recent times. Close inspection of construction techniques and materials (such as cedar or jarrah timber) appear to be the primary evidence available with exception of the applicant's photographic records.

The level of alterations presented is sufficient to have affected the former statement of significance and the Officer Recommendation.

Landowner:	C W Soo & W N Tran
Applicant:	W N Tran
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 dwelling.

ASSESSMENT:

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

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

COMMENTS:

A detailed Heritage Assessment is contained in an attachment to this report.

The subject dwelling is dated c1920 and represents part of the timber housing stock that was common to the Mount Hawthorn locality during its development in the late Inter-War period. The dwelling is a single storey weatherboard cottage with a hipped iron roof. Various alterations have been made to the dwelling, however, the general form and style of the weatherboard cottage typical of the Inter-War period remains intact.

The place has *some historic value* as it demonstrates the growth of the Mount Hawthorn area during the Inter-War period.

As a weatherboard dwelling, the place has *some rarity value* as it represents the use of a building material that is no longer widely practiced in the construction of residential buildings in Perth.

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

10.1.11 No. 43 (Lot 45) Commonwealth Avenue, North Perth - Proposed Carport Addition to Existing Single House

Ward:	North	Date:	19 September 2005
Precinct:	Smith's Lake; P06	File Ref:	PRO3285 5.2005.3097.1
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Patio Living on behalf of the owners T J Davies and C E Herbison for proposed Carport Addition to Existing Single House, at, No. 43 (Lot 45) Commonwealth Avenue, North Perth, and as shown on plans stamp-dated 10 August 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 Policies relating to Vehicular Access and Street Setbacks, which requires vehicular access to car parking from a right of way.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That the Item be DEFERRED to permit an amended application to be submitted.

CARRIED (6-2)

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

(Cr Ker on leave of absence.)

Landowner:	T J Davies & C E Herbison
Applicant:	Patio Living
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:	384 square metres
Access to Right of Way	West side, 5.0 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal is for the construction of a carport within the front setback area, with vehicular access off of the primary street (Commonwealth Avenue).

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Vehicular Access Policy and Street Setbacks Policy	Vehicular access to car parking is required from the existing right of way.	Vehicular access from the primary street, and not the right of way.	Not supported - the proposal does not comply with the Policies. A carport within the front setback area will detract from the existing streetscape, which is open in nature and dominated by gardens.
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		

COMMENTS:

The subject property is located along Commonwealth Avenue, which has a built form dominated by single storey bungalows. The streetscape is considered to have an 'open' form, with the majority of the front setback areas being used for gardens.

The proposed carport does not comply with the Town's Vehicular Access and Street Setbacks Policies, in that it is required to be located with vehicular access from the existing right of way and not the primary street. The carport will detract from the existing streetscape and will adversely impact upon the amenity of the area.

It is therefore recommended that the subject planning application be refused, for the reasons outlined above.

10.1.8 Nos. 152-158 (Lot 1 D/P: 964, Lot 3 D/P: 11783) Fitzgerald Street, Perth - Proposed Partial Demolition of Existing Warehouse and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Offices, One (1) Eating House, One (1) Showroom, One (1) Serviced Apartment and Associated Undercroft Carparking

Ward:	South	Date:	20 September 2005
Precinct:	Beaufort; P13	File Ref:	PRO3278; 5.2005.3083.1
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 REFUSES the application submitted by Gospel Film Ministry on behalf of the owner E C & M A Grant for Partial Demolition of Existing Warehouse and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Offices, One (1) Eating House, One (1) Showroom, One (1) Serviced Apartment and Associated Undercroft Carparking, at Nos.152-158 (Lot 1 D/P: 964 , Lot 3 D/P 11783) Fitzgerald Street, Perth and as shown on plans stamp-dated 2 August 2005, 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 Mixed Residential/Commercial Development and car parking requirements of the Town's Policy relating to the Beaufort Precinct; and*
- (ii) *the Council ADVISES the applicant that the subject proposal is considered to be an underdevelopment of the site and the applicant can receive direction from the Town in regard to this matter.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Doran-Wu

That the Item be DEFERRED to provide the applicant with the opportunity to submit a revised proposal for a more appropriately intense development on the subject site with direction being provided by the Town's Officers in regard to this matter.

CARRIED (7-1)

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

(Cr Ker on leave of absence.)

SUBSEQUENT MOTION

Moved Cr Chester, Seconded Cr Torre

That;

- (i) *the Council REQUESTS the Chief Executive Officer to prepare a further report to be presented at the Ordinary Meeting of Council to be held on 25 October 2005 or as early as possible thereafter, on the area bounded by Pendall Lane, Stuart Street, Fitzgerald Street and Newcastle Street, addressing appropriate density and built form design capabilities (including site coverage, building envelopes and height parameters) within the above area, and:*
- (1) *the implications on the Town Planning Scheme Review and delivery of the new Town Planning Scheme;*
 - (2) *utilisation of clause 40 of the Town Planning Scheme to facilitate more appropriate intensity of development to the area;*
 - (3) *reports should consider the areas;*
 - (a) *proximity to public transport;*
 - (b) *proximity to open space;*
 - (c) *Council's previous approval of an eight storey development on the adjacent Maltings development site;*
 - (d) *the current R160 zoning adjacent and to the south of Newcastle Street; and*
 - (e) *flexibility in provision of commercial/residential mix; and*
- (ii) *the Town's officers meet with the applicants to discuss future development of the site.*

Debate ensued.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner:	E C & M A Grant
Applicant:	Gospel Film Ministry
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Warehouse
Use Class:	Office Building, Eating House, Showroom, Serviced Apartment
Use Classification:	"AA", "SA", "SA", "SA"
Lot Area:	1409 square metres
Access to Right of Way	East side, 3.04 metres wide, sealed, Town-owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves proposed partial demolition of existing warehouse and construction of a two-storey mixed use development comprising four (4) offices, one (1) eating house, one (1) showroom, one (1) serviced apartment and associated undercroft carparking at the subject property. 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
Mixed Residential/ Commercial Development	To contain a residential component of no less than 66 per cent of the existing or approved floor space.	No residential proposed.	Not supported- refer to 'Comments'.
Car parking	Not to be located within the street setback area.	One car bay (for people with disabilities) proposed within the street setback area.	Not supported- undue impact on streetscape and area of proposed car bay is affected by a future proposed land requirement.
Consultation Submissions			
<p>The proposal was referred to the Department for Planning for Infrastructure (DPI) as Fitzgerald Street is reserved as an Other Regional Road (ORR). DPI has indicated it is prepared to support the application and that the applicant should be advised of the land requirement affecting the subject lots in an event of an approval.</p> <p>The consultation period for the planning application closes on 23 September 2005. There were no submissions received at the time that this report was written. The subject application has been referred to the Ordinary Meeting of Council in advance as the applicant has contractual agreement in relation to the sale of the lots, which expires on 28 September 2005, and the application is being recommended for refusal.</p>			

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Car parking requirement (nearest whole number)	26 car bays
Office: 1 car bay per 50 square metres gross floor area (365 square metres proposed, including conference area) = 7.3 car bays	
Eating house: 1 car bay per 4.5 square metres of public floor area (50 square metres proposed) = 11.11 car bays	
Showroom: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof (575 square metres) = 7 car bays	
Service Apartments: 1 space per bedroom or 1 space per 3 beds provided, whichever is the greater (1 bedroom proposed) = 1 car bay	
Apply the adjustment factors.	(0.7225)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a car park with excess of 75 car parking spaces) 	18.78 car bays
Minus the car parking provided on-site	22 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as there is significant demolition proposed.
Resultant surplus	3.22 car bays
Bicycle Parking Facilities	
Shop	Plans indicate bicycle parking area. If application is approved, matter to be conditioned accordingly.
<ul style="list-style-type: none"> • 1 per 300 square metres public area for employees (class 1 or 2)- 0.77 space • 1 space per 200 square metres public area for visitors (class 3)- 1.15 spaces 	

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

COMMENTS:

With regard to the assessment of the subject planning application, the Town's recently adopted Policy relating to Non-Residential/Residential Development Interface was not applied in this instance as the Policy defines a residential area as being '*lots which contain residential dwellings where a lot is zoned Residential or Residential/Commercial*'. While there has been residential development approved on adjoining lots, these have not yet been constructed and therefore, the lots are not considered to correspond with the above definition of residential area.

In relation to the proposal and in giving consideration to the inner city location and the likely future development of the areas built form, it is considered that the proposed development is an underdevelopment of the site and inconsistent with the objectives outlined in the Town's Policy relating to the Beaufort Precinct, which promotes a diverse range of inner city housing and mixed use development and stipulates that the subject area is to transform from a predominately commercial area to an area of compatible residential and commercial uses.

Whilst it is noted that the proposal is generally an improvement of the site, it is also noted that there has been recent planning applications on adjacent properties that have been approved by the Council which is considered to display a more sensitive and appropriate mix of uses. It is considered that these aforementioned planning applications may provide a stimulus for other similar developments in the area, which is vital for the attraction of people to the area and the development and consolidation of inner city communities. It is also considered that approval of the subject application may set a precedence that departs from the Town's intentions for the area.

In light of the above, it is recommended that the subject application be refused and Council advises the applicant that the proposal is considered to be an underdevelopment of the site.

Mayor Catania advised that Cr Doran-Wu had declared a proximity interest in this Item. Cr Doran-Wu departed the Chamber at 6.53pm and did not speak or vote on the matter.

10.1.1 No. 118 (Lot 206 D/P: 1791) Buxton Street, Mount Hawthorn - Alterations and Additions to Street/Front Fence to Existing Single House - Request for Extension to 28 Days Works Period

Ward:	North	Date:	19 September 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1299; 5.2005.3073.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE clause (ii) of the resolution adopted by the Council at its Ordinary Meeting held on 9 August 2005 (Item 10.1.4);*

(ii) *Councillor..... MOVES a motion to CHANGE the decision by amending the following clause:*

"(ii) the Council ADVISES the applicant and owners that the works that form part of clause (i) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this twenty-eight (28) days period";

(iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in 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 amending the subject clause to read as follows;*

"(ii) (a) the Council ADVISES the applicant and owners that every second timber slat on the existing street/front fence shall be removed within 14 days of notification and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised timber slats remain after this fourteen (14) days period; and

(b) the Council ADVISES the applicant and owners that the works that form part of clause (i) above shall be completed within ninety (90) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this ninety (90) days period. The ninety (90) days period to complete the works will not be further extended."

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

The Presiding Member advised that there was a requirement for an Elected Member to move the motion to change the 9 August 2005 decision of Council as indicated in clause (ii).

Cr Farrell moved the motion.

The Presiding Member advised that there was a requirement for three Elected Members to support a subsequent motion as indicated in clause (iii).

Crs Farrell, Messina and Torre consented.

Debate ensued.

MOTION CARRIED BY AN ABSOLUTE MAJORITY (6-1)

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

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

COUNCIL DECISION ITEM 10.1.1

That;

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE clause (ii) of the resolution adopted by the Council at its Ordinary Meeting held on 9 August 2005 (Item 10.1.4);*
- (ii) *Councillor Farrell MOVES a motion to CHANGE the decision by amending the following clause:*
 - "(ii) *the Council ADVISES the applicant and owners that the works that form part of clause (i) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this twenty-eight (28) days period";*
- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor Farrell, Councillor Messina and Councillor Torre, 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 amending the subject clause to read as follows;*

"(ii) (a) the Council ADVISES the applicant and owners that every second timber slat on the existing street/front fence shall be removed within 14 days of notification and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised timber slats remain after this fourteen (14) days period; and

(b) the Council ADVISES the applicant and owners that the works that form part of clause (i) above shall be completed within ninety (90) days of notification, and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this ninety (90) days period. The ninety (90) days period to complete the works will not be further extended."

Landowner:	N & C Nocciolino
Applicant:	N Nocciolino
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:

- 15 October 1999 Conditional Planning Approval was granted under delegated authority for the demolition of the existing building and the construction of a two storey dwelling at No. 118 Buxton Street.
- 15 October 1999 Demolition Licence granted for No. 118 Buxton Street.
- 18 October 1999 Building Licence granted for the construction of a two storey dwelling at No. 118 Buxton Street.
- 12 October 2004 Council at its Ordinary Meeting resolved to refuse the application for alterations and additions to street fencing to existing single house (application for retrospective approval) at No. 118 Buxton Street.
- 24 May 2005 Council at its Ordinary Meeting resolved to refuse the application for alterations and additions to street fencing to existing single house (application for retrospective approval) at No. 118 Buxton Street.
- 2 June 2005 Planning Written Direction and Building Notice served on the property owners requiring the removal of the unauthorised street/front fence.

9 August 2005

The Council at its Ordinary Meeting resolved as follows:

- "(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 the owner N and C Nocciolino for Alterations and Additions to Street/Front Fence to Existing Single House (Application for Part Retrospective Approval), at No. 118 (Lot 206 D/P: 1791) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 11 July 2005, subject to:*
- (a) *no landscaping shall be provided in the planter box within the 1.2 metres by 1.2 metres visual truncation area at the south-west side corner of the driveway and the front boundary; and*
 - (b) *the applicant demonstrating the proposed new clear glazed infill panels being 1 metre high on the site plan, floor plan and elevation plans;*
- (ii) *the Council ADVISES the applicant and owners that the works that form part of clause (i) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this twenty-eight (28) days period; and*
- (iii) *the applicant/owners shall pay the outstanding fee, being \$100, for application for retrospective Planning Approval, within 14 days of the date of notification of the above approval."*

DETAILS:

The request involves the reconsideration of clause (ii) of the Council resolution made at the Ordinary Meeting of Council held on 9 August 2005.

In light of the current state of the building industry, the applicant wishes to have the twenty eight day requirement for the works to be completed extended by ninety days.

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

COMMENTS:

The Town's Technical Services Officers have no objections to the subject street/front fence remaining in its current state for the extended ninety day period.

The applicant has advised that the timber slats on the street/front fence could be removed in the interim; however, this would result in the fence being non-compliant with the Building Code of Australia 3.9.2 relating to Balustrades. The Building Code of Australia 3.9.2 states as follows:

"A continuous balustrade or other barrier must be provided along the side of any roof to which public access is provided, any stairway or ramp, any floor, corridor, hallway, balcony, verandah, mezzanine, access bridge or the like and along the side of any path of access to a building if -

- (i) *it is not bounded by a wall; and*
- (ii) *any level is more than 1 metre above the surface beneath.”.*

The existing front courtyard is 1.2 metres - 1.29 metres above the adjacent footpath.

In light of the above, it is recommended that every second timber slat of the existing street/front fence should be removed within 14 days of notification, and that the 28 day period to complete the remaining subject works be extended by ninety days.

Cr Doran-Wu returned to the Chamber at 6.55pm.

10.1.2 Nos. 146-150 (Lot Y226 D/P: 222985) Fitzgerald Street, Dual Frontage to Pandal Lane, Perth - Proposed Mixed Use Development Comprising Offices and Fourteen (14) Two-Storey Grouped Dwellings including Lofts and Home Studio Offices and Associated Car Parking

Ward:	South	Date:	20 September 2005
Precinct:	Beaufort, P13	File Ref:	PRO0162; 5.2005.3084.1
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 BY AN ABSOLUTE MAJORITY the application submitted by Bruce Arnold Architects on behalf of the owner Fortune Development (Australia) Pty Ltd for proposed Mixed Use Development Comprising Offices and Fourteen (14) Two-Storey Grouped Dwellings including Lofts and Home Studio Offices and Associated Car Parking, at Nos. 146-150 (Lot Y226 D/P: 222985) Fitzgerald Street, dual frontage to Pandal Lane, Perth, and as shown on plans stamp-dated 2 August 2005, subject to:*
- (a) *the home studio offices shall be used in accordance with the Home Occupation requirements of the Town and each be limited to a maximum of 20 square metres;*
 - (b) *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;*
 - (c) *any new street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (1) *the bin storage area being provided and located to the satisfaction of the Town's Technical Services and Health Services;*
 - (2) *the proposed security gate along the Pandal Lane frontage being a minimum 50 percent visually permeable when viewed from Pandal Lane;*
 - (3) *pedestrian path with a minimum width of 1.2 metres along the northern boundary of the lot being paved in a contrasting colour to the vehicular access way;*
 - (4) *the vehicular accessway being one way entering from Fitzgerald Street and exiting onto Pandal Lane, and being signposted accordingly;*
 - (5) *lighting to the vehicular accessway being provided to the satisfaction of the Town's Technical Services;*
 - (6) *complementary awning(s) being provided and extended to cover the total western front elevation of Office 2 over the future Fitzgerald Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awning(s) being a minimum height of 2.75 metres from the footpath level to the underside of the awning(s) and a minimum of 600 millimetres from the future kerb line of Fitzgerald Street;*
 - (7) *major opening(s)/window(s) being provided to the ground floor eastern elevation of Unit 14 studio/bedroom 3 to provide active interaction with Pandal Lane;*
 - (8) *a minimum 1.5 metres by 1.5 metres truncation being provided where walls, fences and gates adjoin vehicle access points, or where a driveway meets Pandal Lane. Walls fences and gates may be located within these truncation areas where the maximum height of the solid portion is 0.65 metre above the adjacent road level; and*
 - (9) *the solid portion of fences and walls adjacent to Pandal Lane boundary being provided with at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes, the Town's Policies and the Department for Planning and Infrastructure/Western Australian Planning Commission;

- (e) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$40,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$40,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (f) *subject to first obtaining the consent of the owners of No. 136 Fitzgerald 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. 136 Fitzgerald Street in a good and clean condition;*
- (g) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";
- (h) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (i) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (j) *the windows, doors and adjacent floor area facing Fitzgerald Street shall maintain an active and interactive frontage to Fitzgerald Street;*
- (k) *prior to the first occupation of the development, four (4) class- one or two bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (l) *the office/non-residential car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

- (m) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Fitzgerald 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);*
- (n) 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;*
- (o) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Fitzgerald Street and Pandal Lane, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (p) 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;*
- (q) 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;*
- (r) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (s) on-site parking for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours and shall be clearly marked and signposted as such;*
- (t) the total maximum gross floor area of the offices shall be limited to 814 square metres, unless adequate car parking is provided for the changes in floor area use or floor space area; and*
- (u) prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works which encroaches the land requirement for the Fitzgerald Street Other Regional Road reserve, when the road reserve is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s); and*

- (ii) *the Council ADVISES the applicant/ owner of the subject land (Lot Y226) that the property is affected by a land requirement for the future upgrading of Fitzgerald Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). It is proposed that at some stage in the future the Western Australian Planning Commission (WAPC) will acquire this land for the purposes of upgrading the ORR. Contact can be made with the WAPC Land Asset Management Branch at the Department for Planning and Infrastructure should the applicant/ owner wish to discuss early purchase of the affected land by the WAPC.*

Moved Cr Torre, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (i)(g) be deleted and a new clause (i)(g) be added as follows:

"(i) (g) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;"

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Ker on leave of absence.)

Debate ensued.

