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(28 FEBRUARY 2006)

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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 28 February 2006, commencing at 6.05pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell (*Deputy Mayor*) North Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
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 6.15pm)
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
Giovanni Torre	Journalist – Perth Voice (until 8.32pm)
Dan Hatch	Journalist – Guardian Express (until 8.32pm)

Approximately 18 Members of the Public

(c) Members on Leave of Absence:

Cr Ian Ker South Ward

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

1. Mr Terry Bush of ACB Consulting - Item 10.1.14 - Believes the report should be to request the Council's approval for the retention of the existing use as the Council has already acknowledged the existing use. Stated that at the time the non-conforming use was approved this was in good orderly planning and nothing has changed on the site. Advised that the Notice is subject to a SAT Appeal.
2. Mr Rob Smith of 31 Haynes Street, North Perth - Item 10.1.14 - Strongly objects to the development proposal as the non-conforming use has expired. Gave some background of the site. Stated that his main concern with the proposal is that it may result in it being a "back door" for any future proposal for the development of the site. Requested that Council support the Officer's recommendation.

3. Ms Thompson of 334 Guildford Road, Bayswater - Item 10.1.14 - Stated that the contribution that exists now at this property is aesthetically pleasing and brings an ambience which has been lacking in Leederville. Requested that Council takes the aesthetics into consideration when considering this matter.

Cr Torre entered the meeting at 6.15pm.

4. Mr Ash Bradshaw of 67 Forest Street, Mt Lawley - Item 10.1.11 - Requested that Council support this application.
5. Mr Michael Bradshaw of 140 Jersey Street, Jolimont - Items 10.1.1 and 10.1.2 - Addressed concerns regarding the overshadowing. Advised that the overshadowing has no major impact on any living areas.
6. Mr Joshua Boyd of 14 Clieveden Street, North Perth - Item 10.1.3 - Advised that the bin storage for the proposal will be 1.5 metres from his swimming pool and this would have an undue effect on their enjoyment of their pool. Requested that the bin storage be moved to where it will not impact on anyone or erect a permanent brick enclosure around the bins.
7. Mr Kevin Di Prinzie of 2 The Boulevard, Mt Hawthorn - Item 10.1.13 - Stated that the subdivision was previously approved by the WAPC in 2004. Requested a variation to 3.1.3 of the R-Codes. Advised that he is looking at retaining the existing residence, it is directly opposite public open space and it abuts a sealed right of way. Believes the proposal will enhance the streetscape. Requested Council's support.
8. Mr Ron Mason of 283 Vincent Street, Leederville - Item 10.1.14 - Supports the proposal. Stated that it is good to have a garden centre in the local area. Does not believe it impacts on the streetscape.
9. Mr Joe Maio of 6 London Street, Mt Hawthorn - Item 10.1.14 - Stated that he has worked extremely hard to clean up these premises and spent a lot of money in the process. Advised that he has a vision to improve the premises by painting the building to fit into the community. Stated that he has supported the local school. Requested that Council support the application.
10. Mr Grant Olson of 59a Scarborough Beach Road, Mt Hawthorn - Item 10.1.14 - Supports the application. Believes it is an ideal location for the current use.
11. Ms Leah Maund of 12a Kalgoorlie Street - Item 10.1.1 - Advised that written confirmation had been received from 10 Kalgoorlie Street and distributed to Elected Members, stating they had rescinded their objections and have signed off on the amended plans.
12. Kayman Delivigan of 307 Walcott Street, North Perth - Item 10.1.3 - Does not believe that there has been any significant changes made from the previous application. Stated that they have concerns with privacy and requested Council refuse the application.

13. Ms Nicole Antulov of 293 Walcott Street, North Perth - Item 10.1.3 - Stated that they are concerned with overlooking and that the parking area is going to be outside their children's bedrooms. Does not believe that the proposed privacy screening is sufficient.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania closed Public Question Time at 6.35pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that a petition had been received from Helen & Ted Rollinson of 51 Wasley Street, Mt Lawley with 23 signatures concerning parking problems and opposing the proposed parking restrictions in Wasley and Norfolk Streets.

The Chief Executive Officer advised that the petition would be forwarded to the Executive Manager Environmental and Development Services and Executive Manager Technical Services for investigation and report.

Moved Cr Torre, Seconded Cr Maier

That the petitions be received.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Torre, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held on 14 February 2006 be confirmed as a true and correct record subject to the following reason for refusal for Item 10.1.25 - No. 6 (Lot 76 D/P: 1823) Pansy Street, North Perth- Satellite Dish Addition to Existing Single House (Application for Retrospective Approval) being included:

"3. The satellite dish is not visible from Pansy Street."

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.2 - Investment Report as at 31 January 2006. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Cr Messina declared a financial interest in Item 10.3.2 - Investment Report as at 31 January 2006. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.3 Cr Messina declared a proximity interest in Item 10.2.2 - Proposed Bus Stop Modification - Adjacent to the Mt Hawthorn Plaza Redevelopment, Scarborough Beach Road, Mt Hawthorn. The nature of his interest being that he has a lease in the new Mt Hawthorn Shopping Centre Development for Gelatino. He requested that he be permitted to remain in the Chamber and participate in debate but not to vote.
- 8.4 Mayor Catania declared a financial interest in Item 10.4.2 - Policies - Amendment to Investment Policy. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.5 Cr Messina declared a financial interest in Item 10.4.2 - Policies - Amendment to Investment Policy. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.6 Cr Chester declared a proximity interest in Item 10.1.9 - No 95 (Lot 75 & Part Lot 76-D/P:2861) Chelmsford Road, Mount Lawley - Proposed Garage, Poolroom and Fencing Additions to Existing Single House. The nature of his interest being that he is a co-owner of a neighbouring property.
- 8.7 Chief Executive Officer - John Giorgi declared an interest affecting impartiality in Item 10.3.6 - Indulgence Festival 2006. The nature of his interest being that two distant relatives own two separate restaurants in Beaufort Street, Highgate - in addition he knows several business proprietors in Oxford Street who have a restaurant and licensed premises. He advised that he had minimal input into the agenda report.

Cr Messina departed the Chamber at 6.40pm while the Council considered his request to participate in the debate on Item 10.2.2.

Moved Cr Maier, Seconded Cr Torre

That Cr Messina be permitted to participate in the debate on Item 10.2.2 but not to vote on the matter.