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.2

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Bruce Arnold Architects on behalf of the owner Fortune Development (Australia) Pty Ltd for proposed Mixed Use Development Comprising Offices and Fourteen (14) Two-Storey Grouped Dwellings including Lofts and Home Studio Offices and Associated Car Parking, at Nos. 146-150 (Lot Y226 D/P: 222985) Fitzgerald Street, dual frontage to Pandal Lane, Perth, and as shown on plans stamp-dated 2 August 2005, subject to:*
- (a) *the home studio offices shall be used in accordance with the Home Occupation requirements of the Town and each be limited to a maximum of 20 square metres;*
 - (b) *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;*
 - (c) *any new street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
 - (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (1) *the bin storage area being provided and located to the satisfaction of the Town's Technical Services and Health Services;*
 - (2) *the proposed security gate along the Pandal Lane frontage being a minimum 50 percent visually permeable when viewed from Pandal Lane;*

- (3) *pedestrian path with a minimum width of 1.2 metres along the northern boundary of the lot being paved in a contrasting colour to the vehicular access way;*
- (4) *the vehicular accessway being one way entering from Fitzgerald Street and exiting onto Pental Lane, and being signposted accordingly;*
- (5) *lighting to the vehicular accessway being provided to the satisfaction of the Town's Technical Services;*
- (6) *complementary awning(s) being provided and extended to cover the total western front elevation of Office 2 over the future Fitzgerald Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awning(s) being a minimum height of 2.75 metres from the footpath level to the underside of the awning(s) and a minimum of 600 millimetres from the future kerb line of Fitzgerald Street;*
- (7) *major opening(s)/window(s) being provided to the ground floor eastern elevation of Unit 14 studio/bedroom 3 to provide active interaction with Pental Lane;*
- (8) *a minimum 1.5 metres by 1.5 metres truncation being provided where walls, fences and gates adjoin vehicle access points, or where a driveway meets Pental Lane. Walls fences and gates may be located within these truncation areas where the maximum height of the solid portion is 0.65 metre above the adjacent road level; and*
- (9) *the solid portion of fences and walls adjacent to Pental Lane boundary being provided with at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes, the Town's Policies and the Department for Planning and Infrastructure/Western Australian Planning Commission;

- (e) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$40,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$40,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (f) *subject to first obtaining the consent of the owners of No. 136 Fitzgerald 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. 136 Fitzgerald Street in a good and clean condition;*

- (g) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (h) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (i) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (j) *the windows, doors and adjacent floor area facing Fitzgerald Street shall maintain an active and interactive frontage to Fitzgerald Street;*
- (k) *prior to the first occupation of the development, four (4) class- one or two bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (l) *the office/non-residential car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (m) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Fitzgerald 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);*
- (n) *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;*
- (o) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Fitzgerald Street and Pandal Lane, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

- (p) *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;*
- (q) *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;*
- (r) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (s) *on-site parking for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours and shall be clearly marked and signposted as such;*
- (t) *the total maximum gross floor area of the offices shall be limited to 814 square metres, unless adequate car parking is provided for the changes in floor area use or floor space area; and*
- (u) *prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works which encroaches the land requirement for the Fitzgerald Street Other Regional Road reserve, when the road reserve is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (ii) *the Council ADVISES the applicant/ owner of the subject land (Lot Y226) that the property is affected by a land requirement for the future upgrading of Fitzgerald Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). It is proposed that at some stage in the future the Western Australian Planning Commission (WAPC) will acquire this land for the purposes of upgrading the ORR. Contact can be made with the WAPC Land Asset Management Branch at the Department for Planning and Infrastructure should the applicant/ owner wish to discuss early purchase of the affected land by the WAPC.*

SUBSEQUENT MOTION

Moved Cr Chester, Seconded Cr Torre

That;

- (i) *the Council REQUESTS the Chief Executive Officer to prepare a further report to be presented at the Ordinary Meeting of Council to be held on 25 October 2005 or as early as possible thereafter, on the area bounded by Pendall Lane, Stuart Street, Fitzgerald Street and Newcastle Street, addressing appropriate density and built form design capabilities (including site coverage, building envelopes and height parameters) within the above area, and:*

- (1) *the implications on the Town Planning Scheme Review and delivery of the new Town Planning Scheme;*
- (2) *utilisation of clause 40 of the Town Planning Scheme to facilitate more appropriate intensity of development to the area;*
- (3) *reports should consider the areas;*
 - (a) *proximity to public transport;*
 - (b) *proximity to open space;*
 - (c) *Council's previous approval of an eight storey development on the adjacent Maltings development site;*
 - (d) *the current R160 zoning adjacent and to the south of Newcastle Street; and*
 - (e) *flexibility in provision of commercial/residential mix; and*
- (ii) *the Town's officers meet with the applicants to discuss future development of the site.*

CARRIED (8-0)

(Cr Ker on leave of absence.)

ADDITIONAL INFORMATION:

Technical Services have advised that the standard Engineering condition regarding the upgrade of the footpath for commercial developments will be applied to this development as part of the standard engineering requirements. This above requirement pertains to the existing footpath. Any future upgrade requirement and/or relocation of the footpath within the road resumption area due to proposed road widening, should be considered as part of the full streetscape upgrade. As such the previous clause/condition (i) (m) should be retained, as it will cover the area between the existing footpath and the area in front of the building.

Previous clause/condition (i) (r) has been proposed so as to avoid any legal action that may be taken against the Town in terms of noise and other negative externalities that may arise from the proposed mixed use development. The manner in which previous clause/condition (i) (g) has been worded is slightly different to a Section 70A Notification, as it provides some flexibility in the event additional car bays are available in the vicinity in the form of street car parking or dedicated public car parks.

The applicant has advised that the current second floor bedrooms within the roof space have been designed to comply with the relevant requirements of the Building Code of Australia, in terms of light and ventilation. Additional light features will be incorporated if further required.

The proposed sliding gate along the Pandal Lane frontage is within the lot boundaries, and as such is not within the public domain.

The architect for the above proposal has requested that proposed clause/condition (i) (d) (7) be deleted (reasons attached) and in its place of high levels windows be provided to "break up" the wall, as any major opening proposed on the ground floor on the eastern side will be adjacent to the wall which has been set aside for bins to be placed during bin collection days, which is once a week including the "smell" factor associated with the bins. It is recommended that this condition be retained as there are design options to comply with the proposed condition, while addressing the applicant's concerns.

Landowner:	Fortune Development (Australia) Pty Ltd
Applicant:	Bruce Arnold Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial (R80)
Existing Land Use:	Office/Warehouse
Use Class:	Office Building & Grouped Dwelling
Use Classification:	"AA" & "P"
Lot Area:	2350 square metres
Access to Right of Way	Pendal lane is a dedicated sealed road

BACKGROUND:

11 March 2003 Council at its Ordinary Meeting resolved to approve a mixed use development comprising two (2) offices and fourteen (14) two-storey single bedroom with studio/office grouped dwelling.

12 April 2005 Council at its Ordinary Meeting resolved to approve the demolition of existing office and warehouse, and construction of a mixed use development comprising two (2) offices and fourteen (14) two-storey single bedroom with studio/office grouped dwellings and associated car parking.

DETAILS:

The proposal involves the construction of mixed use development comprising of offices and fourteen (14) two-storey grouped dwellings including lofts, home studio offices and associated car parking.

The applicant has submitted a comprehensive submission in support of the proposal, which is summarised as follows:

"The original approval has therefore been intensified as follows:

1. *The single storey offices fronting Fitzgerald Street have been increased to 3 stories.*
2. *The original 2 storey 1 bedroom units with a studio office on ground floor have been intensified to a 2 bedroom unit with a studio office or 3rd bedroom on ground level.*

In essence the footprint of each unit remains but living areas have increased and the original roof pitch has been modified so that a loft can be incorporated. These units are designed as terrace houses (grouped dwelling) rather than units one above the other (multiple) because it allowed us to provide additional amenity. As this is an inner city mixed use project, and the Council is seeking a more intensified project, it is considered that the criteria for terrace housing should not be more stringent when compared to multiple units when considering the background of our proposal in this location.

The proposed development consists of the following:

- A. *Eight offices consisting of 4 ground floor offices and 4 upper floor offices. Three of the upper floor offices have a mezzanine level which can be converted to a bed-sit as part of that tenancy.*
- B. *Fourteen 2 storey terrace houses with lofts.*

Summary

In general the proposed mixed use building conforms with the R-codes and Council policies with only very minor variations for which Council support is being sought after a number of meetings. The architectural form and appearance express the difference functions within the building whilst enhancing the character and diversity of the streetscape and surrounds.

The proposal is in keeping with the objectives of the Beaufort Precinct Policy in that the proposal will contribute to the renewal of the area with a development in which the primary use is residential but is combined with compatible smaller "boutique" type offices.

Additionally the development has addressed Councils concern of "underdevelopment of the site" associated with the previous approval.

The development also addresses the objectives of the R-codes in that it adds to the range of housing type available within the area; uses innovative design solutions and the impact on neighbouring properties has been kept to a minimum.

It is considered that granting consent to this submission would be consistent with the policy objectives of the Town of Vincent and would result in orderly and economic development of the site and promote a safe and vibrant building within the streetscape. "

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

The application was referred to the Department for Planning and Infrastructure (DPI) as Fitzgerald Street is an Other Regional Road (ORR) under the Metropolitan Region Scheme. The DPI has supported the proposal, subject to the applicant/owner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC for any loss, damage or expense incurred for the removal of the approved works within the ORR, where the road widening of between 3 metres to 3.7 metres is required, and subject to the applicant being advised that the subject land is affected by a land requirement for the future upgrading of Fitzgerald Street.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	13.05 grouped dwellings. R55.5	14 grouped dwellings. R59.57 7 per cent density bonus.	Supported -proposal is considered to be an underdevelopment of the site as indicated by Elected Members when the Council approved the previous application at its Ordinary Meeting held on 12 April 2005.
Open space	45 per cent or 1057 square metres.	32. 6 per cent or 766 square metres.	Supported in light of the above.
Plot ratio	0.65 (1528 square metres).	0.89 (2097 square metres).	Supported in light of the above.
Height of walls- Residential	6 metres for the external wall and 9 metres for pitch roof.	5.2 metres and 10.2 metres.	Supported in light of the above.

Height of walls- Commercial	10 metres	12 metres	Supported in light of the above.
Number of storeys- commercial	2 storeys and loft.	3 storeys and basements	Supported in light of the above.
Pedestrian access	1.2 metres wide.	1.2 metres width of contrasting driveway.	Supported- due to the narrow width of the lot, and the contrasting driveway would assist in providing a certain level of safety and amenity to residents.
Privacy	Balcony-7.5 metres setback.	6 metres setback with 1.6 metres "hit and miss" battens.	Supported- as the balconies overlook commercial premises.
Courtyard area	4 metres dimension and 16 square metres in area.	1.8 metres dimension and 11.4 square metres in area.	Supported- as the provision of courtyard and balcony in aggregate exceed the R Codes requirement.
Minimum site area	180 square metres as per original approval	86 square metres	Supported - as the proposal has been previously approved and the previously approved plans were considered to be an underdevelopment of the site by the Council.
Setbacks: Side-west elevation (Fitzgerald Street)			
Ground floor	Nil(road widening 3.7 metres)	Nil to 5.9 metres	Supported-as the setback variation will not result in an undue impact on the adjoining commercial uses.
First floor	Nil	Nil to 5.9 metres	
Second floor	Nil	Nil to 5.9 metres	
Setbacks: Side-south elevation			
Ground floor	6 metres	1.85 metres	Supported-as the setbacks variation will not result in an undue impact on the adjoining commercial uses.
First floor	4.8 metres	Nil	
Second floor	2.8 metres	Nil	

Setbacks: Side-north elevation Ground floor First floor Second floor	6 metres 8 metres 6 metres	5.135 to 6 metres 4.8 metres 4.8 metres	Supported-as the setbacks variation will not result in an undue impact on the adjoining commercial uses.
Setbacks: Rear-east elevation to Pendal Lane	1.5 metres 3.3 metres 1.9 metres	1.2 metres 1.2 metres 1.2 metres	Supported-as the setbacks variation will not result in an undue impact on the adjoining lots and the residential lots (Maltings development) adjacent to Pendal Lane.
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
Commercial Car Parking			
Car parking requirement for non- residential component (nearest whole number) Office: 1 car bay per 50 square metres gross floor area (proposed 814 square metres)= 16.28 car bays			16 car bays
Apply the adjustment factors. ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (mixed use development with 45 percent residential)			(0.68) 10.88 car bays
Minus the car parking provided on-site, which consists of 3 car bays provided in front of the building, which will be reduced to 2 car bays if the road widening takes place and 17 car bays in the basement. Total office car bays excluding the 1 car bay which will be lost if the road widening takes place (2+17)=19 carbays.			19 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) (Nil - existing development to be demolished)			Nil
Resultant surplus			8.12 car bays

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

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

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped dwellings from the Residential Design Codes (R Codes). The residential component requires 28 car bays (provided), inclusive of 2.5 or 3 visitor car bays. In lieu of the provision of dedicated visitor car bays for the residential development, it is considered adequate for all the 19 commercial car bays being made available after hours for this purpose as advised by the applicant.

Bicycle Parking Facilities

Requirements	Required	Provided
Office 1 per 200 (proposed 814) square metres public area for employees (class 1 or 2).	4.07 spaces	No bicycle parking shown on plans

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed office component of the development requires the provision of four (4) class 1 or 2 spaces. As such, an appropriate condition should be applied accordingly.

COMMENTS:

Due consideration is given to the Council's previous decision and comments, which were recorded in the Minutes of the Ordinary Meeting held on 11 March 2003 and 12 April 2005, noting that the previous proposals were considered to be underdevelopment of the site. The Minutes record the following:

Minutes of the Council Meeting held on 11 March 2003 - "Cr Chester requested that it be placed on record that he considered this development to be an underdevelopment of the site. Mayor Catania concurred with this comment and considered that applicants of such sites should receive direction from the Town and the Council in this regard."

Minutes of the Council Meeting held on 12 April 2005 - " the Council NOTES the subject proposal is considered to be an underdevelopment of the site and considers that applicants of such sites should receive direction from the Town and the Council in regard to this matter."

The proposal in an area zoned 'Residential/Commercial', is supported as it is not considered to unreasonably affect the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the nature of a mixed use development.

10.1.5 No(s). 76 and 76A (Lot 10 D/P: 12865 and Lot 2 D/P: 10376) East Street (Corner Berryman Street), Mount Hawthorn - Proposed Three (3) Two-Storey Single Houses

Ward:	North	Date:	19 September 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2518; 5.2005.3082.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Palassis Architects on behalf of the owner Kenny Family Enterprises Pty Ltd for proposed Three (3) Two-Storey Single Houses, at No(s). 76 and 76A (Lot 10 D/P: 12865 and Lot 2 D/P: 10376) East Street (corner Berryman Street), Mount Hawthorn, and as shown on plans stamp-dated 1 August 2005 (existing site plan and overshadowing diagram) and 19 September 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) subject to first obtaining the consent of the owners of No. 5 Berryman 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. 5 Berryman Street in a good and clean condition;*
- (iii) any new street/front wall, fence and gate between the East Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the Berryman Street boundary from the truncation, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the window to bedroom 2 of house 3 on the western 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 window 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;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the East Street verge and Berryman 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*
- (vi) *prior to the issue of a Building Licence for House 1, the House 1 site shall be created as one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence for House 1, 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 create the House 1 site as 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).*
-

Moved Cr Torre, Seconded Cr Maier

Cr Messina departed the Chamber 7.07pm.

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Farrell

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

- “(iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the window to bedroom 2 of house 3 on the western 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 window 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 OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window being moved a minimum of 1.5 metres north on the western elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town’s policies;*

Debate ensued.

Cr Messina returned to the Chamber at 7.09pm.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Moved Cr Doran-Wu, Seconded Cr Torre

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

- “(vii) any application for double garages for either House 2 and House 3 shall be referred to the Council for consideration and determination.”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Moved Cr Chester, Seconded Cr Farrell

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

- (iii) (f) the solid portion adjacent to the Berryman Street boundary for 11 metres from the truncation, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

Debate ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Ker on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Palassis Architects on behalf of the owner Kenny Family Enterprises Pty Ltd for proposed Three (3) Two-Storey Single Houses, at No(s). 76 and 76A (Lot 10 D/P: 12865 and Lot 2 D/P: 10376) East Street (corner Berryman Street), Mount Hawthorn, and as shown on plans stamp-dated 1 August 2005 (existing site plan and overshadowing diagram) and 19 September 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) *subject to first obtaining the consent of the owners of No. 5 Berryman 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. 5 Berryman Street in a good and clean condition;*
- (iii) *any new street/front wall, fence and gate between the East Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) *the solid portion adjacent to the Berryman Street boundary for 11 metres from the truncation, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the window to bedroom 2 of house 3 on the western 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 window 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 OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window being moved a minimum of 1.5 metres north on the western elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's policies;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the East Street verge and Berryman 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);*
- (vi) *prior to the issue of a Building Licence for House 1, the House 1 site shall be created as one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence for House 1, 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 create the House 1 site as 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); and*
- (vii) *any application for double garages for either House 2 and House 3 shall be referred to the Council for consideration and determination.*

AMENDED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
House 1 - Ground Floor: North	4 metres (2.5 metres)	1.5 metres	Supported - refer to comments section.
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
<u>Outdoor Living Area:</u> <u>House 1</u>	<u>Behind the street setback area</u>	<u>Located within the street setback area</u>	<u>Supported - variation will not unduly impact the streetscape or amenity of the area. The dwelling has sufficient outdoor living area in the front setback which is accessible from a living room.</u>

AMENDED COMMENTS:

House 1 Street Setbacks

... Notwithstanding the above, while the ~~2.5~~ 4 metres primary setback (corner lot) has not been achieved on Berryman Street, the applicant has contended that East Street has been treated as the primary street. This is supported by the Town's Officers on the basis that the East Street elevation has been designed in such a way that allows for casual surveillance and interaction with the street, it is more feasible to have access from Berryman Street rather than East Street due to the shape of the lot, there is a main entrance off East Street and the upper floor is setback 9.3 metres from East Street.

The ground floor setback from East Street is proposed to be 2.7 metres - ~~4.9~~ 4.85 metres to the alfresco area structure and 3.6 metres - 7.548 metres to the main dwelling. This is considered to be consistent with the established streetscape created by the proposed dwellings and compliant with the ground floor setback requirement for newly created corner lots as specified in the Town's Policy relating to Street Setbacks. It is further noted that the upper floor setback from East Street is ~~9.3~~ 4.1 metres - 7.55 metres, which is considered acceptable in lieu of having the 6.0 metres upper floor setback from Berryman Street...

Landowner:	Kenny Family Enterprises Pty Ltd
Applicant:	Palassis Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Scout Hall
Use Class:	Single House
Use Classification:	"P"
Lot Area:	877 square metres (excluding truncation); 893 square metres (including truncation)
Access to Right of Way	N/A

BACKGROUND:

- 23 November 2004 Council at its Ordinary Meeting conditionally approved the demolition of existing club building (scout hall), at No(s). 76-76A (Lot(s) 10 & 2) East Street (corner Berryman Street), Mount Hawthorn.
- 28 June 2005 Council at its Ordinary Meeting resolved to recommend conditional approval for the subdivision (option 1, orientated north-south) of the subject property.
- 26 July 2005 Council at its Ordinary Meeting resolved to recommend conditional approval for the subdivision (option 2, orientated east-west) of the subject property.

DETAILS:

The proposal involves the construction of three (3) two-storey single houses.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.9 dwellings R 30	3 dwellings R 34.2 - excluding truncation -2.6 per cent density bonus R 33.6 - including truncation - 0.8 percent density bonus	Supported - Council at its Ordinary Meeting held on 26 July 2005 resolved to recommend conditional approval to the Western Australian Planning Commission for the proposed subdivision of the subject properties that is reflected in the proposed development. The proposal is compliant with the variation to the minimum site area required provisions of the Residential Design Codes (R Codes).

Plot Ratio	N/A	N/A	Noted
Setbacks: House 3 - Ground Floor: North	1.5 metres	Nil	Supported - boundary wall is internal.
House 2 - Ground Floor: South House 1 - Ground Floor: North	1.5 metres 4 metres (2.5 metres)	Nil 1.5 metres	Supported - as above. Supported - refer to comments section.
East South Upper Floor: North (Main Dwelling) North (Balcony)	1 metre 1.5 metres 6 metres 6 metres	Nil Nil - 1.517 metres 1.5 metres - 1.7 metres 1.5 metres	Supported - building on boundary is compliant with the Building on Boundary requirements of the R Codes in terms of height and length, is not considered to have an undue impact on the affected neighbour and no objection received from the affected neighbour. Supported - as above. Supported - refer to comments section. Supported - as above.
Building on Boundary: House 3 - North House 2 - South	Walls not higher than 3.5 metres with average of 3 metres for 66 per cent of the length of the balance of the boundary behind the front setback, to one side boundary. As above.	Boundary wall is for 73 per cent of the boundary. As above.	Supported - no undue impact as boundary wall is compliant with the building on boundary requirements of the R Codes in terms of height, and boundary wall is internal. As above.