CARRIED (6-0)

(Cr Ker on leave of absence. Cr Farrell was an apology. Cr Messina was absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 6.41pm and the Presiding Member advised him of the Council's decision.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.14, 10.1.11, 10.1.1, 10.1.2, 10.1.3 and 10.1.13

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 10.2.1, 10.3.7 and 10.4.2

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 Chester	Items 10.1.6, 10.1.12, 10.1.15 and 10.3.4
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Item 10.1.16
Cr Messina	Nil
Cr Maier	Nil
Mayor Catania	Nil

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

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

Items 10.1.9, 10.2.2 and 10.3.2

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

Items 10.1.4, 10.1.5, 10.1.7, 10.1.8, 10.1.10, 10.1.17, 10.1.18, 10.2.3, 10.3.1, 10.3.3, 10.3.5, 10.3.6, 10.4.1 and 10.4.3

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

Item 14.1

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, 10.1.5, 10.1.7, 10.1.8, 10.1.10, 10.1.17, 10.1.18, 10.2.3, 10.3.1, 10.3.3, 10.3.5, 10.3.6, 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 10.1.14, 10.1.11, 10.1.1, 10.1.2, 10.1.3 and 10.1.13

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

Moved Cr Chester, Seconded Cr Torre

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.5, 10.1.7, 10.1.8, 10.1.10, 10.1.17, 10.1.18, 10.2.3, 10.3.1, 10.3.3, 10.3.5, 10.3.6, 10.4.1 and 10.4.3

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

10.1.4 No. 44 (Lot 27 D/P: 2422) Leake Street, North Perth - Proposed Alterations and Two Storey Addition to Existing Single House

Ward:	South	Date:	21 February 2006
Precinct:	Smith's Lake; P06	File Ref:	PRO3419; 5.2005.3346.1
Attachments:	001		
Reporting Officer(s):	J Barton		
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 Australian Renovation Group (ARG) on behalf of the owner R Smit for proposed Alterations and Two Storey Addition to Existing Single House, at No. 44 (Lot 27 D/P: 2422) Leake Street, North Perth, and as shown on plans stamp-dated 19 December 2005, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Leake Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) *the two (2) windows to the home theatre on the first floor level on the northern and southern elevations; and*

(b) *the windows to bedroom 3 on the first floor level on the northern and western elevation;*

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

COUNCIL DECISION ITEM 10.1.4

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Landowner:	R Smit
Applicant:	Australian Renovation Group (ARG)
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	594 square metres
Access to Right of Way	Eastern side, 4.5 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and two storey additions to the existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setback to South Side	1.5 metres	1.318 metres	Supported- the minor setback variation is considered acceptable as the proposal complies with the Residential Design Codes 2002

		overshadowing and privacy requirements, and the wall is well articulated. Given this, the minor variation is not considered to create an undue impact on the amenity of the adjoining property.
Consultation Submissions		
Support	Nil	Noted
Objection (1)	Object to the location of the two windows on the south side (home theatre and the stairwell) due to noise and privacy concerns. The objector requests the theatre window to be fastened with a seal, and the stairwell window be relocated away from the south side.	Not supported-both windows are not major openings, as the window to the theatre is a highlight window (1.6 metres from the finished floor level of the upper floor) and the stairwell is not a habitable room. Given this, the location of the windows are considered acceptable. Furthermore, concerns in relation to noise are unsubstantiated as the landowners can use the subject residential property for residential purposes.
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 the above, the proposal is considered supportable, subject to standard conditions.

10.1.5 No. 132 (Lot 217 D/P: 2503) Coogee Street, Mount Hawthorn- Patio Addition to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	21 February 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3422; 5.2005.3354.1
Attachments:	001		
Reporting Officer(s):	J Barton		
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 H Barker on behalf of the owner S H & A Barker for a Patio Addition to Existing Single House (Application for Retrospective Approval), at No. 132 (Lot: 217 D/P: 2503) Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 22 December 2005 , subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Coogee Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) *the finished floor level of the patio shall not be greater than 0.5 metre above the natural ground level.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Landowner:	S H & A Barker
Applicant:	S H Barker
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:	468 square metres
Access to Right of Way	Eastern side, 4.6 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The purpose of this application is to gain retrospective approval of an existing unauthorised patio addition to the existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks:			
Northern side	1.5 metres	0.9 metre	Supported-the setback variation is minor and the proposal does not create an undue impact on the amenity of the adjoining property, in terms of overlooking, overshadowing or visual bulk and scale.
Consultation Submissions			
Support (1)	No comments		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:

In light of the above, the proposal is considered supportable, subject to standard conditions.

10.1.7 No. 1/38 (Lot 7071; Strata Lot 1 on Strata Plan 21662) Burt Street, North Perth- Proposed Patio Addition to Existing Grouped Dwelling

Ward:	North	Date:	21 February 2006
Precinct:	Norfolk; P10	File Ref:	PRO3424; 5.2005.3351.1
Attachments:	001		
Reporting Officer(s):	J Barton		
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 Erect-A-Pat on behalf of the owner K Power & T Craig for proposed Patio Addition to Existing Grouped Dwelling, at No. 1/38 (Lot 7071; Strata Lot 1 on Strata Plan 21662) Burt Street, North Perth, and as shown on plans stamp-dated 22 December 2005, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Burt Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) *the finished floor level of the patio shall not be greater than 0.5 metres above the natural ground level.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Landowner:	K Power & T Craig
Applicant:	Erect-A-Pat
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	Lot 7071= 2024 square metres; Strata Lot 1 = 171 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a patio to an existing grouped dwelling.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks:			
Northern side	1.5 metres	0.5 metre	Supported- the setback variations are considered supportable as the proposal does not create an undue impact on the amenity of the adjoining property, in terms of overlooking, overshadowing or visual bulk and scale.
Eastern side	1.5 metres	1 metre	

Consultation Submissions		
Support	Nil	Noted
Objection (2)	<ul style="list-style-type: none"> • One objection with no comments • Fire concerns/ noise concerns 	<p>Noted</p> <p>Not supported- fire rating concerns are addressed at the Building Licence stage. Also, concerns in relation to noise are unsubstantiated as the landowners can use the residential property for residential purposes. However, should the noise levels exceed acceptable limits, the objector is advised to contact the Police, or the Town's Health Services.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

COMMENTS:

In light of the above, the proposal is considered supportable, subject to standard conditions.

10.1.8 No. 31 (Lot 7 D/P: 1539) Florence Street, West Perth- Proposed Ancillary Accommodation to Existing Single House and Associated Alterations and Additions to Existing Outbuilding (Shed) and Studio

Ward:	South	Date:	21 February 2006
Precinct:	Cleaver; P05	File Ref:	PRO3253; 5.2005.3325.1
Attachments:	001		
Reporting Officer(s):	J Barton		
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 E Leong for proposed Ancillary Accommodation to Existing Single House and Associated Alterations and Additions to Existing Outbuilding (Shed) and Studio, at No. 31 (Lot 7 D/P: 1539) Florence Street, West Perth, and as shown on plans stamp-dated 7 December 2005, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Florence Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (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) *the structure shall only be occupied by a member or members of the family of the occupier of the main dwelling, and the ancillary addition shall not be used or rented out as a separate dwelling to the main building;*
- (iv) *the structure shall not be occupied by any more than two (2) occupiers; and*

- (v) *a statutory declaration, signed by the owner of the property and by the person or persons for whom the ancillary accommodation structure is to be constructed, stating that the ancillary accommodation structure is for use by that person or persons and will be used for no other purposes or by other persons, shall be provided and renewed annually.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Landowner:	E Leong
Applicant:	E Leong
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:	577 square metres
Access to Right of Way	N/A

BACKGROUND:

On 25 August 2005, the Town, under delegated authority, approved a similar proposal for alterations and additions to shed and studio to existing single house, minus the kitchen, subject to similar conditions.