House 1 - South	As above	Building on two boundaries.	Supported - no undue impact as boundary walls are compliant with the building on boundary requirements of the R Codes in terms of height and length, and boundary wall is internal.
East	As above	Building on two boundaries and boundary wall is for 71 per cent of the boundary.	Supported - boundary walls are compliant with the building on boundary requirements of the Residential Design Codes in terms of height, boundary walls are not considered to have an undue impact on the affected neighbour and no objection received from the affected neighbour.
Privacy: House 2 - Upper Floor: Bedroom window 4	4.5 metres	4.3 metres to southern boundary	Supported - no undue impact as overlooking is internal and onto the roof of House 3.
Bedroom window 3	4.5 metres	2.4 metres to southern boundary	Supported - as above.
Bedroom window 2	4.5 metres	2.8 metres to northern boundary	Supported - no undue impact as overlooking is internal.
House 3 - Upper Floor: Bedroom window 3	4.5 metres	2.7 metres to northern boundary	Supported - no undue impact as overlooking is internal and onto the roof of House 2.
Bedroom window 2	4.5 metres	3 metres to southern boundary	Not supported - overlooking is addressed in the Officer Recommendation.

Consultation Submissions		
Support	N/A	Noted
Objection (1)	<ul style="list-style-type: none"> Boundary walls 	Not supported - all proposed boundary walls are compliant with the R-Codes in terms of height and are not considered to have an undue impact on surrounding neighbours.
	<ul style="list-style-type: none"> Privacy 	Supported in part - overlooking has been addressed in the Officer Recommendation.
	<ul style="list-style-type: none"> Noise Issues 	Not Supported - not a major planning consideration.
	<ul style="list-style-type: none"> Density 	Not supported - Council at its Ordinary Meeting held on 26 July 2005 resolved to recommend conditional approval to the Western Australian Planning Commission for the proposed subdivision for the subject property. The proposal is compliant with the variation to the minimum site area required provisions of the Residential Design Codes (R Codes).
	<ul style="list-style-type: none"> Heritage Issues 	Not supported - Council at its Ordinary Meeting held on 23 November 2004 resolved to conditionally approve the demolition of the existing club (scout hall) at the subject property.
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:

House 1 Street Setbacks

In accordance with the Residential Design Codes (R-Codes), a primary street is defined as *"the sole or principal public road that provides access to a site"*. As the subject plans proposes both vehicular access and pedestrian access for House 1 from Berryman Street, for the purpose of assessment, Berryman Street was considered the primary street for House 1.

Notwithstanding the above, while the 2.5 metres primary setback (corner lot) has not been achieved on Berryman Street, the applicant has contended that East Street has been treated as the primary street. This is supported by the Town's Officers on the basis that the East Street elevation has been designed in such a way that allows for casual surveillance and interaction with the street, it is more feasible to have access from Berryman Street rather than East Street due to the shape of the lot, there is a main entrance off East Street and the upper floor is setback 9.3 metres from East Street.

The ground floor setback from East Street is proposed to be 2.7 metres - 4.9 metres. This is considered to be consistent with the established streetscape created by the proposed dwellings and compliant with the ground floor setback requirement for newly created corner lots as specified in the Town's Policy relating to Street Setbacks. It is further noted that the upper floor setback from East Street is 9.3 metres, which is considered acceptable in lieu of having the 6.0 metres upper floor setback from Berryman Street.

In light of Berryman Street being considered the secondary street in this instance, the 1.5 metres setback for the lower and upper floor is considered acceptable, as this setback is compliant with the Town's Policy relating to Street Setbacks. Further to this, the adjacent property along Berryman Street has a nil street setback; therefore, the proposed 1.5 metres setback creates an acceptable staggered streetscape.

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

10.1.7 No. 1/109 (Lots 81-83, Strata Lot 5) Chelmsford Road, Corner Norfolk Street, Mount Lawley- Proposed Two-Storey Single House (Application for Part Retrospective Approval)

Ward:	North	Date:	20 September 2005
Precinct:	Norfolk; P10	File Ref:	PPRO2424; 5.2005.3099.1
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 Peter Standard Homes on behalf of the owner G Howell-Morgan for Two-Storey Single House (Application for Part Retrospective Approval), at No.1/109 (Lots 81-83, Strata Lot 5) Chelmsford Road, corner Norfolk Street, Mount Lawley, and as shown on plans stamped 10 August 2005 (excluding elevations and overshadowing plans), 1 September 2005 (elevation plans) and 16 September 2005 (overshadowing plan) , 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) an amended Building Licence shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Norfolk Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) subject to first obtaining the consent of the owners of No.109 and No.2/109 Chelmsford Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.109 and No.2/109 Chelmsford Road in a good and clean condition;*

- (iv) *an amended Building Licence shall be submitted and approved demonstrating the western, northern and southern elevations of the upper/first floor balcony being of an open finish, such as wrought iron or other similar open aspect finishes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (v) *the finished floor level of the ground floor of the house shall be no greater than 25.35 AHD, the finished floor level of the garage shall be no greater than 25.27 AHD and the finished ground brick paving level around the house shall be no greater than 25.264 AHD.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (7-1)

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

Landowner:	G Howell-Morgan
Applicant:	Peter Stannard Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single house under construction
Use Class:	Single House
Use Classification:	"P"
Lot Area:	217 square metres
Access to Right of Way	South side, 5.0 metres wide, sealed, Town- owned

BACKGROUND:

- | | |
|------------------|--|
| 19 November 2002 | The Council at its Ordinary Meeting resolved to refuse an application for proposed two-storey single house at the subject property. |
| 26 August 2003 | The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed two-storey single house at the subject property. |

DETAILS:

The application involves a two-storey single house which is similar to the previously approved planning application, which has since expired. The application is seeking part retrospective approval as the ground floor slabs, which have been laid, contravenes sub-clause (b) and (c) of the following condition of the previous Planning Approval:

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

- (a) the western, northern and southern elevations of the upper/first floor balcony being of an open finish, such as wrought iron or other similar open aspect finishes; and*
- (b) the finished floor level of the ground floor of the house, including the garage, being no greater than 25.12 AHD; and*
- (c) the finished ground level around the house being no greater than 25.02 AHD.*

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

In relation this matter, the applicant has requested that Council revises the subject condition so that the finished floor level of the ground floor of the house is no greater than 25.35 AHD, the garage being no greater than 25.27 AHD and the finished ground brick paving level around the house being no greater than 25.264 AHD. The applicant's submission is *"Laid on the Table"*.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks Ground Floor - North	1.0 metre	Nil	Supported- refer to 'Building on Boundaries' below.
- East	1.5 metres	Nil-1.5 metres	Supported- as above.
First Floor - West	6.0 metres	4.0 metres (balcony)	Supported- main building line setback is compliant, balcony provides interaction and casual surveillance of street, balcony has been conditioned to be open to reduce impact as per Council's previous resolution in relation to this matter, depth of lot is only 13.7 metres, dwelling faces a secondary street and no undue impact on streetscape.

- East	1.7 metres	1.5 metres	Supported- minor variation and no undue impact on neighbour or streetscape.
Outdoor Living Area	Behind street setback area	Outdoor living area in front setback area	Supported - requirement not feasible due to depth and size of lot and required front setback and courtyard is open to winter sun.
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Two boundary walls proposed (both compliant)	Supported- proposal makes effective use of space, no undue impact on adjoining neighbours in relation to over shadowing or visual impact and no objections received by affected neighbours.
Privacy Setbacks	Bedrooms windows- 4.5 metres. Outdoor habitable spaces- 7.5 metres.	Bedroom 3 window is 3.5 metres to the north boundary. Balcony is 6.2 metres to north boundary.	Supported- overlooks car parking area of adjoining affected neighbour. Supported- as above.
Street Walls/Fences	Maximum height of 1.8 metres for pillars and 2.0 metres for decorative features.	Maximum height of 2.0 metres for pillars and 2.2 metres for decorative features.	Not supported- has been conditioned to comply.
Retaining Walls	Town's approval required for retaining walls over 0.5 metre high.	Retaining wall up to 1.0 metre high.	Supported- wall required due to significant slope of land to create a useable outdoor living area, and no undue impact on amenity of area.
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 relation to the finished floor of the house and garage and the finished ground level around the house, the proposed levels, with the exception of retaining walls which is addressed above, are considered to be compliant with the site work requirements of the Residential Design Codes and are not to have an undue impact of the adjoining neighbours or streetscape.

In light of the above, the planning application is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.9 No. 135 (Lot 123 D/P 10023) Loftus Street, Leederville - Proposed Demolition of Existing Single House and Construction of Four (4) Multiple Dwellings and Two Single Bedroom Dwellings

Ward:	South	Date:	20 September 2005
Precinct:	Leederville; P03	File Ref:	PRO3212; 5.2005.2905.1
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 the owner Filton Pty Ltd for proposed Demolition of Existing Single House and Construction of Four (4) Multiple Dwellings and Two Single Bedroom Dwellings, at No. 135 (Lot 123 D/P 10023) Loftus Street, Leederville, and as shown on plans stamp-dated 29 August 2005 , subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the store for Unit 6 having a minimum internal area of 4 square metres and minimum internal dimensions of 1.5 metres;*
 - (b) *the overall building height on the eastern (front) elevation being a maximum of 7 metres above the respective natural ground level to the top of the external wall (roof above); and*
 - (c) *to protect the reasonable privacy of the adjacent residents,*
 - (1) *the windows to bedrooms 1 and 3 on the northern elevation, on the first floor to Unit 3;*
 - (2) *the windows to bedrooms 1 and 2 on the northern elevation, on the first floor to Unit 2;*
 - (3) *the windows to bedroom 1 on the northern elevation, on the first floor to Unit 1;*
 - (4) *the windows to bedroom 1 on the northern elevation, on the first floor to Unit 4;*
 - (5) *the windows to the master bedroom on the southern elevation, on the first floor to Unit 1;*
 - (6) *the windows to the master bedroom on the southern elevation, on the first floor to Unit 2; and*
 - (7) *the windows to bedroom 2 on the southern elevation, on the first floor to Unit 6;*

being 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.

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

- (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) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Loftus Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iv) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Loftus 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);*
- (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) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (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.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Cr Farrell departed the Chamber at 7.20pm.

Debate ensued.

CARRIED (6-1)

<u>For</u> Mayor Catania Cr Chester Cr Doran-Wu Cr Lake Cr Maier Cr Torre	<u>Against</u> Cr Messina
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(Cr Ker on leave of absence. Cr Farrell was absent from the Chamber and did not vote.)

Cr Farrell returned to the Chamber at 7.21pm.

AMENDED ASSESSMENT TABLE:

Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio			
Unit 1	0.4 7 - 203 <u>142.1</u> square metres	0.486 - 98.8 square metres	Supported - compliant with R Codes plot ratio requirements.
Unit 2	0.4 7 - 161 <u>112.7</u> square metres	0.57 - 92.48 square metres	Supported - compliant with R Codes plot ratio requirements.
Unit 3	0.4 7 - 163 <u>114.1</u> square metres	0.619- 101 square metres	Supported - compliant with R Codes plot ratio requirements.
Unit 4	0.4 7 - 160 <u>112</u> square metres	0.622 - 99.46 square metres	Supported - compliant with R Codes plot ratio requirements.

ADDITIONAL INFORMATION:

The Assessment Table in the Agenda report should be amended to reflect a plot ratio of 0.7 for Units 1, 2, 3 and 4 on the subject site, in accordance with the plot ratio requirements for multiple dwellings under Residential R 60.

Landowner:	Filton Pty Ltd
Applicant:	Filton Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	997 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves proposed demolition of existing single house and construction of four (4) multiple dwellings and two (2) single bedroom dwellings.

The car parking area is underground and the two single bedroom dwellings are within the eastern portion of the subject site fronting Loftus Street. Vehicular access is via a driveway dissecting the middle of the frontage that services the underground/basement parking arrangement.

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	5.981 multiple dwellings or 4 multiple dwellings and 2 single bedroom dwellings. R 60	4 multiple dwellings and 2 single bedroom dwellings. R 60	Supported - the proposal is compliant with R Code density, namely minimum and average lot size, requirements.
Plot Ratio			
Unit 1	0.1 - 203 square metres	0.486 - 98.8 square metres	Supported - compliant with R Codes plot ratio requirements.
Unit 2	0.1 - 161 square metres	0.57 - 92.48 square metres	Supported - compliant with R Codes plot ratio requirements.

Unit 3	0.1 - 163 square metres	0.619- 101 square metres	Supported - compliant with R Codes plot ratio requirements.
Unit 4	0.1 - 160 square metres	0.622 - 99.46 square metres	Supported - compliant with R Codes plot ratio requirements.
Unit 5 (Single Bedroom)	60 square metres	48.68 square metres	Supported - compliant with R Codes plot ratio provision for single bedroom dwellings.
Unit 6 (Single Bedroom)	60 square metres	48.68 square metres	Supported - compliant with R Codes plot ratio provision for single bedroom dwellings.
Leeder Locality Plan: Front Setback - Unit 5 - Upper Floor Balcony	A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6.0 metres.	5.2 metres (balcony)	Supported - The Town's practice is to support a 5 metre setback to upper floor balconies providing there is no undue impact on streetscape and amenity of the area.
Unit 6 - Upper Floor Balcony	A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6.0 metres.	5.0 metres (balcony)	Supported - The Town's practice is to support a 5 metre setback to upper floor balconies providing there is no undue impact on streetscape and amenity of the area.
Setbacks: Upper Floor - Northern Elevation - Unit 2 (Bedrooms 1 and 2)	5.2 metres	4.2 metres	Supported - no undue impact on amenity of adjoining properties.
Unit 3 (Bedrooms 1 and 2)	5.2 metres	3.4 - 4.8 metres	Supported - no undue impact on amenity of adjoining properties.

Unit 4 (Bedroom 1 and Bath)	3.5 metres	1.8 - 4.6 metres	Supported - no undue impact on amenity of adjoining properties.
Southern Elevation -			
Unit 1 (Master Bedroom)	4.5 metres	2.96 metres	Supported - no undue impact on amenity of adjoining properties.
Unit 2 (Master Bedroom)	4.5 metres	3.8 metres	Supported - no undue impact on amenity of adjoining properties.
Unit 3 (Master Bedroom)	4.5 metres	3.8 - 4.5 metres	Supported - no undue impact on amenity of adjoining properties.
Western Elevation -			
Unit 1 (Master Bedroom, Stairwell and Bedroom 1)	1.9 metres	1.5 - 3 metres	Supported - no undue impact on amenity of adjoining properties.
Building Height:			
Eastern (Front) Elevation (Units 5 and 6)	7.0 metres to the top of external wall (concealed roof).	8.136 metres	Not supported - conditioned to comply with building height requirements of R Codes.
Privacy Setbacks:			
North Elevation -			
Unit 3 (Bedroom 2 window)	4.5 metres	4.1 metres to northern boundary	Not supported - conditioned to comply with privacy setback requirements of R Codes.
Unit 3 (Bedroom 1 window)	4.5 metres	3.8 metres to northern boundary	Not supported - conditioned to comply with privacy setback requirements of R Codes.

Unit 2 (Bedroom window)	2 2	4.5 metres	4.2 metres to northern boundary	Not supported - conditioned to comply with privacy setback requirements of R Codes.
Unit 1 (Bedroom window)	2 1	4.5 metres	4.2 metres to northern boundary	Not supported - conditioned to comply with privacy setback requirements of R Codes.
Unit 1 (Bedroom window)	1 1	4.5 metres	4.3 metres to western boundary	Not supported - conditioned to comply with privacy setback requirements of R Codes.
Unit 1 (Bedroom window)	4 1	4.5 metres	4.3 metres to northern boundary	Not supported - conditioned to comply with privacy setback requirements of R Codes.
South Elevation - Unit 1 (Master Bedroom window)		4.5 metres	2.9 - 4 metres to southern boundary	Not supported - conditioned to comply with privacy setback requirements of R Codes.
Unit 2 (Master Bedroom window)		4.5 metres	4.0 metres to southern boundary	Not supported - conditioned to comply with privacy setback requirements of R Codes.
Unit 2 (Bedroom window)	6 2	4.5 metres	2.5 metres to southern boundary	Not supported - conditioned to comply with privacy setback requirements of R Codes.
Essential Facilities: Storage - Unit 6		Internal area of at least 4.0 square metres.	3.82 square metres	Not supported - conditioned to comply with essential facilities requirements of R Codes.
Open Space: Units 1, 2, 3, 4, 5 and 6		Balcony to be provided with a minimum dimension of 2 metres and minimum area of 10 square metres.	No compliant balconies provided.	Supported - there are equivalent outdoor living areas (courtyards) provided which provide open space to each dwelling.

Outdoor Living Area: Unit 5 - Siting	Behind the street setback area.	Small portion located within street setback area (setback 3.607 metres).	Supported - no undue impact on streetscape or amenity of area.
Consultation Submissions			
Support	Nil		Noted
Objection (3)	<ul style="list-style-type: none"> Noise from car park 		Not supported - the location of the car park, being underground, is not considered to create excessive noise.
	<ul style="list-style-type: none"> Overlooking 		Supported - all privacy setback variations are conditioned to comply with R Codes requirements.
	<ul style="list-style-type: none"> Overshadowing 		Not supported - the development is compliant with R Codes design for climate requirements.
	<ul style="list-style-type: none"> Bulk 		Supported in part - a recommended condition of approval is for the building height to comply with R Codes requirements. It is noted that the development complies with R Codes plot ratio provisions.
	<ul style="list-style-type: none"> Structural damage from excavation 		Not supported - not a consideration of this planning application and will be considered when a Building Licence application is submitted.
	<ul style="list-style-type: none"> General noise 		Not supported - there is no evidence that the proposal will create excessive noise.
	<ul style="list-style-type: none"> Minimisation of views of the city 		Not supported - not a major planning consideration.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

Heritage

In light of preliminary investigations, a full heritage assessment is not considered appropriate for the proposed demolition of the subject dwelling at No.135 Loftus Street.

The place is a single storey cement brick dwelling with a low pitched tiled hipped roof. The dwelling is believed to have been constructed c1933 during the years of the Great Depression.

This place is not rare and is considered to be of little aesthetic, historic, scientific or social value and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

Consultation/Advertising

The application was advertised for 14 days in accordance with the Town's "AA" advertising procedure. Three (3) written submissions were received during this time and are detailed in the Assessment Table above. The Town is in receipt of correspondence from the Department for Planning and Infrastructure dated 21 June 2005 indicating support for the subject proposal.

The Natural Ground Level

The natural ground level for the subject site is calculated in accordance with the site works provisions of the R Codes. The following is an excerpt taken from the R Codes:

"It is desirable that the development of land avoids major interference with the natural or pre-existing site levels, thereby preserving the natural topography. For these purposes, "natural ground level" means the level of land before original development occurred or that resulting from the pre-existing development."

In light of adjoining development and the abovementioned excerpt from the R Codes, the natural ground level for the subject site is taken from the natural contours on the land except where the pre-existing dwelling is located. In this instance, the natural ground level is taken from the ground level of the pre-existing dwelling, which is at RL 21.20.

Building Height

The Town's Officers note that the subject proposal contains portions of wall exceeding the 7 metres building height limit. These portions of wall are considered as an architectural feature and part of the overall design of the development, and therefore, not considered to be variations.

Internal boundaries

All building setback and privacy setback variations to internal boundaries are not listed in the Assessment Table as they are supported by the owner/developer and are subsequently supported by the Town's Officers.

Summary

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

10.1.12 No. 1A (Lot 116 D/P 95653) Primrose Street, Perth - Street/Front Fence and Gate Addition to Existing Single House (Application for Retrospective Approval)

Ward:	South	Date:	15 September 2005
Precinct:	Hyde Park; P12	File Ref:	PRO2004; 5.2005.3139.1
Attachments:	001		
Reporting Officer(s):	T Durward		
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 Perrine Architecture Pty Ltd on behalf of the owners P M Wood and G A Underwood for Street/Front Fence and Gate Addition to Existing Single House (Application for Retrospective Approval), at No. 1A (Lot 116 D/P 95653) Primrose Street, Perth, and as shown on plans stamp-dated 25 August 2005, 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 Town's Policy relating to Street Walls and Fences; and*
- (ii) *the Council ADVISES the owner of No. 1A (Lot116 D/P 95653) Primrose Street, Perth, that the unauthorised solid street/front fence and gate is to be removed within 14 days of the date of notification by the Town, and the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings against the owner of No. 1A (Lot 116 D/P 95653) Primrose Street, Perth, if this unauthorised street/front fence and gate still remains after the 14 days period.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (5-3)

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

(Cr Ker on leave of absence.)

Landowner:	P M Wood and G A Underwood
Applicant:	Perrine Architecture Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	178 square metres
Access to Right of Way	N/A

BACKGROUND:

- 11 June 2002 Council at its Ordinary Meeting resolved to conditionally approve proposed two storey single house.
- 24 August 2004 Council at its Ordinary Meeting resolved to refuse alterations and additions to street fencing to approved single house (application for retrospective planning approval).
- 17 January 2005 The Town issued a notice under section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and a written direction under section 10 of the Town Planning and Development Act 1928.
- 14 February 2005 Application for review of section 401 (1) (c) notice of the Local Government (Miscellaneous Provisions) Act 1960.

DETAILS:

The application involves street/front fence and gate addition to existing single house. The application is for retrospective approval.

The Town's Officers note that a similar application was determined by the Council at its Ordinary Meeting held on 24 August 2004. The applicant wished to submit an application for review of the abovementioned decision, but was unable to submit the application for review within the then 60 day timeframe. In this instance, the applicant claims they never received the MRS Form 2 "*Refusal to Commence Development*".

It is noted that the State Administrative Tribunal (SAT) member has advised that as the previous decision was prior to the establishment of the SAT, the SAT was unable to use its power to extend the timeframe for review applications. It is for this reason that the subject application is submitted.

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

Front Fence/Street Wall	No fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to the street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency.	Solid 2.0 metres high street/front fence and gate.	Not supported - the subject street/front fence and gate is considered to have an undue impact on the streetscape and amenity of the area. It is also considered to reduce the potential for passive surveillance and interaction between, the street and dwelling.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> Privacy and security would be compromised. 		Not supported - the Town promotes open style fences to increase security via passive surveillance and adequate street interaction.
	<ul style="list-style-type: none"> Wall is consistent with the architecture of the house. 		Not supported - see Officer comments above.
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:

Consultation/Advertising

The proposal was not advertised as a similar proposal was advertised within the last 12 months. The submissions received during this time are included in the Assessment Table above.

Front Fence

The front fence and gate does not comply with Town's Policy relating to Street Walls and Fences. The Policy clearly states that solid front/street walls and gates may be permitted in the case where it is proposed along a secondary street or along roads classified as primary distributor or district distributor roads. Primrose Street does not have a road classification of this nature and is not a secondary street to the subject lot.

Summary

The front fence and gate, by reason of its height and design, would result in an inappropriate development on 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 area. The development is, therefore, contrary to the provisions of the Town's Policy and is recommended for refusal.

10.1.16 Western Australian Planning Commission - A Sustainability Checklist – Discussion Document - March 2005

Ward:	Both Wards	Date:	20 September 2005
Precinct:	All Precincts	File Ref:	PLA0066
Attachments:	"Laid on the Table"		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the Western Australian Planning Commission's "Sustainability Checklist – Discussion Document – March 2005", as "Laid on the Table"; and*
- (ii) *ADVISES the Western Australian Planning Commission that the Council SUPPORTS, IN PRINCIPLE, the "Sustainability Checklist – Discussion Document – March 2005", subject to the following matters being addressed:*
 - (a) *further development and refinement of the Checklist is required, and that this should be undertaken as a priority and as part of an active dialogue with local government, and relevant stakeholders, including the Town of Vincent;*
 - (b) *priority should be given to identifying those criteria that are easily quantifiable and that will be progressed in the short-term and those criteria that require further development;*
 - (c) *clarification should be provided as to how the proposed sustainability assessment tool(s) will be incorporated into, or where relevant supersede, existing assessment and approval processes;*
 - (d) *the sustainability assessment tool should ensure that all forms of development, including commercial, industrial and rural activities are addressed;*
 - (e) *measurable targets and benchmarks that developers can utilise should be further identified and developed;*
 - (f) *the incorporation of the Sustainability Checklist into the existing Building Code of Australia document should be further investigated, and/or development of the provisions relating to energy efficiency to include additional issues such as water efficiency should be further developed;*
 - (g) *types of incentives and types of recognition that could be provided for developments that achieve and exceed sustainable development outcomes should be considered;*
 - (h) *detailed guidelines and/or training courses should be developed for design professionals, developers, regulatory authorities and other relevant stakeholders to complement the implementation of any sustainability assessment tool(s); and*
 - (i) *during the continued development of the sustainability measure tool(s), open discussion forums for stakeholders should occur on a regular basis, to allow the dissemination of the content and direction of the tools.*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted subject to clause (ii)(j) being added as follows:

- “(ii) (j) the Sustainability Checklist should be consistent with the State Sustainability Strategy, in that it recognises the Vision statement “Western Australia’s built heritage and special qualities of place are valued and enhanced in all developments.”*

CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.16

That the Council;

- (i) **RECEIVES** this report and the Western Australian Planning Commission’s “Sustainability Checklist – Discussion Document – March 2005”, as “Laid on the Table”; and
- (ii) **ADVISES** the Western Australian Planning Commission that the Council **SUPPORTS, IN PRINCIPLE**, the “Sustainability Checklist – Discussion Document – March 2005”, subject to the following matters being addressed:
- (a) *further development and refinement of the Checklist is required, and that this should be undertaken as a priority and as part of an active dialogue with local government, and relevant stakeholders, including the Town of Vincent;*
 - (b) *priority should be given to identifying those criteria that are easily quantifiable and that will be progressed in the short-term and those criteria that require further development;*
 - (c) *clarification should be provided as to how the proposed sustainability assessment tool(s) will be incorporated into, or where relevant supersede, existing assessment and approval processes;*
 - (d) *the sustainability assessment tool should ensure that all forms of development, including commercial, industrial and rural activities are addressed;*
 - (e) *measurable targets and benchmarks that developers can utilise should be further identified and developed;*
 - (f) *the incorporation of the Sustainability Checklist into the existing Building Code of Australia document should be further investigated, and/or development of the provisions relating to energy efficiency to include additional issues such as water efficiency should be further developed;*
 - (g) *types of incentives and types of recognition that could be provided for developments that achieve and exceed sustainable development outcomes should be considered;*
 - (h) *detailed guidelines and/or training courses should be developed for design professionals, developers, regulatory authorities and other relevant stakeholders to complement the implementation of any sustainability assessment tool(s);*

- (i) *during the continued development of the sustainability measure tool(s), open discussion forums for stakeholders should occur on a regular basis, to allow the dissemination of the content and direction of the tools; and*
 - (j) *the Sustainability Checklist should be consistent with the State Sustainability Strategy, in that it recognises the Vision statement “Western Australia’s built heritage and special qualities of place are valued and enhanced in all developments.*
-

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider the Western Australian Planning Commission’s (WAPC) Sustainability Checklist Discussion Document, and formalise the Council’s comments on the Checklist.

BACKGROUND:

The Sustainability Checklist Discussion Document (sub-titled “*A Further Step Towards Putting Sustainability Into Practice in Planning, Development and Building in WA*”) proposes a framework for including sustainability considerations as part of the planning and development assessment process. The stated intent is to develop new tools to replace existing methods of assessment and thereby create a mechanism to determine how proposals for urban development “*contribute to the economy, to society and to the preservation and enhancement of the environment*”. The discussion paper is proposed as a starting point for further dialogue about how this framework might be developed.

By virtue of the Western Australian State Sustainability Strategy (the Strategy) released in 2003, the Minister for Planning and Infrastructure announced that a ‘sustainability scorecard’ was required in Western Australia to assess plans, developments and buildings, and ultimately enable better management of the development control process according to the principles of sustainability. It was intended that this would give more substance to current ideas about what constitutes sustainable development and would provide a uniform regulatory framework to increase certainty to the development industry and the community.

Specifically, the Strategy states that “*planning for building development, especially residential planning, requires rethinking the existing approvals process to explicitly support sustainable building guidelines in terms of placement, access, shape, orientation, and the renovation and re-use of existing building stock*”. Actions contained in the Strategy include the:

- *Compilation “of a sustainable land development and built form toolkit, which includes guidelines and checklists, in close consultation and cooperation with relevant government agencies and authorities”;* and
- *Development of a “regulatory framework and associated incentives for sustainable building and construction including conservation, adaptive re-use and renovation”.*

In response to those actions stated in the Strategy, many local governments and others involved in planning, development and building sectors have developed, or are developing, sustainability scorecards or checklists. Given the absence of any set of guidelines to refer to in preparing these documents, there is a resultant wide variation in the sustainability criteria, targets and assessment methodologies as well as the extent to which the outcomes influence the decision making processes.

Furthermore, the sustainability provisions that have been adopted by some local governments and various planning and development agencies are non-statutory and have significantly variable content. Where such provisions have been adopted, this has resulted in an additional layer being added to the assessment process and has resulted in a lack of consistency for developers and the community. The development of a sustainability checklist by the WAPC is the first attempt at integrating sustainability principles and objectives into the planning and development process at a State level.

To assist the WAPC, the Department for Planning and Infrastructure (DPI) and the Sustainability Roundtable in the ongoing integration of sustainability principles and objectives into the planning-development-building system, additional sub-committees have been established. The WAPC established a Sustainability Committee and the Sustainability Roundtable set up an advisory Sustainable Building and Land Development Partnership Group.

CONSULTATION/ADVERTISING:

The 'Sustainability Checklist – Discussion Document' has been forwarded from the WAPC to relevant stakeholder, including the Town of Vincent, for comment.

It is recommended that the WAPC be advised that further development and refinement of the Checklist is required and that this be done as part of an active dialogue with local government, and relevant stakeholders, including the Town of Vincent.

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:

- (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.*
- (c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision.*
- (d) Develop and implement a policy to encourage a proportion of affordable housing, in partnership with the State Government."*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As recognised in the Discussion Document, the development of the complete 'sustainability scorecard' involves a complex process, and, as a result, it is anticipated that it will take some time to complete. For this reason, a staged approach is regarded as the most suitable approach to assist in achieving uniformity in the interim. The staged steps detailed in the Discussion Document are listed as follows:

- Step 1: Develop and agree on a generally acceptable suite of sustainability criteria;
- Step 2: Identify and agree on targets and benchmarks for each criterion;
- Step 3: Determine and agree on assessment tools for each criterion;
- Step 4: Develop and agree on the complete sustainability scorecard; and
- Step 5: Incorporate use of the complete sustainability scorecard into the planning, development and building approval system.

To facilitate early adoption of good sustainability practice, it is intended that some of the criteria will receive priority attention. The development of approaches to measure and report on criteria initially will focus on those criteria that are easily measurable, those that could bring significant changes in economic, social or environmental outcomes in the short term, and those for which State or Local targets already exist or can be established easily. The Discussion Document does not specifically identify what sustainability criteria will be prioritised. It is also stated that those criteria that are more difficult to measure will have assessment tools developed at a later stage of the process. It is important to the ultimate validity of the tool, that should these criteria prove difficult to measure, they not be ignored.

BASIX Assessment Tool

BASIX is an interactive web-based planning tool designed and adopted in New South Wales (NSW) to assess the performance of residential development against targets for water and energy efficiency set by the State Government. From 1 July 2004 in Sydney and from July 2005 in other parts of NSW, new homes must be designed to achieve a 40 per cent reduction in potable water consumption and a 25 per cent reduction in greenhouse gas emissions compared with existing dwellings of the same type. A BASIX assessment is a mandatory component of the development approval process.

BASIX is designed to be applied during the approval process for buildings. Other sustainability assessment tools, including a scorecard, may be used in assessing development applications or at earlier stages in the planning process, for instance, in the preparation of regional and local strategies and planning schemes.

The Committee and Partnership Group have agreed to undertake a phased review of the Building Sustainability Index (BASIX) tool and an assessment of opportunities to develop a similar tool (METRIX) that is applicable at a broader spatial scale such as subdivisions and structure plans.

The Discussion Document states that *“it is not the intention to add a new layer of assessment to an already complex set of processes. A scorecard should incorporate and replace existing assessment processes. Alternatively, a scorecard may enable sustainability principles to be embedded in strategies and schemes, taking effect as those strategies and schemes are implemented”*. However, if the final recommendation from the Review Committee is to adopt the BASIX tool, then this will actually be another layer of assessment introduced into the process, as it is something Western Australia does not have in its current assessment processes.

Attention is drawn to the Building Code of Australia (BCA), which is applicable in every State of Australia. The BCA goes some way towards addressing energy efficiency, although it does not currently address other issues such as water efficiency. Introducing the BASIX assessment tool in addition to the BCA, will effectively introduce an additional layer of assessment to what already exists in Western Australia. It is therefore considered appropriate to recommend to the WAPC to investigate the incorporation of the sustainability checklist into the existing BCA document, or further develop the provisions on energy efficiency to include additional issues such as water efficiency.

Sustainability Checklist

The Sustainability Checklist consists of questions drawn from about forty checklists, scorecards and policies in use or in development. There has purposely been no ranking or scoring of the questions, as the relative importance of each question will be differ depending on the context and in some instances, may not be relevant.

The draft Sustainability Checklist is composed of individual criteria allocated under the headings of social advancement, economic prosperity, environmental protection and good governance.

The Discussion Document suggests that in using the 'social advancement', 'economic prosperity' and 'environmental protection' checklists to:

- Choose those questions that are relevant to the proposal;
- Determine sub-criteria for the spatial scale of the proposal; and/or
- Combine a number of questions.

The Discussion Document goes on further to say, that in the interim period until the sustainability scorecard is complete, that *'users consider whether the proposed approach meets the minimum current practice standard (ie statutory requirements or local requirements), is best practice or is innovative'*.

The main objective of the Checklist is to achieve sustainable development outcomes through the planning, development and building processes. It is stated that in achieving the development outcomes, that there should be no trade-offs between economic, social and environmental goals. However, the manner in how this will be achieved is not detailed or identified within the Checklist. Possible consideration should be given to the types of incentives and types of recognition that could be provided for developments that achieve and exceed the sustainable development outcomes.

The challenge for users of the Checklist will be the lack of reference points or benchmarks to measure the level of sustainability achieved in a development. The Sustainability Checklist, while providing a good outline structure in how to approach and assess the sustainability of a development, needs to be further developed and explained, so that there are measurable targets that can be met and exceeded. How these targets are determined and what other tools may be considered appropriate to achieve them, are important components to 'completing' the Sustainability Checklist and making it a usable and directive document.

The applicability of the Sustainability Checklist at the Town of Vincent will primarily be at the development application and assessment level. While the immediate response may be to educate and integrate the principles and criteria into the assessment process for individual developments, an opportunity exists to integrate the suggested outline approach into the entire Town's approach, for all service areas and the Strategic Plan for the Town. The incorporation of the Sustainability Checklist into the Town's philosophy would however need to be cognisant of the allowance for continual development of the Sustainability Development Outcome initiatives, as the Sustainability Checklist and other relevant documents become available.

Coupled with the development of the Town's Sustainability Management System (SMS), which additionally embraces sustainable principles through 'standards and tools' to be utilised across the organisation, the State directive of a Sustainability Checklist will primarily relate to the sustainable assessment of the built form.

Summary

In conclusion, the 'Sustainability Checklist – Discussion Document' is seen as a good initial step towards developing guidelines that will be instrumental in facilitating sustainable outcomes for development in Western Australia. It is apparent that the document is still in its infancy, and that there is a significant number of steps still to be taken, before it can be used as an instrumental tool in assessing developments based on sustainable development principles.

It is recommended that the Council advises the WAPC of the comments raised in the report above.

10.1.17 Western Australian Planning Commission: Draft Designing out Crime – Planning Guidelines Outline

Ward:	Both Wards	Date:	21 September 2005
Precinct:	All Precincts	File Ref:	PLA0022
Attachments	001 , "Laid on the Table"		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** this report and the Western Australian Planning Commission’s “Draft Designing Out Crime – Planning Guidelines Outline”, as “Laid on the Table”;
- (ii) **ADVISES** the Western Australian Planning Commission that the Council **SUPPORTS IN PRINCIPLE**, the “Draft Designing Out Crime – Planning Guidelines Outline – July 2005”, subject to the following matters being addressed:
 - (a) *that the macro, meso and micro scale of developments should be further defined possibly by inclusion of a list of development types that would fit into each category;*
 - (b) *a guidance document should be prepared that details the process of identifying what types of developments would instigate a joint crime risk assessment between local police and local government;*
 - (c) *inclusion of a contact list of educational facilities that will be offering training courses for developers and assessors; and*
 - (d) *the provision of an on-line reference forum for developers, assessors and other stakeholders to share information and understand the Guidelines better; and*
- (iii) **FORWARDS** a copy of this report and its comments to the Western Australian Planning Commission.

COUNCIL DECISION ITEM 10.1.17

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is for Council to consider and formalise its comments regarding the Draft ‘*Designing Out Crime: Planning Guidelines*’ document (the Guidelines) released by the Western Australian Planning Commission (WAPC) and the Office of Crime Prevention in July 2005 for public comment. The closing date for all submissions is 30 September 2005.

BACKGROUND:

As part of a multi-agency approach to crime prevention, the Draft Planning Guidelines represent one element of a wider government strategy that spans National, State and Local Government policy frameworks relating to crime prevention. In 2004, the Police and Community Safety Minister requested that the WAPC prepare 'Designing Out Crime' planning guidelines, incorporating crime prevention through environmental design (CPTED, pronounced 'sep-ted') principles. CPTED is based on the idea that peoples' behaviour within the urban environment, particularly in terms of the possibility of offending, as well as an individual's perceptions about safety, is influenced by the design of that environment.

The Guidelines have been prepared to assist such agencies as Local and State Government, town centre management, the public and private sector development industry and other alike stakeholders in gaining a better understanding of the principles of 'Designing Out Crime'.

It is intended that the Guidelines will function as a 'toolbox' of design criteria and approaches for planning and design practitioners to address crime prevention and assist in the decision-making process. It is hoped that its application should result in a better planning and design outcome for the community.

The Guidelines, presented in draft format, have been released for public comment and review. In addition, information forums throughout the State have been held, to help practitioners understand that crime prevention can be addressed at all stages of planning, design and development.

The final version of the Guidelines will be prepared taking into account the public submissions received during this comment period and will be released by the WAPC as a draft Planning Bulletin.

DETAILS:

Essentially, the Guidelines are a crime prevention strategy, which aim to reduce the opportunities for crime through the design and management of the built and landscaped environment. The theory is that with proper design and effective use of the built environment, it will lead to a reduction in the fear and incidence of crime, and consequently an improvement in the quality of life.

The Guidelines are intended to be a readily useable, illustrated, reference document which clearly demonstrates good and poor examples of applying the principles and criteria for 'Designing Out Crime' in the Western Australian urban environment.

The WAPC will refer to the Guidelines in making decisions on all aspects of planning and development, including:

- Local Planning Strategies;
- Town Planning Schemes;
- Structure Plans; and
- Subdivision Applications.

At a Local Government level, in addition to the abovementioned application types, the Guidelines will also influence the decision-making process relating to development applications. Given the far-reaching application of the Guidelines, it is therefore considered inherent that the Town of Vincent embrace and understand the intent of the Guidelines, and utilise them as a vital reference tool in all decision-making at a Local Government level.

The Guidelines are intended to be advisory only, although they may be adopted as a whole or in part by Local Government as a planning policy in accordance with the relevant town planning scheme provisions, if desired.