DETAILS:

The proposal is for ancillary accommodation to existing single house and associated alterations and additions to existing outbuilding (shed) and studio.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65	0.35	Noted
Ancillary Accommodation - car parking provisions	3 car parking bays- 2 car parking bays for the residential component and 1 car bay for the ancillary accommodation.	2 car bays for the existing residence. No car bays proposed for the ancillary accommodation.	Supported- the ancillary addition is minor in nature and is mainly for the landowner's children, entertaining and the occasional family friend who visits from the country. Given this, and that the family only have one car, and

			that there is no space for an additional bay, the proposed variation is considered acceptable.
Where ancillary accommodation is to be a separate structure, a weather-protected pedestrian connection between the main dwelling and the ancillary accommodation structure is to be provided.	A weather-protected pedestrian connection	Not provided	Supported- given that the structure already exists, and that the owners are merely adding a bathroom and kitchen to the existing approved studio and shed, the requirement to provide a weather-protected pedestrian connection is considered onerous and therefore not necessary.
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 the above, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.10 No. 22 (Lot 71 D/P: 1197) Chapman Street, Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	South	Date:	20 February 2006
Precinct:	Forrest; P14	File Ref:	PRO3430; 5.2005.3365.1
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 Beilby Design on behalf of the owner P Cotter & D Dowdell for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 22 (Lot 71 D/P: 1197) Chapman Street, Perth, and as shown on plans stamp-dated 4 January 2006, subject to the following conditions:

- (i) *first obtaining the consent of the owners of No. 24 Chapman 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. 24 Chapman Street in a good and clean condition;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *any new street/front wall, fence and gate between the Chapman Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iv) *prior to the issue of a Building Licence, a detailed landscaping plan shall be submitted and approved demonstrating the following:*
 - (a) *a list of plants and the landscaping and reticulation of the Chapman Street verge adjacent to the subject property; and*

- (b) *a 4 metres high landscaped screen provided along the eastern boundary adjacent to the proposed patio as indicated on the plans stamp dated 4 January 2006.*

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).

COUNCIL DECISION ITEM 10.1.10

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Landowner:	P Cotter & D Dowdell
Applicant:	Beilby Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	North side: 4.02 metres wide, unsealed, Town owned. East side: 4.02 metres wide, unsealed, Town owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations and additions to existing single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65	0.28	Noted
Setbacks: West	3.6 metres	Nil (proposed portion) - 1 metre (proposed portion) - 2.5 metres (existing portion)	Supported - not considered to have an undue impact on affected neighbour and affected neighbour has signed a letter stating no objection.

Building on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	West boundary wall: Wall height - height is 3.7 metres - 3.5 metres Average wall height - 3.6 metres	Supported - variation is considered minor, do not have an undue impact on affected neighbour and affected neighbour has signed a letter stating no objection. Supported - as above.
Privacy: Patio	7.5 metres	1 metre to western boundary	Supported - variation is not considered to have an undue impact on affected neighbour as proposed 4 metres high landscaped screen will partially screen potential overlooking and owners of affected property have stated no objection to privacy variation provided there is a 4 metres high landscaped screen as indicated on plans.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> Neighbours have stated support for the boundary wall, patio and overlooking provided there is a 4 metres high landscaped screen. 		Noted and supported - landscaped screen is addressed in the Officer Recommendation.
Objection	Nil		Nil
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

10.1.17 Agreement between the Town of Vincent and the Western Australian State Government for State Welfare Centres (Metropolitan)

Ward:	Both	Date:	16 February 2006
Precinct:	All	File Ref:	
Attachments:	001		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) **APPROVES** the use of the following premises as State Emergency Welfare Centres, in the event of an emergency that requires evacuation of people:
- *Mount Hawthorn Community Centre (Main and Lesser Halls);*
 - *North Perth Town Hall (Main and Lesser Halls);*
 - *Royal Park Hall;*
 - *Menzies Park Pavilion; and*
 - *Banks Reserve Pavilion; and*
- (ii) **AUTHORISES** the Chief Executive Officer to sign an Agreement between the Town of Vincent and the Western Australian State Government, for the Town to permit access to these premises, in the event of an emergency evacuation.

COUNCIL DECISION ITEM 10.1.17

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of the report is to obtain a formal approval for the use of a number of Town of Vincent facilities as Emergency Evacuation Centres, in cases of major emergencies.

BACKGROUND:

Under the Emergency Management Act 2005, the Department of Community Development, is the State Government Agency responsible for the establishment of State Welfare Centres for use during an Emergency, where an evacuation is necessary. It was decided that, because Local Government have traditionally owned and operated community halls and public facilities, this body is in an ideal position to identify appropriate venues. If the centres are activated, while the Town will provide access, the security and the condition of the identified premises would then become the responsibility of the Department of Community Development.

DETAILS:

In 2004, the Town's Manager Ranger Services and Community Safety was approached by senior officers from the Department of Community Development in his capacity as the Town's representative to the Local Emergency Management Committee (LEMC). The Department of Community Development sought to identify facilities, which could be used as Emergency Welfare Centres (Evacuation Centres), in the event of an emergency, which required people to leave their homes or workplaces. A number of facilities were suggested as being suitable and Department of Community Development agreed to consider which would be most appropriate to use.

There has been regular contact between the Department of Community Development and the Town's Manager Ranger Services and Community Safety and five (5) premises, which could be used as emergency evacuation centres if a need arises, have now been identified. The *'Letter of Agreement 2004'* and *'State Welfare Centre Checklists'* show what equipment (for example, tables, chairs, cooking facilities, tea and coffee making facilities, etc) would be available for use in an emergency, as well as information, such as toilet facilities, barbecue facilities, etc that could be utilised. The accuracy of this information has been confirmed with the Manager Community Development.

There is now a need to formalise the use of these premises and to put some processes in place, to enable activation of the facilities, at short notice. It has been decided that, if there is a need to activate any of the Evacuation Centres during "normal" working hours, the Manager Community Development is the contact person, but if the premises are required after working hours, the Manager Ranger Services and Community Safety will be the contact person. Since the Manager Ranger Services and Community Safety already carries the Town's Master Key at all times, he was considered the most appropriate after-hours contact person for this role.

The Department of Community Development have the responsibility to provide food, bedding, etc and to provide personnel to assist evacuees, so there will be no impost on the Town. The attached information sheets provide the Department of Community Development with the necessary information about each facility.

It should be noted that a small evacuation occurred a few months ago in Bulwer Street and, while on that occasion the number of evacuees did not warrant the opening of one of the identified welfare centres, had there been more people requiring short-term accommodation, this may have been necessary. The evacuation occurred when a vehicle collided with and damaged a Western Power pole, at the intersection of Bulwer and Vincent Streets, North Perth. Western Power attended and used a Hyab truck-mounted crane to remove the damaged pole from the ground, but in doing so, a gas main was ruptured. As a precautionary measure, Police evacuated a number of homes in the immediate vicinity, until Alinta Gas could repair the ruptured main. It is understood that the evacuees were accommodated by neighbours and returned to their homes after about 4½ hours. However, had the gas ignited, this small event would have quickly become much more serious and could have resulted in a much larger evacuation, requiring activation of one of the welfare centres.

Once approved, the Town of Vincent premises that have been identified as possible evacuation centres will also be appended to the Western Central Local Emergency Management Arrangements. It should be noted that the Department of Community Development has contacted all Local Governments in Western Australia, seeking assistance in identifying State Emergency Welfare Centres.

CONSULTATION/ADVERTISING:

There is no need to undertake a consultation process on this occasion.

LEGAL/POLICY:

There are no legal implications associated with this recommendation.

STRATEGIC IMPLICATIONS:

The above recommendation is in keeping with KRA 2.2(h) *"Enhance and promote the Emergency Management Plan and educate residents and ratepayers to be able to respond to emergencies"*.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with this report.

COMMENTS:

As part of the State Emergency Management Arrangements, all Local Governments have been asked to identify premises that could be used to house evacuees in the event of an emergency. This recommendation seeks to formalise an arrangement, whereby premises are approved by the Council as State Welfare Centres. The report is recommended for approval.

10.1.18 Draft Vincent Noise Management Plan - Community Consultation Feedback

Ward:	Both	Date:	7 February 2006
Precinct:	All	File Ref:	ENS0031
Attachments:	001 (NMP);		
Reporting Officer(s):	S Teymant, A Bosworth		
Checked/Endorsed by:	R Boardman,	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report regarding consultation submissions received in relation to the Draft Vincent Noise Management Plan;
- (ii) **ADOPTS** the Vincent Noise Management Plan as shown in Appendix 10.1.18; and
- (iii) **ACKNOWLEDGES** that the Vincent Noise Management Plan is a guide to assist in the effective management of noise issues and that it should be reviewed when necessary to reflect changes to legislation, industry standards, best practise and zoning.

COUNCIL DECISION ITEM 10.1.18

Moved Cr Chester, **Seconded** Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to consider public submissions received regarding the Draft Vincent Noise Management Plan.

BACKGROUND:

At the Ordinary Meeting of Council held on 25 October 2005, the Council resolved the following:

"That the Council;

- (i) **RECEIVES** the report relating to the Draft Vincent Noise Management Plan;
- (ii) **APPROVES IN PRINCIPLE** to adopt the Draft Vincent Noise Management Plan; and
- (iii) **AUTHORISES** the Chief Executive Officer to:
 - (a) *advertise the proposed Draft Vincent Noise Management Plan for a period of twenty one (21) days, seeking public comment;*

- (b) *report back to the Council at the conclusion of the public comment period;*
- (c) *prepare a Planning Policy to address measures to minimise the effects of noise intrusion and/or noise emissions in areas comprising both residential and non-residential developments. The draft Planning Policy relating to noise intrusion and/or noise emissions is to be reported to Council by no later than January 2006 for its consideration; and*
- (d) *further consider and address the matters considered in the Planning Policy relating to noise intrusion and/or noise emissions above in the review of Town Planning Scheme No.1."*

The Draft Plan was advertised for community consultation in the *Guardian Express* newspaper on 22 November 2005 and in the *Perth Voice* newspaper on 19 November 2005. In relation to the preparation of a Planning Policy, it is advised that the Town's Strategic Planning Officers and Environmental Health Officer/Noise Coordinator have completed drafting of the Policy. This Draft Policy is listed separately on the Agenda at Item 10.1.15 as Amendment No. 34 to Planning and Building Policies - Draft Policy Relating to Sound Attenuation.

DETAILS:

Community Consultation Submissions

At the conclusion of the consultation period, one (1) submission was received. The submission was provided by Smiths Lake Precinct Group (SLPG). The details are as follows:

"Background:

In an increasingly urbanised society such as Western Australia, the concentration of vehicles, plant and equipment and even personal aircraft is bound to increase in direct proportion to the population growth. With increasing affluence within the society, one can argue that the concentration of said "things" may exceed the population norms. eg. 2 car households moving to 3 car households.

Those residential areas within the immediate vicinity of the CBD tend to have an over representative sample of "through traffic" of vehicles, aircraft and the like. The Town of Vincent has a huge volume of traffic traversing its' boundaries each day due to the nature of arterial roads cutting through the town on the way to the CBD. Even the air space above the Town is constantly breached by fixed and rotor wing aircraft as they go about their business, which is certainly not within the Town itself.

If asked about "noise pollution", many people will respond that... "it drives me crazy!, but what can I do about it". Educating the public about correct processes to follow to make a complaint can certainly help, but most of the complaints about vehicles and aircraft have no procedure to follow at all.

For example, the resident(s) may feel that an extraordinary number of cars and motorbikes (that exceed the licensing standards for exhaust noise) are travelling past their front door each day, have no well established complaint procedure. One can complain to the police but it's not a breach of the law that the police can deal with.

Clearly, for our society to progress forward and to develop into a modern, self regulating group, some discussion must be raised about those sources of noise pollution whereby a common resolution is NOT forthcoming. In other words, it's not good enough to go on accepting the status quo, but rather move forward with all the information at our disposal. Future solutions will become apparent with enough progressive dialogue.

Standards

Vehicles/Motorbikes

It is a state responsibility to regulate the noise standards on licensed vehicles. This is usually done through The Dept of Planning and Infrastructure - Licensing section. Unfortunately, a vehicle will only be called up for a check once the Police have roadside checked it and issued a work order. The sheer number of vehicles on our roads make this a daunting task to regulate.

Marine equipment

Within our river system, certain zones are designated for power boat activity. There are no clear definitions of excessive noise IF the powerboats stay within the designated areas. The operator can modify exhaust systems and be very loud, but this is allowed if he stays within the correct area.

Aircraft

Light aircraft have no noise abatement directions if they are below 5700kg. This is regulated by the Federal government. There ARE complaint numbers to ring but this will never alter the fact that light aircraft can fly over urbanised airspace with no exhaust noise reducer in place. Those urbanised communities that have air corridors from television stations and the like, have no complaint procedure, nor any standards to refer to.

Partnerships

If dialogue is to commence regarding noise pollution from these extraordinary sources, we must look to inclusive partnerships for any hope of change for the better.