The 'Designing Out Crime' strategies and policies should be monitored and evaluated to ensure that the process and outcomes are meeting objectives and achieving reduction in the incidence of crime or nuisance. Indicators for success should be simple, easy to acquire and qualitative, and should only measure what the policies, strategies and action plans are trying to change.

A policy review and keeping up to date with 'Designing Out Crime' best practice will form an essential component of the guidelines, to ensure continued evolution and up to date information being made available to developers and assessors to access.

Key Steps for Designing Out Crime

The Guidelines identify ten (10) key elements and steps in Designing Out Crime, which is represented in a flowchart (refer to the attachment to this report). The relevant steps for Local Government are:

- Step 1 - Adopting the Principles
- Step 2 - Crime Risk Assessment/Perception
- Step 3 - Planning and Design Considerations
- Step 4 - Policies and Guidance
- Step 5 - Design Strategy
- Step 6 - Design Assessment
- Step 7 - Management and Maintenance
- Step 8 - Monitoring
- Step 9 - Safety Audit and Risk Strategy
- Step 10 - Policy Review

Designing Out Crime Principles

There is no single prescriptive method for designing out crime; although amongst practitioners and educationalists of CPTED there is a set of accepted principle headings which could be considered and developed at a local level. The document suggests that the 'Designing Out Crime' principles could be based on the following five design and usage concepts:

- Surveillance;
- Access Control;
- Territorial reinforcement;
- Target hardening (security measures); and
- Management and maintenance.

These concepts have been separated into macro, meso and micro principles. Macro is represented in scale by structure plans and strategic infrastructure projects, meso by subdivision plans and precinct scaled studies and micro by detailed area plans and building design, building approvals and public space design (streetscape, urban spaces and public open spaces). Given the inner urban location of the Town of Vincent, the meso and micro principles are more applicable to the Town than the macro principles, and for this reason, discussion will be related to these elements only.

Surveillance

The location and use of design features can create a perception of increased risk of detection for perpetrators of criminal activity and of increased safety and security features for legitimate users. It is suggested that to address this through design, would be to provide clear sightlines and natural surveillance through:

- Appropriate landscaping;
- Low walls or 'see-through'/visually permeable fencing, particularly for front fencing;
- Orientation of lots to ensure adequate surveillance of public realm spaces;
- Placement and design of buildings and space; and
- Effective lighting.

Access Control

This involves the use of design features that deny offenders access to targets, reduce offenders' escape opportunities and guide legitimate users through the environment. Safe movement, good connections and access can be facilitated through:

- Clear signage and location maps;
- Good lighting for night use;
- Elimination of entrapment spots;
- Avoid use of back lanes without 'guardian surveillance' from properties;
- Integrate security screens and ~~bars~~ *bards* as design elements not afterthoughts;
- Walkable streets that encourage activity and social interaction;
- Continuous accessible paths of travel for all users; and
- Road treatment to slow traffic speeds.

Territorial Reinforcement

The use of physical features to express ownership and control of the environment and delineate private and semi-private spaces reduces the ambiguity of space ownership. Design measures to delineate ownership include:

- Plan and design communities with supporting facilities and land uses;
- Clearly defined boundaries of public and private spaces;
- Use of different surface materials to clearly define private ownership;
- Distinguished entrances and access points;
- Signage;
- Lighting; and
- Landscaping and clearly defined pathways.

Target Hardening (Security Measures)

This particular design element is most applicable at the micro level, as the detailed design elements and mechanisms affect building design and detailing. The issues associated with target hardening include the potential for detailed target hardening responses to have an adverse effect on public safety. Measures such as enhanced locks, bars, closed circuit television (CCTV), window shutters and security fencing can all contribute to reducing opportunities for criminal behaviour, however, can conflict with other community-based activities and also detract from the amenity of an area, resulting in an increase in perception or fear of crime. It is therefore important to acknowledge that a careful and balanced approach is needed when integrating target hardening measures. Recommended measures for target hardening are:

- Consider the installation of traffic management elements to discourage vehicle-enhanced break-ins to shops and commercial premises in streetscapes;
- Incorporate shuttering and window barring as integral design elements where openings are susceptible to breaking and concealed crime exit;
- Ensure building parapets do not conceal unlawful access;
- Install CCTV where natural surveillance is poor; and
- Where fencing is required for security, it should be no less than 2 metres in height.

Management and Maintenance

This requires adequate measures being taken to ensure the continued use of the space for the intended purpose and increased feelings of safety for users. Such measures recommended in the Guidelines are:

- Incorporate management conditions such as shopping trolley collection where practical in planning approvals;
- Ensure spatial management responsibility is clear between public and private sector organisations;
- Remove graffiti as soon as possible after occurrences; and
- Establish effective maintenance plans for public spaces.

Incorporating a Crime Risk Assessment Process

A crime risk assessment is needed for any development that is likely to create a risk of crime. Examples of developments that might require such an assessment are:

- Industrial and commercial estates;
- A new or refurbished shopping centre or transport/transit interchange;
- A large scale residential development (more than 20 dwellings); and
- The development or redevelopment of a shopping precinct or other public place, including the installation of new street furniture.

The Guidelines recommend that Councils and local Police should consider identifying the types of development which will require a crime risk assessment and preparation of a consultation protocol. Specific agreements need to be made, which outline the types of development that will be jointly assessed, how consultation will occur and timeframes for consultation.

In redevelopments such as the Mount Hawthorn Plaza Shopping Centre, the Leederville Business District and all other shopping and commercial precincts within the Town, a concerted effort should be made to integrate designing out crime principles as part of the assessment and decision-making process.

Designing Out Crime Planning and Design Considerations

The planning and design considerations in the Guidelines do not contain minimum standards or a finite checklist, because it is recognised that there is varied situational aspects of crime, local context and community and cultural issues that relate only to specific areas. There is no one generic solution to crime prevention which will work every time.

The Guidelines will place emphasis on site planning and provide adequate but more limited advice on building design.

Such considerations highlighted are local conditions and taking into account community and stakeholder input. Both sections will be expanded upon and further refined after the public comment period. As noted, *'the challenge for designers and local government will be to encourage acceptance of creative solutions rather than reinforcing the status quo and, in doing so, dominating the process'*.

Policy and Guidance Elements

The structure and form of this section will be amended following the completion of the comment period. The Guidelines have suggested a number of options in which the guidance elements can be presented, for ease of use and interpretation by end users of the Guidelines, including Local Government. The various options have been based on best practice guidance from around the world.

The different layouts of guidance suggested are as follows:

- *Option A* encourages a review of the design element by listing a number of 'prompting questions' and then the provision of subsequent guidance to ameliorate the situation.

- *Option B* lists, in dot point form, the key design elements, with associated explanations.
- *Option C* would be to explain an approach to design which would enable individual interpretation and relationship to a particular local context and then list a number of factors to take into consideration when undertaking the crime risk assessment.
- *Option D* uses diagrams and photographs which highlight good and bad design and sets out performance criteria and alternative design requirements.

Options A and B could be supported by tick box checklists for developer self-assessment and State and Local Government assessment. However, this approach may ignore the situational aspects of crime prevention.

Option D enables the clear demonstration and interpretations of good and bad examples, however, the design requirements shown in the diagrams can limit creativity and may encourage decision making to follow minimum standards. Furthermore, given the local differences between the various Local Government authorities and actual situations, it would be difficult to provide universal guidance.

In regard to the best suited option for the Town of Vincent, it is recommended that a combination of Option B and D be utilised, and made applicable to the Town of Vincent. This will enable the highlighting of the relevant key design elements explained in the Guidelines, and an adaptation of the diagrams and use of photographs that relate to the Town of Vincent specifically.

The various environmental issues have been listed separately, although in practice they need to be addressed in collaboration with each other. Furthermore, while a generic list of planning and design considerations has been compiled and will apply to all development types, there is no generic list of solutions, and that the approach to crime prevention should therefore be holistic, incorporating the broader crime prevention strategies in Western Australia.

The design elements listed are:

- Natural surveillance;
- Urban structure;
- Land use mix ;
- Activity generators;
- Building design, including boundary definition;
- Lighting;
- Landscape;
- Management and maintenance;
- Sight lines and way of finding;
- Signage; and
- Spaces safe from entrapment.

Each design element is accompanied by a brief list of factors to be considered relating to each design element. These can be found in the document '*Laid on the Table*' from pages 16 to 27.

Design Strategy and Implementation

The implementation of the Guidelines and CPTED principles will be dependent on how much both the public and private sectors embrace the concept and incorporate it into a design strategy. It is hoped that in the future, most development applications will take into account some, if not all, of the recommendations contained within these two documents.

The design assessment made by the WAPC or local governments on the basis of plans submitted will vary in complexity and will respond to the scale of the proposal received. The Guidelines suggest the following approach for a typical assessment:

For macro scale development

- Review of the existing site;
- Detailed landscape plans and models, if presented, to examine:
 - Sight lines;
 - Movement predicators;
 - Entrapment areas; and
 - Natural surveillance areas.

For meso and micro proposals (most applicable to the Town of Vincent) suggest particular attention be given to technical issues such as:

- Lighting;
- Target hardening;
- Finishes; and
- Detailed landscape plans.

It is noted that assessment may be a collaborative effort with multiple stakeholders involved, particularly in respect of macro and significant meso projects.

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”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As noted within the document itself, the Guidelines do require further development and refinement, and it is stated that this will occur following the end of the comment period and review of submissions received.

The Designing Out Crime Guidelines will provide the Town with a useful reference tool from which further policies and strategies can be developed to suit the local context of the Town of Vincent. As the Town is currently undertaking a review of its Town Planning Scheme No.1, there will be opportunity to incorporate the design principles and elements relevant to the Town when preparing and amending the Scheme and associated policies.

The successful implementation of these Guidelines will be dependant on the ability of the end users, being developers and assessors, to incorporate some, if not all, the design principles and considerations highlighted within the Guidelines. Likened to the inception of the Residential Design Codes in October 2002, it may be useful for the Department of Crime Prevention and WAPC provide a 'Designing Out Crime' forum on the internet, for people to refer to and use to put forward any queries or clear up any confusion that may arise. This is particularly pertinent if the intent of the Design Guidelines is to encourage innovative and creative design solutions to crime prevention and develop a best practice model for Western Australia that might be referred to by other States and internationally.

In light of the above, it is recommended that the Council receives and supports in principle the Western Australian Planning Commission, in line with the Officer Recommendation.

10.1.18 Amendment No. 26 to Planning and Building Policies – Appendix No.15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley

Ward:	South	Date:	21 September 2005
Precinct:	Banks, P15	File Ref:	PRO2620
Attachments:	001, 002		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Draft Policy relating to Appendix No.15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, as shown in Attachment 10.1.18 (a), resulting from the advertised version having been reviewed and regard to the six (6) written submissions received during the formal advertising period as outlined in Attachment 10.1.18 (b), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Draft Policy relating to Appendix No.15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, as shown in Attachments 10.1.18(a); and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating Appendix No.15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, as shown in Attachment 10.1.18(a), in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Cr Torre departed the Chamber at 7.30pm.

Debate ensued.

Cr Torre returned to the Chamber at 7.31pm.

Moved Cr Lake, Seconded Cr Maier

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

- "(iv) *AMENDS the draft Policy relating to Appendix No.15 – Design Guidelines for Nos.128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley as shown in Attachment 10.1.18(a) by amending the following, prior to clauses (i), (ii) and (iii) above being actioned:*

2) **CONTEXT**

....The lots comprise 4 survey strata lots on 2 1 parent lots (amalgamation of Lots 27 and 28), gaining access off Joel Terrace. The lots front onto the Swan River foreshore reserve....

4) **THE GUIDELINES**

.....

v) **Height and Scale**

Lot 27 Joel Terrace, is further affected by a height restriction on the Certificate of Title, of 13.12 metres to the ridge line. This height restriction affects survey strata Lots 2, 3 and 4.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.18

That the Council;

- (i) *RECEIVES the final amended version of the Draft Policy relating to Appendix No.15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, as shown in Attachment 10.1.18 (a), resulting from the advertised version having been reviewed and regard to the six (6) written submissions received during the formal advertising period as outlined in Attachment 10.1.18 (b), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Draft Policy relating to Appendix No.15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, as shown in Attachments 10.1.18(a);*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating Appendix No.15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, as shown in Attachment 10.1.18(a), in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1; and*
- (iv) *AMENDS the draft Policy relating to Appendix No.15 – Design Guidelines for Nos.128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley as shown in Attachment 10.1.18(a) by amending the following, prior to clauses (i), (ii) and (iii) above being actioned:*

2) **CONTEXT**

....The lots comprise 4 survey strata lots on 2 1 parent lots (amalgamation of Lots 27 and 28), gaining access off Joel Terrace. The lots front onto the Swan River foreshore reserve....

4) **THE GUIDELINES**

.....

v) **Height and Scale**

Lot 27 Joel Terrace, is further affected by a height restriction on the Certificate of Title, of 13.12 metres to the ridge line. This height restriction affects survey strata Lots 2, 3 and 4.

ADDITIONAL INFORMATION:

The above additional wording to both clause 2 – Context and clause 4 (v) – Height and Scale of the draft Policy is considered appropriate, as it will provide clearer guidance and understanding relating to the subject sites, and any future development on the survey strata lots.

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final amended version of the Draft Policy relating to Appendix No.15 – Design Guidelines for Nos.128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

The Council at its Ordinary Meeting held on 28 June 2005 resolved the following:

“That the Council;

- (i) *RECEIVES the Draft Policy relating to Appendix No. 15 - Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, as shown in the Attachment;*
- (ii) *ADVERTISES the Draft Policy relating to Appendix No. 15 - Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy or have previously made a submission, including signing petitions, on development applications for the subject site; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission;*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Appendix No. 15 - Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, having regard to any written submissions; and*

- (b) *DETERMINES the Draft Policy relating to Appendix No. 15 - Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, with or without amendment, to or not to proceed with them;*
- (iv) *REQUESTS the applicant to provide an updated Management Plan – Appendix A for the Significant Camphor Laurel tree that addresses the proposed 4 lot survey strata subdivision, prior to finalisation of the Draft Policy relating to Appendix No. 15 - Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, as shown in the Attachment;*
- (v) *AMENDS the Draft Policy relating to Appendix No. 15 - Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley, as shown in the Attachment, by amending the following, prior to clauses (i), (ii) and (iii) above, being actioned:*

“2) CONTEXT

The immediate area is predominantly single residential with a number of two storey town house developments and multi residential apartments.

4) ii) Setbacks

All external setbacks for: . . .

Lot 4: Southern, ~~and~~ western and northern boundaries;

as shown on the Subdivision Guide Plan, are to be in accordance with the Residential Design Codes.....”

“4) v) Height and Scale

Lot 27 Joel Terrace, is further affected by a building height restriction on the Certificate of Title, of 13.120 metres to the ridge line.”

“ 4) x) Car Parking and Access

Motor vehicle accesses are to be to/from Joel Terrace via the battleaxe accessway in accordance with the Residential Design Codes. The accessway to Lots 1, 2, 3 and 4 is via a shared accessway, which forms part of a wider reciprocal accessway used by other adjoining properties....”

“4) xii) Land Use

Maximum of one dwelling on each lot; and

- (vi) *notes that a development application will be required for the proposed development.”*

In addition, the Council at its Ordinary Meeting held on 9 August 2005 resolved to conditionally approve an application submitted for the pruning of the Camphor Laurel tree, with the following resolution:

“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 SJB Town Planning and Urban Design on behalf of the owner Joel Terrace Unit Trust, for proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory, at Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 22 November 2004, subject to:

(i) to ensure the retention, protection and on-going preservation of the Camphor Laurel tree listed on the Town's Trees of Significance Inventory, the owner/s and/or occupier/s shall implement the following measures to retain, protect and maintain the on-going health of the significant tree:

(a) the submission of a tree management plan prepared by an arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, which addresses the works to be carried out and the on-going maintenance. This tree management plan shall be submitted to and approved by the Town prior to commencement of pruning works and all associated works shall be undertaken and maintained thereafter in accordance with the plan to the satisfaction of the Town;

(b) arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town to be on-site during all limb removal processes for the Camphor Laurel tree; and

(c) the Camphor Laurel tree to be inspected annually by arboriculturalist Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, and all necessary remedial works to be carried out.

All cost associated with this condition shall be borne by the owners; and

(ii) the limbs to be removed being clarified with the Town's officers and the limbs to be removed being marked at least two (2) weeks prior to the removal of those limbs.”

An application to the State Administrative Tribunal (SAT) for review of condition (i) (c) of the above approval for the pruning of the Camphor Laurel Tree, was lodged on 27 August 2005. The first Directions Hearing for this matter is scheduled for Wednesday, 5 October 2005.

CONSULTATION/ADVERTISING:

Any new 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.

Advertising of the Draft Policy concluded on 23 August 2005. Six submissions were received during the comment period, as shown in Attachment 10.1.18 (b), and discussed further below.

DETAILS:

Six submissions were received and as such amendments have been made, and comments are reflected in the Schedule of Submissions and below:

- The document has been amended to reflect the correct reference to the parent lot, from ‘2’ to ‘1’, consistent with the subdivision approval.
- The Design Guidelines have been amended to reflect that any retaining walls proposed over 0.5 metre in height above natural ground level, require the approval of the Council prior to construction.

- The maintenance of the Camphor Laurel tree should remain the responsibility of the current and successive owners of Lot 4. The Tree Management Plan, required as part of the overall Strata Management Plan for the survey strata subdivision, will ensure that proper measures are put in place to protect the significant tree.
- The setback requirements for all lots, will be guided by the requirements as stipulated in the Residential Design Codes. Introducing additional setback requirements to those already imposed by the Residential Design Codes, will complicate matters. Any setbacks that have been stipulated are relevant to such guidelines provided by the Swan River Trust, for example.

A Tree Management Plan has been submitted by the applicant, detailing the method of pruning, including the identification of the branches to be pruned, and the on-going maintenance and management of the tree before, during and after construction on Lot 4 of the subdivision. In regard to the costs and annual inspection requirement imposed as part of the Ordinary Meeting of Council resolution of 9 August 2005, it is recommended that the Management Plan make reference to the cost for all development works and associated maintenance (including annual inspections) be incurred by the owners of the subject strata lot. Dependent on the SAT outcome, the Policy may need to be further amended to reflect the decision.

LEGAL/POLICY:

Town of Vincent 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 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives, adopts and advertises the final amended version of the new Policy, in line with the Officer Recommendation.