Vehicles:

- *Town Council - permits to run a business. Scrutiny about type and/or scope of business. eg Exhaust fitting vs out of standard exhaust fitting;*
- *Police - vehicle checks/work orders. More than just wheels and safety...check the exhaust too!*
- *Licensing - new standards/what are the current standards?*
- *Vehicle interest groups - community education;*
- *Aircraft: CASA - air corridors/flight ceilings;*
- *Air Services Australia - certification of aircraft/special dispensations/international standards;*
- *Local committees - Perth Airport Noise Strategy Committee/Also Jandakot committee...council rep's attend these;*
- *Marine: Swan River Trust - special powered craft zones;*
- *Police (water) - regulation of speed etc.*
- *Combined: Department of Environment will need to drive this discussion. As an environmental issue it needs to come from such a source.*

Summary:

It is time to review the effects of noise from vehicles/aircraft and marine equipment and how it affects our community. Many people are driven to distraction by such extraneous noise, coming through their windows and doors at all times of the day and night. There are no well defined complaints mechanisms in place (making it even more frustrating for residents). Many standards have not been reviewed for many years and regulation and policing of breaches is not seen as a priority. This may be a reflection upon the lack of research data available.

Our state government can lead the way in this discussion. Other places throughout the world have tackled noise from individual sources (eg. jet aircraft corridors) but no-one has tackled the issue of noise in a completely holistic way."

Amendments to the Draft Noise Management Plan

The Draft Noise Management Plan has been amended as follows:

- Section 14.3 of the Plan has been amended to reflect Health Services recently revised noise control conditions for all development applications;
- Section 14.4 has been added as reference documentation with regard to Department of Environment Noise Survey Data for 2003/2004. The data is relevant to the overall context of the Noise Management Plan;
- Sections 14.5 and 14.6 have been included as supporting documentation to the Noise Management Plan with regard to consultation feedback received;
- Recommendations 6, 7 and 8 of Section 12.0 have been deleted, as each recommendation has been satisfied; and
- Recommendations 6 and 7 have been added to Section 12.0 as a result of a previous Council Resolution and Officer Recommendation (ii) of this report, accordingly.

OFFICER COMMENT:

The above submission was forwarded to the Department of Environment's Noise Branch for response and consideration.

In relation to the SLPG's following comment regarding the Town's grass roots role, in respect to controlling vehicle noise creating devices at the point of installation, "*Town Council - permits to run a business. Scrutiny about type and/or scope of business. eg Exhaust fitting vs out of standard exhaust fitting*"; it is considered that it is not the role of Local Government to regulate such installations, unless required to do so by legislation. In short, providing that a business does not undertake illegal activities, and does not adversely impact on the surrounding area and premises, then proposed businesses/developments should generally be supported.

As stated by the SLPG, "*It is a state responsibility to regulate the noise standards on licensed vehicles.....*", "*Light aircraft have no noise abatement directions if they are below 5700kg. This is regulated by the Federal government*". Therefore, until legislative changes in regard to vehicle noise emissions occur, Local Government's influence on such issues should remain minimal.

Based on the minimal number of documented complaints received (5), by the Town over the past 5 years concerning vehicle noise, it could be inferred that the Town's residents accept the general level of vehicle noise to which they are exposed. Furthermore, the Department of Environment advised on 5 January 2006 that only sixty four (64) traffic noise complaints (road and rail), were received State-wide for the period 2004-2005. This figure accounts for only 1.5% of all noise complaints received throughout the State for the 2004-2005 period. In addition, during the period 2003-2004, a combined total of five (5) noise complaints were received by seventeen (17) inner city local government authorities with respect to traffic noise. A representative from the Department of Planning and Infrastructure informed (on 5 January 2006), that statistics regarding traffic noise are not maintained by the Department.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the Council's resolution at its Ordinary Meeting held on 25 October 2005.

LEGAL/POLICY IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2005-2010, Key Result Area One: Environment and Infrastructure, 1.1 Protect and enhance the environment, 'i) *Prepare and implement a Vincent Noise Management Plan.*'

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

It is recommended that the Draft Vincent Noise Management Plan be adopted.

10.2.3 Proposed Parking Improvements in Bourke and Scott Streets, Leederville

Ward:	South	Date:	22 February 2006
Precinct:	Leederville (P3) and Oxford Centre (P4)	File Ref:	PKG0061
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 results of consultation with residents of Bourke and Scott Streets, Leederville;*
- (ii) *APPROVES the introduction of a two (2) hour time restriction in Bourke Street between Loftus and Oxford Streets and in Bourke Street between Oxford and Leicester Streets, to be in place from 8.00am until 5.30pm Monday to Friday and 8.00am until 12noon Saturday as illustrated by attached Plans 2383-CP-1 and 2387-PP-1;*
- (iii) *PROCEEDS with the implementation of the delineated parking bays in Bourke Street between Loftus and Oxford Streets as shown on attached Plan 2383-CP-1;*
- (iv) *DOES NOT PROCEED with the implementation of time restricted parking in Scott Street as illustrated by Plan 2386-CP-1; and*
- (v) *ADVISES the respondents of the Council's decision.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of consultation with the residents of Bourke and Scott Streets and to make recommendations based on the outcome of the consultation.

BACKGROUND:

At its Ordinary Meeting held on 22 November 2005, the Council approved *in principle* the marking of parking bays and the introduction of parking restrictions in Bourke Street between Loftus and Oxford Streets, the introduction of parking restrictions in Bourke Street between Oxford and Leicester Streets and in Scott Street between Bourke and Galwey Streets.

It was also decided that residents should be consulted and a further report be submitted informing the Council of comments received.

DETAILS:

Following a submission from residents requesting that measures be implemented to deal with parking congestion and speeding in Bourke Street, the matter was referred to the Town's Local Area Traffic Management Advisory Group.

The group met on 14 November 2005 where plans to effectively deal with these issues were discussed in consultation with representatives from the street.

Following a further report to Council on 22 November 2005, three (3) separate consultation letters were prepared, informing residents of the overall plan and more specifically what was proposed in their immediate vicinity.

Bourke Street between Loftus and Oxford Streets (Attached Plan 2383-CP-1)

Residents of Bourke Street between Loftus and Oxford Streets were advised that line marking was proposed to delineate parking bays and ensure that crossovers were not obstructed by parked vehicles. They were also advised that a two hour time limit was proposed for parking on both sides of the street, to be in place from 8.00am until 5.30pm from Monday to Friday and 8.00am until 12noon Saturdays.

Sixty seven (67) consultation letters were distributed and a total of twenty three (23) comment sheets were returned, representing a 34% response rate.

Below is a summary of the responses to the three (3) questions residents were invited to comment on:

	YES	NO	UNSURE
1. I agree with the proposed demarcation lines	21	4	0
2. I agree with the proposed 2 hour parking restriction	15	10	0
3. I agree to the utilisation of the "speed trailer"	19	5	1

Additional comments received:

- The build up of parked and speeding cars makes it hard to exit driveways
- We don't believe residents should have any restriction on permits
- Traffic should be limited to residents after a certain time of night because there are a few loud, noisy vehicles which make it hard to sleep
- I think the proposed measures are a great idea
- Parking should only be permitted on one side of Bourke Street
- I would like a round-about at the intersection of Oxford and Bourke
- This will push the students to park in side streets
- We want "Residents Only" parking in Bourke Street between Burgess and Oxford Streets
- We want "No Parking" along Bourke Street between Burgess and Oxford Streets
- Do away with grass verges and make these into parking bays
- Some alternative parking options must be made available for students
- My family wants parking in front of our house
- There is no significant parking issue and our tenants will be disadvantaged
- I want a solid white centreline to prevent cars colliding with parked cars

Comments

The proposed measures are expected to deal with most of the concerns expressed by residents. Time restricted parking, together with marked bays, should reduce the overall incidence of parking in Bourke Street while ensuring that parking is more orderly and crossovers are kept clear. The majority of residents were in favour of the proposals and therefore it is recommended that the Town proceed with their implementation.

Bourke Street between Oxford and Leicester Streets (Attached Plan 2387-CP-1)

Residents of Bourke Street between Oxford Street and Leicester Street were advised that a two hour time limit was proposed for parking on both sides of the street, to be in place from 8.00am until 5.30pm from Monday to Friday and 8.00am until 12noon Saturdays.

Thirty five (35) consultation letters were distributed and a total of thirteen (13) comment sheets were returned, representing a 37% response rate. Below is a summary of the responses to the question residents were invited to comment on:

	YES	NO	UNSURE
1. I agree with the proposed 2 hour parking restriction	10	3	0

Additional comments received:

- It can't happen soon enough
- I would like a round-about at the intersection of Oxford and Bourke Streets
- I would like Bourke Street widened
- I agree but only if I receive exemptions
- This will be a hardship for students
- Leederville needs a 4 story car-park

Comments

The majority of residents support the introduction of the 2 hour time restriction and therefore it is recommended that the Town proceed with implementation.

Scott Street between Bourke and Galwey Streets (Attached Plan 2386-CP-1)

Residents of Scott Street between Bourke and Galwey Streets were advised that a two (2) hour time limit was proposed for parking on the west side of the street, to be in place from 8.00am until 5.30pm from Monday to Friday and 8.00am until 12noon Saturdays. A "No Parking" restriction is in place on the east side of the street.

Eight (8) consultation letters were distributed and a total of two (2) comment sheets returned, representing a 25% return rate. Below is a summary of the responses to the question residents were invited to comment on:

	YES	NO	UNSURE
1. I agree with the proposed 2 hour parking restriction	0	2	0

Additional comments received:

- We often have more than two vehicles "housed" at our address, together with a large number of visitors and we feel we would be disadvantaged by the restrictions
- We do not want to see Leederville become like West Leederville or Subiaco, with restrictions in every street

Comments

Scott Street is not experiencing parking congestion at the moment, but was included in the proposal as it can be predicted that time restrictions in Bourke Street will probably generate an increase in all day parking in this section of Scott Street.

As the only respondents to the consultation are opposed to the implementation of time restricted parking at this time, it is recommended that the Town *not* proceed with the implementation at this time. The Town will respond to any future submissions from residents once the Bourke Street measures are in place.

CONSULTATION/ADVERTISING:

Respondents will be advised of the Council's decision.

LEGAL/POLICY:

There is no legal impediment to the implementation of the measures described in this report. The Town's rangers will enforce adherence to the time restrictions.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The cost to line mark the road and install parking signs as recommended is in the order of \$2,800. This can be funded from the 2005/2006 signs operating budget and the Miscellaneous Traffic Management Budget.

COMMENTS:

As can be seen from the results of the community consultation, the majority of respondents were in favour of the proposal in Bourke Street and therefore it is proposed that the measures as outlined on the attached plans be implemented.

10.3.1 Financial Statements as at 31 January 2006

Ward:	Both	Date:	14 February 2006
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 RECEIVE the Financial Reports for the month ended 31 January 2006 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 January 2006.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 January 2006.

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
- Statement of Financial Activity
- Representation of Net Working Capital
- Reconciliation of Net Working Capital

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 105.49 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 101.47% of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 101.23% of the budgeted amount for the rates income. In addition interim rates for the year are 12% over the budgeted expectations.

Governance (Page 2)

Governance is showing 143.05 % of the budget received to date. This can be attributed to the receipt of higher than expected revenue from vehicle contributions and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing an unfavourable variance of 58.99 %. This is due to the timing on the receipt of budget grants not yet received.

Health (Page 4)

Health is showing a favourable variance of 114.61 %. This is due to over 319 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining as well as an increase in the fees charged. This has resulted in an increase over budgeted revenue.

Education & Welfare (Page 5)

Education & Welfare revenue is close to budget amount at 97.3%.

Community Amenities (Page 6)

Community Amenities is 119.56 % of the year to date budget. This is as a result of Refuse Charges for non-rated properties being higher than budget and over 411 planning applications have been processed year to date; this has resulted in an increase in the budgeted revenue for this area at this time.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a variance of 102.77 % of their revenue budget. As Beatty Park Leisure Centre operating revenue are meeting the target at 103% against budget projections.

Transport (Page 10)

Total Transport revenue is a favourable 162.94 % against the year to date revenue budget. This may be attributed to the favourable increase in parking income as well as modified penalties being significantly higher than budget due to increased fees and vigilant enforcement action.

Economic Services (Page 12)

Economic Services is 134.14 % over budget which is mainly due to more than 292 building licences issued to the end of January which has resulted in a higher than estimated revenue being received.

Other Property & Services (Page 13)

At 97.95 % against budget, Other Property & Services is operating in line with Budget Projections.

Operating Expenditure

Operating expenditure for the month of January is just over budget at 100.75 %.

Health (Page 4)

The expenditure is currently 122.06 % over budget attributable to the employment of a temporary Health Officer required for the increased work load and leave cover. There has also been an increase in after hour attendances which attract overtime payments.

Other Property & Services (Page 13)

This program is currently 159.12 % over budget because of the low recovery rate for the plant charges in the section. It is envisaged that this position should improve as the financial year progresses and the scheduled larger Capital Works Projects are undertaken.

Capital Expenditure Summary (Pages 18 to 25)

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 and commitment for January amount of \$2,578,948 which is 6.39 % of the budget of \$40,388,796.

	Budget	Actual to Date	%
Furniture & Equipment	166,300	46,385	28%
Plant & Equipment	1,252,040	607,701	49%
Land & Building	32,651,460	140,575	1%
Infrastructure	6,318,996	1,784,287	28%
Total	40,388,796	2,578,948	6%

Capital Expenditure - Variance Comments

Comments have been made on completed work with a variance greater than 10%.

Plant and Equipment

	Budget	Actual to Date	%
Major Plant Replacement Program			
Rough cutter	9,500	16,244	171%

The rough cutter tractor implement was purchased in the year 2000 and was the basic model. The model traded was the galvanised version. However there has been a significant price increase and in hindsight the budget allocation of the Plant Replacement Program should have been reviewed.

Beatty Park Leisure Centre

	Budget	Actual to Date	%
Inflatable feature	7,200	9,800	136%

The difference in cost of item was sponsored by Schweppes.