10.1.19 Nyoongar Patrol – Progress Report and Approval of Funding

Ward:	Both	Date:	20 September 2005
Precinct:	All	File Ref:	ENS0097
Attachments:	001		
Reporting Officer(s):	A Taylor, J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES:**

(a) *the continuation of funding for the Nyoongar Outreach Metropolitan Patrol Service (renamed from "The Nyoongar Patrol Systems Inc."), subject to the service continuing to meet the performance criteria in the existing Memorandum of Understanding; and*

(b) *an increase of Funding from \$36,000 to \$45,000 based on relevant performance indicators and training of the Nyoongar Outreach Metropolitan Patrol Service;*

(ii) **APPROVES BY AN ABSOLUTE MAJORITY** *the reallocation of \$5,000, from the "Safer Vincent Initiatives" Budget Item, into the "Noongar Patrol - Safer Vincent" Budget Item to fund to the Nyoongar Outreach Metropolitan Patrol Service for a period of two years with only CPI increases in the annual cost; and*

(iii) **AUTHORISES** *the Chief Executive Officer to negotiate with the Department of Indigenous Affairs, to have the previously approved Memorandum of Understanding, between the Town of Vincent and the Nyoongar Patrol Inc, appended to the Service Agreement, between the Department of Indigenous Affairs and the Nyoongar Patrol Inc.*

Moved Cr Chester, Seconded Cr Farrell

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

“(iv) AUTHORISES *the Chief Executive Officer to:*

(a) *negotiate with the Department of Indigenous Affairs and the Nyoongar Outreach Metropolitan Patrol Service, to extend the days of operation of the Patrols to seven (7) days per week;*

(b) *if (a) above is approved, make the necessary arrangements for the extended service to commence as soon as possible; and*

(c) *identify a funding source to enable the additional service cost to be met from the existing 2005/2006 Budget.”*

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Lake

That clause (iv)(c) be deleted and a new clause (iv)(c) be added as follows:

- “(iv) (c) to negotiate with the Nyoongar Patrol and the relevant State Government Department to assist in obtaining the additional funding required to meet the seven day service as soon as practicable.”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Moved Cr Maier, Seconded Cr Lake

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

- “(v) REQUESTS the Chief Executive Officer to investigate with the Nyoongar Patrol alternative hours (and days) of operation that will provide a service within the current funding constraints.”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.19

That the Council;

- (i) **APPROVES:**
- (a) *the continuation of funding for the Nyoongar Outreach Metropolitan Patrol Service (renamed from "The Nyoongar Patrol Systems Inc."), subject to the service continuing to meet the performance criteria in the existing Memorandum of Understanding; and*
 - (b) *an increase of Funding from \$36,000 to \$45,000 based on relevant performance indicators and training of the Nyoongar Outreach Metropolitan Patrol Service;*
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** *the reallocation of \$5,000, from the "Safer Vincent Initiatives" Budget Item, into the "Noongar Patrol - Safer Vincent" Budget Item to fund to the Nyoongar Outreach Metropolitan Patrol Service for a period of two years with only CPI increases in the annual cost;*

- (iii) *AUTHORISES the Chief Executive Officer to negotiate with the Department of Indigenous Affairs, to have the previously approved Memorandum of Understanding, between the Town of Vincent and the Nyoongar Patrol Inc, appended to the Service Agreement, between the Department of Indigenous Affairs and the Nyoongar Patrol Inc;*
- (iv) *AUTHORISES the Chief Executive Officer to:*
- (a) *negotiate with the Department of Indigenous Affairs and the Nyoongar Outreach Metropolitan Patrol Service, to extend the days of operation of the Patrols to seven (7) days per week;*
 - (b) *if (a) above is approved, make the necessary arrangements for the extended service to commence as soon as possible; and*
 - (c) *to negotiate with the Nyoongar Patrol and the relevant State Government Department to assist in obtaining the additional funding required to meet the seven day service as soon as practicable; and*
- (v) *REQUESTS the Chief Executive Officer to investigate with the Nyoongar Patrol alternative hours (and days) of operation that will provide a service within the current funding constraints.*

PURPOSE OF REPORT:

The purpose of the report is to provide Council with updated information on the status of the Nyoongar Outreach Metropolitan Patrol Service and approve of the funding arrangement.

BACKGROUND:

The Nyoongar Outreach Metropolitan Patrol Service has been in operation since 1998, providing a mediation/patrol service to the City of Perth to assist Indigenous youth and adults, and to reduce their incidence of negative contact with the Criminal Justice System and Law Enforcement Agencies generally. On 1 September 2000, the Nyoongar Patrol Service commenced a limited service within the Town of Vincent to address the deteriorating situation with indigenous people, causing considerable disturbance in Birdwood Square, Highgate.

Initially, the problems decreased noticeably, with the amenity of the area and the relationship between the local residents, the Town and the "park dwellers" being improved. At the time, all stakeholders found that the intervention of the patrol was an invaluable resource in managing a very difficult and complicated issue. However, this proved to be of only a short term success and, subsequently, the antisocial behaviour in the parks again rose to unacceptable levels, spreading to surrounding residents and businesses.

In an attempt to counteract the decline in the behaviour, the Patrol's hours were adjusted, to try to address the demand. The current patrols were developed to meet the needs of all parties and are now Monday to Friday, 1pm to 8.30pm.

The funding for the Nyoongar Outreach Metropolitan Patrol Service has remained the same, since it was first introduced in 2000 and it is considered appropriate, if the service is to be maintained, to increase the annual funding, by \$5,000 per annum. While this amount has not been budgeted in the 2005/6 financial year, it is proposed to re-allocate this amount from "Safer Vincent Initiatives".

DETAILS:

In late 2004 and early 2005, the antisocial behaviour increased in Birdwood Square, to a level that was totally unacceptable to the Residents, business proprietors and the Town of Vincent. As a result, the State Government created a multi-agency committee, tasked with identifying the causal issues, related to the behaviour of the park dwellers and developing strategies to help reduce the incidence of anti-social behaviour in and around the parks and reserves in the Town. The "*Park People Project Working Group*" is attended by Police, Town of Vincent, Department of Community Development, Nyoongar Patrol and many other stakeholders.

Co-incidental with the commencement of the "*Park People Project Working Group*", the Police were given powers to issue "Move On" Notices and the combination of the strategies from the Working Group and the Police has reduced the problem to manageable levels. However, there is a concern that these successes are temporary, as much attributable to the inclement weather as to the strategies employed by the Working Group members.

The Town, entered into negotiations with the Nyoongar Outreach Metropolitan Patrol Service to develop a Memorandum of Understanding (MOU), which would clarify the both the Town's and the Patrol's position. This MOU was approved at the Ordinary Meeting of Council held on 12 April 2005, and is "Laid on the Table".

The City of Perth recently withdrew the 2005/06 funding for the Nyoongar Patrol and this has created uncertainty, regarding the continuation of the Nyoongar Patrol's services. However, the Chief Executive Officer of the Nyoongar Outreach Metropolitan Patrol Service has assured the Town that the Patrol remains a viable concern and has attracted on-going funding from the Department of Indigenous Affairs, who have agreed to oversee the Patrol's activities and to ensure that it meets existing commitments.

Following the withdrawal of services from the City of Perth, by the Nyoongar Outreach Metropolitan Patrol Service, the Town of Vincent enjoyed a much improved service. This was partly related to the fact that the organisation could spend more time dealing with Town of Vincent issues and partly because of the Council approved MOU.

Following discussions with the Nyoongar Outreach Metropolitan Patrol Service, a recommendation was made to the Council, at its Ordinary Meeting held on 12 July 2005, to continue to fund the organisation for a period of three (3) months, to enable officers to make an assessment of the effectiveness and efficiency of the existing service. The Council resolved as follows:

"That;

- (i) the Council RECEIVES the report on the current status of the Nyoongar Patrol within the Town of Vincent;*
- (ii) the Council APPROVES the continuation of funding to the Nyoongar Patrol for the next three months, during which time an evaluation will be undertaken of the Nyoongar Outreach Metropolitan Patrol Service in accordance with the Memorandum of Understanding between the Town of Vincent and the Nyoongar Patrol; and*
- (iii) the Chief Executive Officer submits a further report for the consideration of the Council prior to the October 2005 payment being made to the Nyoongar Patrol."*

Following the Council decision on 12 July 2005, the Manager for Regional Services for the Department of Indigenous Affairs sent the following draft news item, which covers what agreement has been entered into with the Department of Indigenous Affairs and the Nyoongar patrol:

"DIA step in to shore up Patrol services to Midland, Inner Perth and Fremantle.

Amid some of the controversy of \$122,000 worth of funding being withdrawn from Nyoongar Patrol Systems Inc comes some bright news. DIA have entered into their third Service

Agreement within the new DIA Patrols Program, enabling State Government of WA funding totalling \$843 285 to be offered over two years to the Nyoongar Patrol.

This is the largest funding amount and the most complex agreement for a Patrol service that DIA has or will enter into. Particular thanks go to Sharon Jamieson, DIA Funding Support Officer, and Ms Maria McAttackney, CEO of NPS.

DIA hope to soon enter into discussions with relevant parties to seek support for the patrol from both previous and new sources."

The Regional Director of DIA believes that the existing Memorandum of Understanding, between the Town and the Nyoongar Outreach Metropolitan Patrol Service, could be added to their Service Agreement with the Nyoongar Outreach Metropolitan Patrol Service and DIA would then be responsible for the provision of the service. This is seen as a positive action and, from discussions, this can probably be achieved by an exchange of letters between the organisations.

The Nyoongar Patrol

Part of the agreement between the Nyoongar Patrol and the DIA, requires a restructure of the organisation, with Nyoongar Patrol Officers now having to meet specific training requirements and standards. All new and existing Nyoongar Patrol Officers, who do not already possess the required qualifications, will be provided with approved training courses in the following competencies:

- All Staff will be provided with on the job training (Nyoongar Patrol);
- Will complete Certificate 3 in Community Services (Community Youth Training Centre);
- Senior First Aid and Mental Health Training (St John Ambulance);
- Certificate 2 First Point of Contact (Challenger TAFE);
- Managing staff and supervision of staff;
- Introduction to Occupational Health and Safety (CCI);
- Data Collection (Central TAFE);
- Working with Difficult people (CCI);
- Accident/Incident analysis (CCI);
- Leading and building a team (CCI);
- Negotiation and conflict resolution (CCI); and
- Support Staff Survival Kit (CCI).

As part of the existing MOU between the Nyoongar Patrol and the Town, performance indicators have been set, to measure the performance of the Nyoongar Patrol Officers and these include:

- Number of indigenous people in the parks and reserves;
- Details of where these people come from and reason for being there;
- Details of the sobriety and behaviour of the people in the parks and reserves;
- Numbers, names and contacts made with traders/residents;

- Numbers of people transported to the sobering centres/ women's refuge/ Juvenile Aid Group, etc;
- Number of referrals and follow-up actions to the various support agencies; and
- Data reporting incidents of self harm, homelessness, substance abuse, prostitution, and family violence.

In order to ensure consistency and continuity, along with a secure and stable commitment with the Nyoongar Patrol, it is considered to be in the Town's best interest to arrange a two year agreement between the Nyoongar Patrol and the Town of Vincent.

CONSULTATION/ADVERTISING:

The Nyoongar Patrol and the Department of Indigenous Affairs have both been consulted and, if approved, there will be a need to advertise the service to the Town's ratepayers.

LEGAL/POLICY:

There are no adverse legal implications with this report. However, there will be a need to enter into a formal agreement with the Department of Indigenous Affairs, for them to oversee the conditions of the agreement.

STRATEGIC IMPLICATIONS:

Under Key Result Area Two: Community Development:

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

- (g) Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promotes safety and security.*

EVALUATION:

During the period from 12 July 2005 to 16 September 2005, Officers of the Town assessed how well the Nyoongar Patrol was undertaking its functions and whether the service was complying with the performance indicators that were established under the Memorandum of Understanding. The assessors agreed that, while there remains some scope for improvement, the performance indicators confirm that the level of service being provided to the Town has improved and complies with the requirements.

This improvement in the service level is further confirmed by the noticeable reduction in the number of complaints being received from the public and in the reports from Rangers that there are significantly less problems than were previously apparent.

It is suggested that, while there has only been a short time available for the appraisal of the service, as a result of the Nyoongar Outreach Metropolitan Patrol Service being restructured, it is now attracting a more committed and better qualified standard of personnel. The minimum training level has raised its professionalism in the Patrol and this is reflected in the improved service being provided to the Town's ratepayers, residents and businesses.

The Park Patrol statistics for the period 1 August to 31 August 2005 are appended to this report.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$40,000 has been included in the 2005/2006 Budget and an amount of \$5,000 will be re-allocated from the Safer Vincent Initiatives Budget.

COMMENTS:

It is important that the Town Of Vincent, the Nyoongar Patrol Service and various state organisations, work together to actively develop a more comprehensive strategy in dealing with anti-social issues, as the impact on the community is substantial and, more than ever, there is an expectation that the Town will respond and resolve the problems.

The Nyoongar Patrol is one part of the overall strategy to decrease the antisocial behaviour occurring in the Town's parks, reserves and surrounding areas.

The report is, therefore, recommended for approval.

10.1.20 No. 310 (Swan Loc 114) Pier Street, Corner Bulwer/Lord/Brewer Streets, Perth - Proposed Transportable Ticket Booths and Transportable Video Screen and Internal Access Road to Multi-Purpose Sports Stadium (Members Equity Stadium)

Ward:	South	Date:	20 September 2005
Precinct:	Beaufort, P13	File Ref:	PRO1510
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVISES Allia Venue Management Pty Ltd (Stadium Manager) that it DOES NOT SUPPORT the proposed Transportable Ticket Booths and Transportable Video Screen and Internal Access Road to Multi-Purpose Sports Stadium (Members Equity) at No. 310 (Swan Loc 114) Pier Street, corner Bulwer/Lord/Brewer Streets, Perth, and as shown on plans stamp dated 1 September 2005, 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 precinct area;*
 - (b) *the development is adhoc incongruous development that is not in keeping with the aesthetics of the Stadium;*
 - (c) *support of the development would create an undesirable precedent for other similar temporary adhoc incongruous developments encroaching within the Stadium site;*
 - (d) *the Town has recently provided telephone/fax to all gatehouses and ticket booths to enable electronic ticketing to be used and there has been no demonstrated or justified reasons for the temporary ticket booths; and*
 - (e) *the proposed works for the video screen may directly impinge on the proposed Stage 2 redevelopment works;*
- (ii) *ADVISES Screencorp that the transportable video screen shall be removed from the Stadium site at the completion of the 2005-06 A-League fixture.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Lake, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Ker on leave of absence.)

ADDITIONAL INFORMATION:

The reasons for not supporting the access road associated with the transportable video screen are as follows:

- The access road will require additional turf to be removed including reticulation in that section of the grassed area, where the access road is proposed.
- The access road will further reduce the grassed area within the confines of the Stadium site.
- The proposal represents an inappropriate development within the stadium site.
- The proposal represents an undesirable precedent within the Stadium site.
- The access road is associated with the transportable video screen, which is not supported. Consequently there is no need for the access road.

Landowner:	Town of Vincent
Applicant:	Allia Venue Management and Screencorp
Zoning:	Metropolitan Region Scheme: MRS Reserve -Parks and Recreation Town Planning Scheme No.1 (TPS 1): MRS Reserve - Parks and Recreation
Existing Land Use:	Recreational facilities with multi purpose sports stadium
Use Class:	Recreational Facilities
Use Classification:	Permitted use
Lot Area:	60702 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The Town has received a request from Allia Venue Management Pty Ltd (Allia) and a planning application lodged by Screencorp, which has not been signed by the Town, who are the owners of Members Equity Stadium, pending the below matters to be determined by the Council.

Transportable Booths

Allia Venue Management have advised in their letter dated 31 August 2005 of the following:

“There have been recent concerns at Members Equity Stadium handling the number of patrons wishing to purchase a ticket on event day. With only 10 ticket windows available, large queues have delayed patron egress causing significant numbers to miss the start of each event. Subiaco Oval has offered to lend the Stadium 2 transportable ticket booths to help alleviate congestion at the entry gates.”

Allia seeks to install two (2) temporary transportable tickets booths at the above Stadium. The details are summarised as follows:

- Dimensions are 2.5 metres in length and width and 2.7 metres in height.
- A trial period for 3 games.
- Located away from Heritage listed gates, with one near gate 4 and one inside gate 1, as per attached site plan.

- To be removed after the A-League soccer season, or within 3 days of Town's instructions.
- All expenses, liability, maintenance is at Allia's cost.
- The proposal will not negatively impact on the aesthetic, evacuation routes or car bays.

Transportable Video Screen and Internal Access Road

Screencorp seeks to install a transportable video screen and construct an internal access road at the above stadium. The details are summarised as follows:

- The weight of the video screen is 28 tonnes, overall length is 40 feet (or 12.19 metres) and 9 metres in height, wind rated for 220 kilometres per hour winds and can be set up and packed within 30 minutes.
- All grassed areas damaged have been repaired.
- Video screen placed approximately 10 to 12 metres from retaining wall.
- Video screen to be kept on-site until the end of the A-League soccer season or removed when required at other events. The video screen has been on-site for the last 2 Glory games on the basis that they are temporary and considered to be of a minor nature, and hence does not require a formal planning approval. The continued placement of the video screen for any longer period would be considered as development requiring a planning application to be submitted for the consideration of the Town/Council and final determination of the Western Australian Planning Commission.
- An internal access road with a 300 millimetres thick compacted rock base is also proposed to enable a prime mover and video screen trailer to be driven to its preferred location so as not to cause damage to the grassed area, as has happened in the past.

The applicants' submissions are "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
N/A			
Consultation Submissions			
The proposal was not advertised as the matter is being referred to the Council for its consideration.			
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:

Heritage

The subject place is included on the *State Register of Heritage Places* and on the *Town of Vincent Municipal Heritage Inventory*. The proposed works were referred to the Heritage Council of Western Australia who assessed the development referral in context with the *Perth Oval Conservation Plan* and advised that the proposed development is supported, subject the following conditions:

- The two transportable ticketing booths are to be removed from the site and the areas in which they stand are to be made good upon the completion of the A-League Season in February 2006.
- The Conservation Plan identifies the area of the proposed paving as a site that has the potential to yield items of considerable archeological significance. However, it is understood that the proposed paved access way is to be constructed on raised ground, which is infill that has been put there during a previous development. The Town of Vincent is to ensure that a methodology is in place to ensure the appropriate handling of any items of Indigenous or European significance being uncovered during the works. The location of the structures proposed is not considered to affect the significant Heritage fabric.

Technical Services

Technical Services have advised that the grass bank at the north eastern corner of Members Equity Stadium can be modified to accommodate a trailer mounted video screen, as per the submitted design (attached). However, it is recommended that prior to any approval, the following conditions are imposed:

- All works to be at the applicants cost.
- Screencorp's Engineering Consultant to liaise with the Stadium Architect to ascertain that the structural design of the existing block work retaining wall (eastern end) can support the weight of the prime mover, trailer and screen, and a written certification is provided to the Town prior to the works proceeding.
Alternatively, if the existing retaining wall is found not to be structurally suitable and the applicant wishes to proceed with the proposal, then any modifications to the retaining wall is to be certified by a chartered structural engineer, at the applicant full cost.
- Proposed pavement to be bounded by a 200 millimetres wide by 250 millimetres high flush concrete edge beam, for the full length of both sides.
- All excavated material is to be removed from site, with all reticulation and turf to be reinstated to the satisfaction of the Town's Parks Services.
- Ramp grades as shown on attached diagram.
- A refundable works bond of \$2,000 to be lodged prior to commencement of works.
- The contractor is also to submit a copy of public liability insurance and comply with all relevant Work Safe statutory requirements.

Ticket Booths

The Town has recently installed phone/fax lines to each gatehouse and ticket booths at a cost of approximately \$4,200 as required under the Heads of Agreement. Allia has also contracted Ticket Master for its electronic ticketing. The impact of this on ticket sales and persons pre-purchasing have not been demonstrated by Allia. Furthermore, the attendances for the A-League have been relatively small as follows:

<u>Date</u>	<u>No of Attendees</u>
26 August 2005	11,113
10 September 2005	8,509
17 September 2005	8,052

It has been suggested to Allia that they open their booths earlier and implement a strategy to educate patrons that queuing can be avoided if they arrive well before the game's commencement.

Video Screen Works

The proposed works may impinge on the Stage 2 Redevelopment which is proposed to commence in late 2006. Any works which will be carried out prior to this may need to be removed when Stage 2 commences.

Summary

The proposal represents an inappropriate development for the above site, and is neither sympathetic nor sensitive to the surrounding environment, and as such, would set an undesirable precedent in the Stadium site and immediate locality for further adhoc incongruous temporary structures and development of a similar scale and nature in the future. Accordingly, it is recommended that Council does not support the above temporary structures and development.