Lane Rope Reel	1,600	1,890	118%
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The original quote was supplied by a supplier in March 2005 but they will not hold the prices as material cost are subject to significant change due to the building industry boom and other external influences

Land and Building Assets

	Budget	Actual to Date	%
Beatty Park Leisure Centre			
Upgrade of family disabled change room	9,500	11,013	116%

\$4000 grant was received last year from the Leederville Lions Club to partly finance the upgrade.

Infrastructure Assets

	Budget	Actual to Date	%
Right of Ways (ROW)			
Scarborough Beach Road-			
Faraday Street	18,000	24,213	134%
Elna Street - Doris Street	40,000	46,919	117%

The funds allocated in the budget is estimated on a per linear metre rate. An estimate is not prepared for each individual ROW. In the construction of ROW's there can be a number of variables, e.g. adjustment for services retaining and additional drainage. While two of the ROW line items are over budget estimates, the ROW programme overall is within budget.

Parks Services

	Budget	Actual to Date	%
Fencing			
Ellesmere Street Reserve	7,000	10,240	146%

Original budget estimates did not allow for the extension of the new fencing to the apex of the park where Selden and Eton Streets meet. The community has previously requested that this section be fenced. The new fence was removed just after installation by contractors replacing the existing slab footpath, the bollards had then to be replaced, this contributed to the over expenditure.

	Budget	Actual to Date	%
Car Parking			
Mary Street angle parking	30,000	37,618	125%

The presence of an existing cast iron water main required a sensitive approach to the box out and compaction which took longer. Also additional service relocation and reticulation costs were incurred. Furthermore this was a difficult site involving weekend work as local businesses were complaining about the effect on their trade.

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

The statement shows the current assets of \$20,129,719 less current liabilities of \$5,656,892 for a current position of \$14,472,828. The total non current assets amount to \$115,029,278 less non current liabilities of \$10,990,916 with the total net assets of \$118,511,190.

Restricted Cash Reserves (Page 28)

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

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$412,336.74 are outstanding at the end of January. Of the total debt \$53,489.50 (13%) 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 30)

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

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

Rates outstanding are \$2,125,568 which represents 14.71 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 31 January 2006 the operating deficit for the Centre was \$145,611 in comparison to the budgeted year to date deficit of \$295,831 and annual deficit of \$581,324.

The cash position showed a current cash surplus of \$129,745 in comparison to the year to date budget of cash deficit of \$14,911 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 Swim school is continuing to return better than budgeted results due to the increased attendances at the school

The Café sales has improved this month and performed better than last year and this trend would be expected to continue over the busy summer months.

The Retail Shop continues to perform with higher than expected figures partly attributable to the increase in swim school patronage and the special promotion.

Health and Fitness performance is better than budget with increased revenue due to a membership drive at the centre, which attracted overlap memberships.

Statement of Financial Activity (Page 32)

The amount raised from rates for the year to date 31 January 2006 was \$14,492,046

Representation of Net Working Capital (Page 33)

The net working capital as at 31 January 2006 was \$5,383,653

Reconciliation of Net Working Capital (Page 34)

10.3.3 Authorisation of Expenditure for the period 1 January - 31 January 2006

Ward:	Both	Date:	06 February 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001;		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

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

as shown in Appendix 10.3.3

COUNCIL DECISION ITEM 10.3.3

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

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 January 2006.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$1,285,972.91
Total Municipal Account		\$1,285,972.91
Advance Account		
Automatic Cheques	54328-54378, 54380-54483	\$391,453.50
Trust Account Cheques		0
Transfer of Creditors by EFT Batch 473-474, 476-482, 484		\$557,967.04
Transfer of PAYG Tax by EFT	January 2006	\$164,825.30
Transfer of GST by EFT	January 2006	\$0.00
Transfer of Child Support by EFT	January 2006	\$486.34
Transfer of Superannuation by EFT City of Perth	January 2006	\$14,900.51
Local Government	January 2006	\$40,716.76
Total Advance Account		\$1,170,349.45
Transfer of Payroll by EFT	January 2006	\$264,608.21
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$3,568.03
Lease Fees		\$2,788.09
Corporate Master Cards		\$3,727.60
Australia Post Lease Equipment		\$86.61
2 Way Rental		\$530.80
Loan Repayment		\$129,328.62
Rejection Fees		\$23.40
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00

Total Bank Charges & Other Direct Debits	\$140,053.15
Less GST effect on Advance Account	-\$17,991.00
Total Payments	\$2,842,992.72

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.5 Active Vincent Day and World Ultimate Club Championships 2006

Ward:	Both	Date:	13 February 2006
Precinct:	All Precincts	File Ref:	CMS0046
Attachments:			
Reporting Officer(s):	R Clowes		
Checked/Endorsed by:	J Anthony	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES Active Vincent Day to be combined with the World Ultimate Club Championships at Leederville Oval on Sunday 19 November 2006, subject to;

- (a) event application fees for Leederville Oval being waived;*
- (b) full compliance with conditions of use being imposed including Environmental Health and other conditions as required by the Town; and*
- (c) acknowledgment of the Town of Vincent as a major sponsor of the event on all publications and advertising materials subject to the conditions listed in the report.*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

PURPOSE OF REPORT:

To seek approval for Active Vincent Day to be combined with the World Ultimate Club Championships (Frisbee) held at Leederville Oval on Sunday 19 November 2006.

BACKGROUND:

Active Vincent Day and Pets in the Park is held annually in October and aims to encourage physical activity and a healthy lifestyle among community members as well as introducing residents to the sporting clubs and groups that are available in and around their suburb or town. As with previous years it is incorporated with Pets in the Park and last year the event was held at the new location of Leederville Oval. This year the pet element will be redirected to other projects as a direct link to the Dogs Needs Study conducted in 2005. Active Vincent Day will still remain at the same location as The World Ultimate Championships propose to use Leederville oval for their final games on Saturday 18 November and Sunday 19 November. The majority of games will be held at McGillvray Reserve and Alderbury Reserve.

It is expected a crowd of 2,500 will attend the final game of the World Ultimate Club Championships and this is seen as great opportunity for the Town of Vincent's Active Vincent Day to be included as a partnership event. Both will work together to organise entertainment and activities on the day such as kite flying, bands and free sausage sizzle. It will be a free event, open to the community with a voluntary gold coin donation to Telethon as they will be a sponsor promoting both Town of Vincent and the World Ultimate Club Championships.

CONSULTATION/ADVERTISING:

The organiser of the Ultimate Club Championships will be required to provide notification of the event to adjoining residents of the park at least two weeks before the event. The notification must detail the event being held, the start and finish times, and a mobile contact number of the organiser should any resident wish to raise any queries or complaints. This notification must be approved by the Town prior to being delivered to the residents.

In addition, the proponent is encouraged to place an advertisement in a local community newspaper, at least 14 days prior to the event.