10.2.2 Proposed Streetscape Upgrade to Money Street and Lindsay Street

Ward:	South	Date:	19 September 2005
Precinct:	Beaufort, P13	File Ref:	TES0258;TES0234
Attachments:	001 ;		
Reporting Officer(s):	J. van den Bok; R Lotznicher		
Checked/Endorsed by:	R. Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed streetscape upgrade submitted by the East Perth Redevelopment Authority for Money and Lindsay Streets, Northbridge; and*
- (ii) *ADVISES the East Perth Redevelopment Authority that it:*
 - (a) *supports the proposal to remove the remaining Melaleuca trees from the southern end of Money Street and replace them with Oriental Plane trees (Platanus orientalis);*
 - (b) *does NOT support the removal of the existing Melaleuca trees and their replacement with Jacarandas, in Lindsay Street as the existing trees comprise healthy mature specimens which provide a consistent theme along the street;*
 - (c) *does NOT support the proposed changes to the existing road widths in both Money and Lindsay Street as indicated on attached plans 10.2.2 A & B for the reasons outlined in the report but the resurfacing of the road and the resurfacing of embayed parking in red asphalt and the creation of nibs is supported; and*
 - (d) *submits amended plans for approval incorporating the changes outlined in clauses (ii)(a), (b) and (c) prior to any works commencing on site.*

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

- (ii) (a) *supports the proposal to remove the remaining Melaleuca trees from the southern end of Money Street and replace them with ~~Oriental Plane Trees (Platanus orientalis)~~ London Plane Trees (Platanus acerifolia);*

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the report on the proposed streetscape upgrade submitted by the East Perth Redevelopment Authority for Money and Lindsay Streets, Northbridge; and*
- (ii) *ADVISES the East Perth Redevelopment Authority that it:*
 - (a) *supports the proposal to remove the remaining Melaleuca trees from the southern end of Money Street and replace them London Plane Trees (Platanus acerifolia);*
 - (b) *does NOT support the removal of the existing Melaleuca trees and their replacement with Jacarandas, in Lindsay Street as the existing trees comprise healthy mature specimens which provide a consistent theme along the street;*
 - (c) *does NOT support the proposed changes to the existing road widths in both Money and Lindsay Street as indicated on attached plans 10.2.2 A & B for the reasons outlined in the report but the resurfacing of the road and the resurfacing of embayed parking in red asphalt and the creation of nibs is supported; and*
 - (d) *submits amended plans for approval incorporating the changes outlined in clauses (ii)(a), (b) and (c) prior to any works commencing on site.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the proposal received from the East Perth Redevelopment Authority (EPRA) for the streetscape upgrade of Money and Lindsay Streets, Northbridge, and to seek endorsement of the works as recommended by officers after assessing the proposal.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 April 2005, a report was presented to the Council outlining the results of recent Community Consultation in relation to the Street Tree Management Proposal for Money and Monger Streets, Perth, and Proposed Traffic Management Improvements in Monger Street and Robinson Avenue, Perth.

The Council subsequently adopted the following resolution (in part):

"That the Council;

- (ii) *NOTES that the results of the Community Consultation on the Street Tree Management Proposal for Money and Monger Streets revealed that the majority of respondents were against the proposal as presented;*
- (iii) *DOES NOT carry out any tree removals in either Money or Monger Streets and continues to monitor, assess and manage the existing tree stock to promote their longevity and minimise the risk, and that should the removal of any specific tree be required in the future, the matter will be reported to the Council prior to any further action being undertaken;*

- (vii) *REPLACES any tree that may need to be removed in the future (on expert advice), in both Money and Monger Streets, with a mature London Plane tree (Platanus acerifolia) specimen."*

Respondents were advised of the Council's decision and the works in Money Street, including resurfacing and re-kerbing, were recently completed in the 2004/2005 financial year and the work was well received by the residents.

DETAILS:

EPRA Proposal

The Town's Officers met with representatives from EPRA and the City of Perth on 27 July 2005 to discuss a proposal from EPRA to upgrade the streetscapes of Money and Lindsay Streets, Northbridge.

On 2 September 2005 a letter was received from EPRA in response to the above meeting, advising as follows:

Money Street (see attached plan)

- *New kerbing and grassed area along the verge;*
- *New parallel parking on both sides of Money Street with black bitumen to match the road improvements recently undertaken by the Town of Vincent; and*
- *The removal of two (2) Melaleuca trees and planting of six (6) Plane trees [three (3) on each side of the street], to match the existing streetscape.*

Lindsay Street (refer attached plan - Appendix 10.2.2)

- *New kerbing and grassed area along the verge;*
- *New parallel parking (in red bitumen) on both sides of the street, with the option of 90 degree parking in front of Lot 609 "Flour Mill" – EPRA's future administrative building;*
- *Resurfacing of Lindsay Street, including drainage for embayed parking;*
- *The widening of the verge to both sides of the street to accommodate embayed parking and general verge improvements in accordance with "Liveable Neighbourhoods – Community Codes", and*
- *The replacement of all Melaleuca trees with Jacaranda trees.*

The Town's officers have met on site to assess the proposal forwarded by EPRA and have made the following comments:

Money Street (Engineering Works)

The Town recently upgraded the full length of Money Street between Monger Street and Newcastle Street. The kerb line was moved in slightly to ensure that the existing trees would not continue to be adversely affected and that water ponding would no longer occur.

The works comprised the installation of new kerbing, drainage improvements, resurfacing with SMA asphalt, and line marking.

The current carriageway cross-section of money street comprises 2.3m embayed parking lanes and approximately 5.0m wide carriageway which adequately allows for two way traffic flow.

It is considered the work in Money Street has been completed and now further work in the street will be undertaken. (refer attached photos)

EPRA proposes to widen Money Street to create a 12m carriageway comprising 2.5m wide embayed parking bays with a 7.0m wide carriageway. They are only proposing that this be implemented between Newcastle Street and the proposed Washing Lane. Should this be approved this will result in a permanent disparity in a small section of Money Street.

Conclusion

It is considered the proposal is unnecessary as the current layout of the road functions extremely well and the integrity of the current alignment should be maintained the full length of the street. This would not be the case should the EPRA option be implemented.

Money Street (Street Trees)

Officers concur with EPRA's proposal to remove the remaining *Melaleuca styphelioides* (Prickly Paperbark) from the southern end of Money Street and replace them with *Platanus orientalis* (London Plane tree).

EPRA have identified only two (2) *Melaleucas* for removal, however, there are actually five (5) located at the top end of Money Street near the intersection of Newcastle Street. New London Plane trees have recently been interplanted between the existing *Melaleucas*.

Whilst the *Melaleucas* are in good condition, removing them and replacing them with London Plane trees will provide uniformity of tree species within the street. Uniformity is desirable, as it creates a more aesthetically pleasing "Avenue" that residents so often refer to in other suburbs such as South Perth. It also provides a feeling of a much more ordered movement through the street.

London Plane trees can be sourced in very large containers (500 litres) which equates to a semi mature tree of at least 6 metres in height. Therefore, the replacement trees will have an equivalent height and spread to the existing *Melaleucas* proposed for removal.

Recent consultation in Money Street has identified that owner/occupiers want the existing London Plane trees retained and additional London Plane trees planted where possible, and this is also in line with the Council decision - clause (vii) Ordinary Meeting of Council held on 12 April 2005.

Therefore, it is likely that there will not be any negative response to this proposal.

Conclusion

That the proposal to remove the remaining *Melaleuca* trees from the southern end of Money Street and replace them with *Platanus orientalis* is supported.

Lindsay Street (Engineering Works)

The part of Lindsay Street between Newcastle Street and Little Parry Lane forms a boundary Road with the City of Perth.

Lindsay Street is wider than Money Street and currently comprises 2.3m wide embayed parking with approximately 6.5m wide carriageway.

As with Money Street EPRA proposes to widen Lindsay Street to create a 12m carriageway comprising 2.5m wide embayed parking bays with a 7.0m wide carriageway. They are proposing that this be implemented the full width of Lindsay Street between Newcastle Street and Monger Street.

Conclusion

As with Money Street it is considered the proposal is unnecessary as the current layout of the road functions extremely well and there is no need for any additional widening.

The resurfacing of the road and the resurfacing of the parking bays with red asphalt is supported.

Lindsay Street (Street Trees)

EPRA's proposal in Lindsay Street involves the removal of the existing *Melaleuca styphelioides* (Prickly Paperbark) and replacing them with the *Jacaranda* species found commonly throughout the Town. This proposal is not supported by officers, as there is already uniformity within the existing streetscape with almost every verge planted with a suitable healthy mature native tree.

Whilst this species is not local to the Perth region, it performs very well particularly in low lying wet areas. Lindsay Street, being very close to the former Lake Poulette (Birdwood Square), has provided the perfect conditions for this tree to flourish.

Whilst the small leaflets can be prickly to touch, they are so small they are of little concern and this tree is regarded as a suitable native specimen for street planting.

Conclusion

That the existing *Melaleucas* be retained and that EPRA be advised that additional specimens should be planted on verges where no tree currently exists.

CONSULTATION/ADVERTISING:

When agreement is reached in principle between EPRA, City of Perth and the Town regarding the proposal, a further report will be presented to the Council for approval. The proposal will then be advertised for 21 days, seeking views from the community.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“c) Continue to develop, enhance and implement streetscape enhancements and develop a program for appropriate treatment of Wider Streets.”*

FINANCIAL/BUDGET IMPLICATIONS:

There will be no financial implications for the Town in implementing whatever upgrade proposal for Money Street and Lindsay Street is eventually agreed to and approved by all parties. EPRA will be funding the entire upgrade proposal.

COMMENTS:

The improvement proposal for Money and Lindsay Streets submitted by EPRA has been considered by the officers.

The existing road geometry in both streets is considered adequate and no changes are recommended. Also, the Town expended over \$55,000 in Money Street in 2004/2005 and the EPRA proposal would require additional funds to be expended in the street to match their proposal.

Also, the predominant existing tree species in both Money and Lindsay Streets should be maintained and therefore it is recommended that the Council receives the report on the proposed streetscape upgrade submitted by the East Perth Redevelopment Authority for Money Street and Lindsay Street, Northbridge; and advises the East Perth Redevelopment Authority of its decision.

10.2.4 Expression of Interest to Participate in the Stage 3 of TravelSmart Household Program

Ward:	Both	Date:	21 September 2005
Precinct:	All	File Ref:	ORG0060 & TES0524
Attachments:	001;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Town's possible participation in Stage 3 of the Department for Planning and Infrastructure's TravelSmart Household Program;*
- (ii) *SUBMITS an Expression of Interest to participate in Stage 3 of the TravelSmart Household Program and for the Town to engage a TravelSmart Officer;*
- (iii) *AUTHORISES the Chief Executive officer to further investigate the feasibility of the Town engaging a TravelSmart Officer, to be partially funded by the Department for Planning and Infrastructure;*
- (iv) *NOTES that \$66,000 would need to be allocated in the 2006/2007 budget i.e. \$41,000 for the program and \$25,000 for the TravelSmart officer should this matter be considered a priority; and*
- (v) *RECEIVES a further report on the financial and resource implications for the Town should the Town's Expression of Interest be successful.*

Moved Cr Maier, Seconded Cr Farrell

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

- “(iv) *NOTES that ~~\$66,000~~ \$61,960 would need to be allocated in the 2006/2007 budget i.e. ~~\$41,000~~ \$36,960 for the program and \$25,000 for the TravelSmart officer should this matter be considered a priority; and”*

CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.2.4

That the Council;

- (i) *RECEIVES the report on the Town's possible participation in Stage 3 of the Department for Planning and Infrastructure's TravelSmart Household Program;*
- (ii) *SUBMITS an Expression of Interest to participate in Stage 3 of the TravelSmart Household Program and for the Town to engage a TravelSmart Officer;*

- (iii) *AUTHORISES the Chief Executive officer to further investigate the feasibility of the Town engaging a TravelSmart Officer, to be partially funded by the Department for Planning and Infrastructure;*
 - (iv) *NOTES that \$61,960 would need to be allocated in the 2006/2007 budget i.e. \$36,960 for the program and \$25,000 for the TravelSmart officer should this matter be considered a priority; and*
 - (v) *RECEIVES a further report on the financial and resource implications for the Town should the Town's Expression of Interest be successful.*
-

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval to lodge an Expression of Interest for the Town to participate in Stage 3 of the TravelSmart Household Program to cover those areas of the Town not included in 2003/04 TravelSmart program.

BACKGROUND:

At its Ordinary Meetings of 18 December 2001 and 22 August 2002 respectively, the Council received reports on the Town's proposed participation in Stage 2 of the Department for Planning and Infrastructures (DPI) TravelSmart Household Program.

The aim of the TravelSmart program is to educate the community on the range of alternative transport options available to them as a means of reducing the dependence upon the private car.

The Council approved the Town's participation, including a financial contribution of \$55,000, based upon 10% of the total estimated project cost of \$555,000, spread over two (2) financial years (2003/04 & 2004/05).

The area canvassed in the 2003/04 program covered approximately 60% of the Town's population (15,000 residents), as shown on attached Plan 2084-CP-1A, and included Mt Hawthorn, Leederville and North Perth.

While DPI undertook sample surveys before the program commenced to test likely participation rates, the actual information/marketing phase was undertaken between September and November 2003.

The results of the Town of Vincent TravelSmart Household Program were presented to Council by DPI at an Elected Members Forum held on 19 July 2005.

The data indicated, in relative terms, that there had been a:

- 9% reduction in car as driver trips
- 11% increase in public transport usage
- 22% increase in walking
- 30% increase in cycling
- 3,000 tonne reduction in Greenhouse Gas emissions per annum

As can be seen from the above figures, the benefits for those who embraced the program were both health and financial (particularly in these times of spiralling fuel costs) while the wider community benefits with a reduction in greenhouse gases.

In recognition of the success of the Town's TravelSmart Household Program, DPI are keen to extend the program to include the remainder of the Town, being the areas of Mt Lawley, West Perth, Perth, Highgate and East Perth.

DETAILS:

The Federal Government has recently announced additional funding for state TravelSmart Programs, with DPI having responsibility for administering these funds on a state level.

Having considered the results for Stages 1 and 2 of the Western Australian TravelSmart Program, DPI reached the conclusion that the programs run in the inner city areas were generally more successful than those conducted in the outer urban areas. While it can be attributed to a number of factors including better public transport service levels, DPI are looking for further opportunities in established areas.

However, as would be expected, the Federal Government has placed restrictions upon the release of the funds, including a commitment to spending a portion of the monies within the current (2005/06) financial year.

DPI, acknowledging that Local Governments are not generally in a position to allocate significant funds to projects once their budget has been adopted, are seeking an equitable means by which to encourage local governments to participate in the program without impacting upon existing budgets.

At a hastily arranged meeting held on 15 September 2005, the DPI presented a proposal to the Town seeking an expression of interest (from the Town) to participate in Stage 3 of the TravelSmart Household Program, commencing February 2006.

DPI will pre-fund the initial stages of the program (2005/06) if, in this instance, the Town will commit to funding its portion (\$41,000 (GST inclusive) or 10% of the project cost) in its 2006/07 budget.

The following is a brief overview, as provided by DPI, of the potential benefits for the community if the Town were to participate in Stage 3 of the TravelSmart Household Program.

"TravelSmart Household Program - Opportunity for the Town of Vincent

Expressions of Interest to join TravelSmart Household for 2005/6, 6/7, 7/8 and 8/9 close on 30 September 2005. The program involves a local travel advice and information service for residents. The outcomes are a 10% reduction in car trips, increased use of local shops and businesses, reduced pollution, improved public health and community building.

Local Governments making a 10% contribution to the project cost are eligible for the program. Program areas will be selected on the basis of the land use and transport factors that provide the best opportunity to switch trips from the car to public transport, cycling and walking.

The Town of Vincent is invited to apply for TravelSmart Household for up to 80% of its total residential population with the exception of the area where the program has been run previously (ie 8,800 of the remaining 11,000 residents).

The remaining area of Town of Vincent has a strong potential to be a successful TravelSmart Household project. The costs, benefits and timing opportunities are set out below.

<i>Project area:</i>	<i>Mt Lawley, West Perth, Perth, Highgate, East Perth</i>
<i>Gross population:</i>	<i>11,000</i>
<i>Target popn. (80%):</i>	<i>8,800</i>
<i>Project timing:</i>	<i>April to August '06 or February to June '07</i>
<i>Council contribution:</i>	<i>\$36,960, +10% GST</i>
<i>Budget year(s):</i>	<i>2006/7</i>

For a Council investment of \$ 36,960 the project benefits are:

- *Travel surveys worth \$60,000*
- *Community needs report worth \$30,000*
- *Bus information modules worth \$30,000*
- *Access map worth \$ 5,000*
- *Household service and materials*
- *Attracting a total State Government investment of \$300,000*

The projected project outcomes are (annually):

- *520,000 fewer car trips*
- *6 million fewer car kilometres*
- *1,800 tonnes less Greenhouse Gas*
- *400,000 more walking and cycling trips (eyes on the street)*
- *Savings of \$500 in car running costs for each participating household"*

TravelSmart Officer

DPI is also encouraging those Local Governments that participate in Stage 3 of the TravelSmart program, to consider employing a TravelSmart officer, to be partially funded by DPI.

The role of the TravelSmart Officer, as defined by DPI, is to:

Work with the community and across Council functions to integrate travel demand management programs with the transport and land use opportunities in the local area.

TravelSmart Officers offer valuable resources in securing grants for a range of activities such as bus shelter improvements, better bicycle facilities, production of physical activity plans, events management (such as Bike Week and Walk There Today), input to planning strategies and policy and workplace transport plans.

TravelSmart Officers will be expected to achieve a number of milestones during the term of the grant including:

- *Establishing a workplan;*
- *Participating in the TravelSmart Local Government Officer network and professional development offered by the DPI;*
- *Developing a TravelSmart Action Plan for adoption by council;*
- *Integrating TravelSmart (travel information and behavioral approaches) into the broad transport, land use planning and community development policies of Council.*

- *Developing local travel information and events based opportunities for the local community;*
- *Developing a Green Transport Plan targeting Council employees, with the assistance of those employees;*
- *Promoting and assisting the local community to engage in TravelSmart to Schools, Walking School Bus, and TravelSmart Workplace programs;*
- *Developing innovations in the promotion of travel alternatives such as walking, cycling and public transport.*

TravelSmart Officers are currently employed (without grant support) at the City of South Perth, City of Melville, Town of Victoria Park, City of Subiaco, City of Nedlands, Town of Cottesloe, City of Fremantle and Edith Cowan University, with excellent results being achieved within these organisations. The DPI coordinates bi-monthly meetings and professional development sessions for the TravelSmart Officer network, ensuring that Officers are able to undertake their work with the full support of a range of Travel Demand Management professionals with a broad knowledge of best practice initiatives in the field.

DPI's partial funding is based upon approximately 40% of the salary component for a full time officer earning in the order of \$50,000 per annum. The specified employment period would be from April 2006, to coincide with the start of the Town's proposed TravelSmart Stage 3 Project, and August 2008, the anticipated conclusion of the program. All other outgoings would be born by the Town.

There is also the potential to share a TravelSmart Officer with an adjoining Local Authority, however, as the proposal was only put to the Town's Officers on 15 September 2005 there has been insufficient time to assess the full cost implications.

Therefore, it is recommended that Council approve the submission of an Expression of Interest to engage a TravelSmart Officer. However, it should be acknowledged that there is insufficient detail for Council to make an informed decision at this time and that an Expression of Interest does not obligate the Town to proceed with employing a TravelSmart Officer.

CONSULTATION/ADVERTISING:

Nil at this time.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1. Protect and enhance the environment and biodiversity. "a) Prepare and implement a Clean Air Program", "f) ...introduce measures to reduce greenhouse gases and raise public awareness through education programs on environmental issues". And 1.4. Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "h) Investigate and implement transport development and management improvement in liaison with the Local Area Traffic Management (LATM) Advisory Group and the community."

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$66,000 would need to be allocated in the 2006/2007 budget should this matter be considered a priority.

COMMENTS:

As indicated in the report, DPI recently approached the Executive Manager of Technical Services to see if the Town was interested in submitting an Expression of Interest to participate in Stage 3 of the TravelSmart Household Program. However, because of Federal Government funding constraints DPI need an immediate answer, with submissions no later than 30 September 2005.

Whilst DPI has tried to lessen the impact of the short notice, particularly in respect of the funding implications, there is limited opportunity for the Town's officers to fully consider the impact upon the Town.

However, it is also recognised that it is a tremendous opportunity for the Town to further participate in what has been a very successful and well supported program. Therefore, it is recommended that the Council approve the submission of an Expression of Interest to participate in Stage 3 of the TravelSmart Household Program.

In respect of engaging a TravelSmart Officer, again there are tremendous opportunities for the Town, however the proposal is yet to be fully considered or costed. Therefore, as above, it is recommended that the Council approve a submission of an Expression of Interest for a grant to engage a TravelSmart Officer but that it is acknowledges that the Town is under no obligation to proceed if successful.

It is intended that, if approved, the Town will lodge the aforementioned Expression of Interest and that during the assessment process, a further Council report be prepared outlining the full implications for the Town so that Council can make an informed decision.

10.3.1 Financial Statements as at 31 July 2005

Ward:	Both	Date:	20 Sept 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 July 2005 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 July 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 July 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 Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date 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 99 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 90 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 98% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 16 % of the budget received to date; this is due to vehicle contributions received and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing an unfavourable variance of 40 % due to budget grants not yet received.

Health (Page 4)

Health is showing 653 %, this is due to 198 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining. The year to date budget will be amended to reflect the period the licences are issued.

Community Amenities (Page 6)

Community Amenities is 99 % of the year to date budget, this is as a result of 140 planning applications have been processed in July.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a favourable variance of 105 % of their revenue budget. Beatty Park Leisure Centre revenue is 71 % of the total Recreation and Culture budget and tracking along with the year to date budget at 104%.

Economic Services (Page 12)

Economic Services is 51 % under budget which is the 95 building licences issued to the month of July.

Operating Expenditure

Operating expenditure for the month of July is under budget at 74%

Capital Expenditure Summary (Pages 17 to 24)

The Capital Expenditure summary details projects included in the 2005/06 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for July amount of \$179,487 which is 0.4% of the budget of \$40,388,796.

	Budget	Actual to Date	%
Furniture & Equipment	166,300	50	0%
Plant & Equipment	1,252,040	0	0%
Land & Building	32,651,460	10,721	0%
Infrastructure	6,318,996	168,266	3%
Total	40,388,796	179,487	1%

Statement of Financial Position and Changes in Equity (Pages 25 & 26)

The statement shows the current assets of \$24,935,628 less current liabilities of \$3,441,046 for a current position of \$21,494,583. The total non current assets amount to \$115,154,062 less non current liabilities of \$11,146,241 for the total net assets of \$125,502,404.

Restricted Cash Reserves (Page 27)

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 28)**

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 \$429,084 are outstanding at the end of July. Of the total debt \$133,161 (31%) relates to debts outstanding for over 60 days. 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 29)

The notices for rates and charges levied for 2005/06 were issued on the 2 August 2005.

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

First Instalment	6 September 2005
Second Instalment	7 November 2005
Third Instalment	5 January 2006
Fourth Instalment	7 March 2006

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 \$13,415,816 which represents 93 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 30)

As at 31 July 2005 the operating deficit for the Centre was \$11,089 in comparison to the budgeted year to date deficit of \$33,917 and annual deficit of \$581,324.

The cash position showed a current cash surplus of \$27,811 in comparison to the year to date budget of cash surplus of \$5,389 and an annual budget estimate of a cash deficit of \$126,359. The cash position is calculated by adding back depreciation to the operating position.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item. Mayor Catania and Cr Messina departed the Chamber at 8.11pm and did not speak or vote on the matter.

Deputy Mayor – Cr Farrell assumed the Chair.

10.3.2 Investment Report as at 31 August 2005

Ward:	Both	Date:	19 September 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 August 2005 as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on leave of absence. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.2.

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 August 2005 were \$10,301,433 compared with \$7,801,433 at 31 July 2005. At 31 August 2004, \$11,101,514 was invested.

Total accrued interest earned on Investments as at 31 August 2005:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	37,400	12.06
Reserve	324,200	62,098	19.15

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.

10.3.5 Elven on the Park Subdivision - Land Sale

Ward:	South	Date:	21 September 2005
Precinct:	Fletcher; P13	File Ref:	PLA0160
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES of the sale of the five (5) lots in the “Elven on the Park” subdivision by public auction, in accordance with the indicative timetable, as detailed in this report;*
- (ii) *NOTES:*
 - (a) *that the subdivision at Elven on the Park has been completed and can therefore, in accordance with the decision of Council of 12 February 2002, be advertised for sale;*
 - (b) *that proceeds from the sale of land are to be placed in the State Indoor Multi-Use Sports Centre Reserve Funds;*
 - (c) *that the land sale will be conducted by Eftos Estates of Leederville, in accordance with decision of Council of 17 December 2002; and*
- (iii) *AUTHORISES:*
 - (a) *the Chief Executive Officer and the Executive Manager Corporate Services to jointly set a reserve price, subject to this not being lower than the independent valuation, from a licensed valuer;*
 - (b) *that a condition of sale be included that substantial progress towards construction must be made within two (2) years from the settlement date.*

COUNCIL DECISION ITEM 10.3.5

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Mayor Catania and Cr Messina returned to the Chamber at 8.13pm. Mayor Catania assumed the Chair.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

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

- “(ii) (b) *that proceeds from the sale of land up to \$1.3 million are to be placed in the State Indoor Multi-Use Sports Centre Reserve Funds and any remainder placed in the Land Requisition Reserve;*”

Debate ensued.

Cr Chester withdrew his amendment with the consent of the seconder.

Moved Cr Maier, Seconded Cr Lake

That the Item be DEFERRED until a decision on the State Indoor Centre has been reached.

LOST (2-6)

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

(Cr Ker on leave of absence.)

Debate ensued.

MOTION CARRIED (6-2)

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

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval outline the process for the sale of the subdivision and indicative timeline.

BACKGROUND:

The following outlines the relevant dates of the Elven Park subdivision:

21 November 2000: The Council at its Ordinary Meeting resolved to approve in principle concept plans relating to the upgrade of Smith's Lake Reserve, seven lot subdivision of the land at Lot 13 (No. 24 Emmerson Street), Lot 3 (No.4 Elven Street) and vacant land on Lots 14 and 15 Emmerson Street, and additionally authorised the Chief Executive Officer to further investigate the concept plan and subdivision.

12 February 2002: The Council at its Ordinary Meeting resolved (inter alia) the following:

"(i) receives the report on the submissions received following the advertising of the Concept Plan;

- (ii) *having considered the submissions received APPROVES BY AN ABSOLUTE MAJORITY to;*
 - (a) *proceed with the Concept Plan and seven lot subdivision as shown in Plan A4-00-136;*
 - (iv) *authorises the CEO to prepare the tender documents and advertise the land for sale, upon the completion of the subdivision; and*
 - (v) *offers to extend the lease of Len Fletcher Pavilion to Gymnastics WA for the period 1 July 2002 until 30 June 2003, subject to negotiations to the satisfaction of the Chief Executive Officer.*
 - (vi) *authorises the Chief Executive Officer to proceed with the amalgamation of the Smith's Lake Reserve, as generally shown on Appendix No. 4, into one lot; and*
- 19 September 2002: Conditional approval for the subdivision received from the WAPC. Condition 3 required the Town to provide Design Guidelines for the subject subdivision.
- 8 October 2002: The Council at its Ordinary Meeting resolved to receive, adopt and advertise the new Draft Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park.
- 3 December 2002: The Council at its Ordinary Meeting resolved to receive, adopt and advertise the final version of Appendix No. 12 Design Guidelines for Elven on the Park, subject to minor text amendments.
- 17 December 2002 The Council at its Ordinary Meeting resolved to accept the tender from Eftos Estates for a cost of \$12,430 for the marketing and sale of the subdivision.
- 31 January 2003: The Hon. Minister for Planning and Infrastructure approved the Town's Town Planning Scheme No.1 Amendment No. 14, relating to the rezoning of Lot 618 Richmond Street, North Perth and No. 24 (Lot 13) Emmerson Street, North Perth from "Residential R40" to "Town of Vincent Scheme Reserves - Parks and Recreation".
- 8 April 2003: The Council at its Ordinary Meeting resolved to defer Planning and Building Policy Amendment No. 9 ". . . for further consideration and a report of Elven Park to be provided." The report stated the following in relation to the amendment:

"Amendments are required to this Policy to provide further clarity of acceptable development standards on the subject lots. These amendments include provision of garages in certain circumstances and the development of a detailed indicative plan showing all setback requirements from the ground and upper floors including carports/garages to the lot boundaries."
- 22 April 2003: The Council at its Ordinary Meeting resolved the following:

"That this Item be DEFERRED to allow an Informal Briefing of Elected Members to be held in order to determine the Design Guidelines for the Elven on the Park Subdivision."

The Council at its Ordinary Meeting also resolved the following:

“That the Council;

- (i) authorises the Chief Executive Officer and Executive Manager Corporate Services in liaison with the Mayor to determine the minimum reserve prices for each lot; and*
- (ii) defers the auction of Elven on the Park until it adopts the Design Guidelines.”*

20 July 2004: Elven Street Subdivision and Draft Guidelines were discussed at the Elected Member Forum - Concept Forum. The outcome of discussion was that further investigation into the subdivision layout was required, inclusive of consideration of a concept plan comprising 5 lots.

21 September 2004: Revised subdivision concept plans on the Elven Street Subdivision were presented at the Elected Members Forum - Concept Forum. The outcome of the Forum recommended the matter be referred to an Ordinary Meeting of Council for formal consideration and adoption of the preferred subdivision concept.

23 September 2004: The Town's Officers forwarded documentation of the presentation to the 21 September 2004 Forum to all Elected Members for comment on the concept plans. One response was received supporting a ". . . 5 lot configuration orientated to Elven Street with wider street frontages to facilitate carparking requirements."

26 October 2004: The Council at its Ordinary Meeting resolved the following:

“That the Council;

- (i) RECEIVES the Report relating to revised subdivision concept plan for 'Elven on the Park';*
- (ii) APPROVES the preferred 5 lots revised subdivision concept plan dated 21 September 2004 for 'Elven on the Park' at Nos. 24-28 (Lots 13, 14, 15 and Part Lot 16) Emmerson Street and No.4 (Lot 3) Elven Street, North Perth, as shown in Attachment 10.1.10; and*
- (iii) AUTHORIZES the Chief Executive Officer to;*
 - (a) proceed with the subdivision of 'Elven on the Park' at Nos. 24-28 (Lots 13, 14, 15 and Part Lot 16) Emmerson Street and No.4 (Lot 3) Elven Street, North Perth, in accordance with the preferred 5 lots revised concept plan dated 21 September 2004;*
 - (b) prepare appropriate design guidelines relating to the preferred 5 lots revised subdivision concept plan dated 21 September 2004 for 'Elven on the Park'; ... ”*

14 April 2005: The WAPC conditionally approved the above subdivision. The condition relating to the provision for Design Guidelines was not placed on the approval.

13 September 2005: The Council at its Ordinary Meeting resolved the following:

Adopts the final amended version of the Policy relating to Appendix No.12 – Design Guidelines for Elven on the Park, as shown in Attachments 10.1.17; and

Authorises the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Appendix No.12 – Design Guidelines for Elven on the Park as shown in Attachment 10.1.17, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.

DETAILS:

The five lot subdivision has now been completed. The Town has applied for the new titles from the Department of Land Administration and have been advised that these will be issued in the next two weeks.

The Elven on the Park guidelines were approved by Council at the Ordinary Meeting of Council on 13 September 2005.

The planned timetable for the auction of the subdivision is as follows:

• Advertising of the auction of the subdivision	1 October - mid November 2005
• Independent valuation to be obtained from licensed valuer	28 September - 14 October 2005
• Reserve prices to be established prior to auction	Mid November 2005
• Auction to take place	Mid November 2005
• Sale settlements to be 30 days from auction	Mid December 2005
• Proceeds to be transferred to State Indoor Multi-Use Sports Centre Reserve Fund	31 December 2005

The Town retained Eftos Estates to act as its agent in the sale of this subdivision.

Condition of Sale

It is recommended that a condition of sale be imposed requiring purchasers to make substantial progress towards construction within two (2) years from the settlement date. This will ensure that the lots do not remain vacant for lengthy periods.

In the event that the State Indoor Centre project proceeds, the time-line reveals that the Len Fletcher Pavilion would be demolished in mid-late 2007. This would coincide with the Smith's Lake Reserve upgrade.

CONSULTATION/ADVERTISING:

Consultation has been conducted in accordance with the Town's Town Planning Scheme No 1.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The Town has spent the following monies creating the subdivision:

1.	Creating of seven (7) lot subdivision	\$103,190
2.	Modifying the seven (7) lot subdivision into a five (5) lot subdivision	\$6,282
	Total:	<u>*\$109,472</u>

* excludes design guideline preparation and advertising

Proceeds from the sale are to placed in the State Indoor Multi-Use Sports Centre Reserve Fund.

At the Special Meeting of Council held on 30 October 2001, the Council resolved (inter alia) as follows:

"(c) construction of a State Indoor Multi-Use Sports Centre on the Loftus Centre land, at an estimated cost of \$3,500,000;

<i>Others</i>	<i>State Govt.</i>	<i>Town</i>
<i>\$500,000</i>	<i>\$1,700,000</i>	<i>\$1,300,000</i>

and the \$1,300,000 may be, but not limited to being funded from the future proceeds from the sale of the proposed Elven Street subdivision and portion of the Len Fletcher Pavilion Reserve Fund and Capital Reserve Fund (if required);"

The 2005/06 Budget indicates an amount of \$1,500,000 from the proceeds of the sale of the subdivision.

COMMENTS:

Considerable time, effort, monies and resources have been provided to this project over a number of years.

The new subdivision has been completed and the Council has approved the design guidelines for the subdivision. The new titles will be issued shortly, therefore all the required compliance and approvals have now been completed to proceed with the land sale of the subdivision.

It is recommended that the recommendation be supported.

10.4.2 Adoption of Customer Service Charter

Ward:	-	Date:	21 September 2003
Precinct:	-	File Ref:	ADM0021
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of a new Customer Service Charter - 2005 as "Laid on the Table" and previously circulated to Elected Members.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Journalist Dan Hatch left the meeting at 8.35pm.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to note that no submissions were received from the public and to approve of the Customer Service Charter.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 August 2005 the Council resolved to approve in principle of a new Customer Service Charter and associated Customer Complaint Form.

DETAILS:

The Town's current charter was first introduced in 1996 and reprinted in 1998. Following the Independent Organisational Review, the Chief Executive Officer assumed direct responsibility for the Town's Customer Service Centre.

Over the previous twelve (12) months a review of the Town's Customer Service Centre policies, practices and procedures have been carried out. A number of new initiatives have been introduced, for example; computerised recording of customer requests/complaints; introduction of a new electronic approval module and a restructure of the Town's Customer Service Centre. The natural progression has resulted in a review of the Town's Customer Service Charter and associated documents.

There has been a commitment from the Town's administration to raising the level of customer service, both internal and external. This has resulted in the existing customer service charter being made redundant and a new Charter being introduced, with much improved Key Performance Indicators.

The Charter will be provided to all current and future employees, who will be required to commit to meeting the Customer Service Charter as part of their conditions of employment, via their position description or contract of employment.

The Charter and associated Customer Complaint Form will be provided on counters at the Administration and Civic Centre, Library and Beatty Park Leisure Centre. It will also be on the Town's website and will be issued to new residents as part of the Town's "Welcome Pack".

The Customer Service Complaint form is a new initiative and will enable people to formalise any complaints about the Town's service on a standardised form. These will be dealt with in accordance with the proposed new policy about Customer Service Complaint Management.

Training will be provided, where required, to ensure that all employees are aware of the Customer Service Charter requirements.

CONSULTATION/ADVERTISING:

The Draft Charter was advertised for a period of twenty-one (21) days, in accordance with the Town's Community Consultation Policy.

Once the Charter has been adopted by the Council, it will be widely advertised both internally and externally.

No submissions were received.

LEGAL/POLICY:

The new Charter will not have legal status. However the Charter will prescribe the Key Performance Indicators and other requirements which specify the level of service to be provided by the Town.

The Town's employees will have a legal obligation to comply with the adopted Charter, as part of their employment obligations.

STRATEGIC IMPLICATIONS:

This Charter is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 4.2(a) - *"Review the Town's Customer Service Charter to promote a customer focussed culture"* and (b) - *"Implement a "one-stop shop" service and strengthen our customer focus."*

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2005/06 contains an amount of \$5,000 for the printing of the new Charter and any training which may be required.

COMMENTS:

A customer focused "culture" is the behaviour which exists in an organisation and it is achieved over a period of time. To enhance this already existing customer focussed culture it will require ongoing commitment from the Town's Chief Executive Officer, Executive Managers, Managers and employees. It will also require the support of the elected Council. The process is a *"continuing journey"* which can be progressively built on.

10.4.4 Information Bulletin

Ward:	-	Date:	22 September 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	S Garreffa		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 27 September 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Ker on leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 27 September 2005 are as follows:

ITEM	DESCRIPTION
IB01	Letter to the State Administrative Tribunal - 36 (Lot 500) Paddington Street, North Perth – Review Matter No. DR536 of 2005
IB02	Extract from Government Gazette – notification by the Heritage Council of Western Australia that 116 Broome Street, Perth, is to be removed from the Register of Heritage Places
IB03	Letter from the Office of Crime Prevention regarding Annual Subsidy for Community Safety and Crime Prevention Committees
IB04	Report from Western Australian Electoral Commission – Election Report for Town of Vincent Ordinary Elections 7 May 2005
IB05	Letter from Western Power regarding Southern Terminal – East Perth – Installation of Second Underground Cable

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

The Presiding Member advised that Item 10.1.22 – 22 – CONFIDENTIAL REPORT – No 121 (Lot 27) Scarborough Beach Road, Corner Faraday Street, Mount Hawthorn – Alleged Unauthorised Use of Consulting Room as a Brothel would be considered “behind closed doors”.

At 8.37pm Moved Cr Torre, Seconded Cr Maier

That the meeting proceed “behind closed doors” to consider Item 10.1.22 as it contains legal advice.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Journalist Mark Fletcher departed the Chamber at 8.37pm and did not return.

10.1.22 CONFIDENTIAL REPORT - No. 121 (Lot 27) Scarborough Beach Road, Corner Faraday Street, Mount Hawthorn - Alleged Unauthorised Use of Consulting Room as a Brothel

Ward:	North	Date:	27 September 2005
Precinct:	Leederville, P3	File Ref:	PRO1134
Attachments:	001		
Reporting Officer(s):	R Rasiah, A Neilson		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the report relating to the alleged unauthorised use of consulting room as a brothel at No.121 (Lot 27) Scarborough Beach Road, corner Faraday Street, Mount Hawthorn;*
- (ii) *AUTHORISES the Chief Executive Officer to further investigate and undertake appropriate legal action regarding the alleged unauthorised use of consulting room as a brothel at No.121 (Lot 27) Scarborough Beach Road, corner Faraday Street, Mount Hawthorn, including liaising with the Western Australian Police Service, should the Written Directions (Notices) served on the owner and occupier of the subject property on 27 September 2005 requiring the unauthorised consulting room to immediately stop and not re-commence, are not complied with; and*
- (iii) *WRITES to the Western Australian Government Premier and Minister for Police, Emergency Services, Justice, Community Safety seeking urgent introduction of relevant legislation to adequately address and control prostitution, brothels and massage parlours.*

COUNCIL DECISION ITEM 10.1.22

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Cr Lake departed the Chamber at 8.38pm.

The Presiding Member requested the Chief Executive Officer to advise Elected Members of the current situation regarding this Item.

Cr Lake returned to the Chamber at 8.40pm.

Debate ensued.

Cr Torre departed the Chamber at 8.50pm.

Cr Torre returned to the Chamber at 8.55pm.

CARRIED (8-0)

(Cr Ker on leave of absence.)

At 9.00pm **Moved Cr Torre, Seconded Cr Messina**

That an "open" meeting be resumed.

CARRIED (8-0)

(Cr Ker on leave of absence.)

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.00pm with the following persons present:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 September 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005