LEGAL/POLICY:

- Environmental Protection Act 1986;
- Environmental Protection (Noise) Regulations 1997;
- Health Act 1911;
- Health (Public Building) Regulations 1992; and
- Council Policy No: 3.8.3 "Concerts and Events Policy".

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 Key Result Area

2.1 Celebrate and acknowledge the Town's cultural diversity

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

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

- (k) *Enhancing the lifestyle of the community through the provision of leisure opportunities.*

FINANCIAL/BUDGET IMPLICATIONS:

Town of Vincent will have a budget of \$10,000 for Active Vincent Day which will be incorporated with the budget for the World Ultimate Club Championships to bring the community a day of quality performers and various activities

COMMENTS:

The sponsorship by the Town and partnership opportunities in the world championships will provide the opportunity for the Town to be featured in advertisements in the West Australian and community newspapers. It is considered that the event will be well supported by the Town and the community.

10.3.6 Indulgence Festival 2006

Ward:	Both	Date:	21 February
Precinct:	All	File Ref:	CMS0110
Attachments:			
Reporting Officer(s):	P.Flinn		
Checked/Endorsed by:	J. Anthony/M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the inaugural Town of Vincent "Indulgence Festival", to be held during the period of 29 May - 3 June 2006.

COUNCIL DECISION ITEM 10.3.6

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

PURPOSE OF REPORT:

To seek Council's approval of the proposed "Indulgence Festival".

BACKGROUND:

The Town of Vincent is well known for its trendy café strips boasting gourmet coffee and delicious desserts. There are a number of businesses, in particular along Oxford and Beaufort Streets, which indulge residents and visitors everyday through the provision of quality goods and services such as coffee, chocolate and day spa services. This is the motivation behind the first Indulgence Festival in the Town of Vincent. This would be a great opportunity to involve local businesses in a fun community project, and give residents and visitors the perfect opportunity to indulge, plus an opportunity to promote the businesses in the Town.

DETAILS:

The festival will be held over a week in May/June 2006 (29 May - 3 June) at various locations within the Town. Partnerships will be developed with local business in order to promote the festival and provide a variety of specials, workshops and entertainment. Workshops will be run at various locations around the Town. There will be a variety of workshop topics such as:

- Blends and origins;
- How to buy, brew and store coffee;
- How to start your own cafe;
- Flavours of the coffee world;
- How to create the perfect cup of coffee at home;
- Making your own chocolate;
- Wine Appreciation,
- Massage and aromatherapy; and
- Pampering sessions.

A lift out will feature in the local papers detailing a program of events, special discounts at various local businesses and an entry into the major prize draw. Live entertainment will also be incorporated during the festival, featuring local bands.

It is hoped to involve all the major café strips in the Town of Vincent for this festival. Throughout the festival week customers will be asked to judge their favourite Café and cup of coffee, with the café with the most votes being the inaugural Indulgence winners.

The objectives for the festival will be as follows;

- Provide local business with the opportunity to promote and market their merchandise and produce;
- To develop and foster networks between the Town of Vincent and community businesses;
- To provide the wider community with the opportunity to meet and interact with local business owners; and
- Celebrate and acknowledge the Town's cultural diversity.

Sponsorship packages have been prepared to encourage interested parties to provide funding and support for this project. These packages will be sent to various local businesses within the Town.

CONSULTATION/ADVERTISING:

Promotional postcards will be developed to promote the event. Advertisements will be placed in the local papers, along with a lift out detailing all aspects of the festival, and vouchers from cafes/businesses wishing to be involved.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

The development of the Town of Vincent Indulgence Festival is in keeping with the Town of Vincent Strategic Plan 2003 - 2008.

Key Result Area 2 - Community Development -

- 2.1 *Celebrate and acknowledge the Town's cultural diversity.*
- 2.2 *Provide and develop a range of community programs and community safety initiatives.*
- 2.4 *Develop and implement initiatives to increase the effectiveness of community and Business groups.*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$10,000 has been allocated in the 2005/2006 budget for the Indulgence Festival.

COMMENTS:

This will be a fun and innovative week long festival fostering community spirit and participation within the Town of Vincent. Patrons will be treated to free entertainment, informative workshops on all their favourite indulgences, and the opportunity to win great prizes.

10.4.1 Audit Committee – Unconfirmed Minutes February 2006

Ward:		Date:	22 February 2006
Precinct:		File Ref:	FIN0106
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Minutes (unconfirmed) dated 13 February 2006 of the Town's Audit Committee, as shown in Appendix 10.4.1.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 13 February 2006.

BACKGROUND:

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

"That the Council;

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

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

10.4.3 Information Bulletin

Ward:	-	Date:	22 February 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 28 February 2006 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

DETAILS:

The items included in the Information Bulletin dated 28 February 2006 are as follows:

ITEM	DESCRIPTION
IB01	Local Government Noise Complaints Survey Report – Department of Environment – Letter from Emma Bridgeman, Environmental Health Officer, Department of Environment
IB02	Western Australian Planning Commission – Statement of Planning Policy No. 1. State Planning Framework Policy (Variation No. 2)
IB03	State Administrative Tribunal – Reasons for Decision between Taylor and Town of Vincent
IB04	Letter from Hon Michelle Roberts MLA, Minister for Police and Emergency Services – Prostitution Control Bill 2002
IB05	Letter from Dave Peckitt, A/Manager Applied Environmental Health (Department of Health) – Annual Report
IB06	Progress report on Local Studies and History Collection July - Dec 2005 CMS0002
IB07	Noise Management in Northbridge – Letter from Rob Giles, Chief of Staff, Office of the Minister for Planning and Infrastructure

- IB08 Letter from Heritage Council of Western Australia - Congratulations - Local History Suburb Brochures and Heritage Website
- IB09 Letter of Thanks from Palmerston Association - Community Group Australia Day Active Citizenship Award

10.1.14 No. 6 (Lot 22) London Street, North Perth - Retention of Non Conforming Use as Showroom/Open Air Display

Ward:	North	Date:	22 February 2006
Precinct:	North Perth, P8	File Ref:	PRO3010; 5.2005.3273.1
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, the Council DOES NOT ACKNOWLEDGE showroom and open air display area as a non-conforming use on No.6 (Lot 22) London Street, North Perth;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by ACB Consulting Pty Ltd on behalf of the owner Nicotra Developments Pty Ltd for retention of non-conforming use as showroom/open air display, at No.6 (Lot 22) London Street, North Perth, and as shown on revised plans stamp-dated 6 January 2006, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the proposed use is classified as showroom and open air display, which is an "X" use under the Residential zone of the property, and therefore the use is not permitted by the Town's Town Planning Scheme No. 1;*
 - (c) *the non-compliance with the Town's Policy relating to Non-Residential/Residential Development Interface, and Town Planning Scheme No. 1, namely provisions relating to Non-Conforming Uses and "X" Uses; and*
 - (d) *consideration of the objections received.*
- (iii) *the Council ADVISES the owners and occupiers of No.6 (Lot 22) London Street, North Perth, that the showroom/open air display use shall cease within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue with legal proceedings should the above showroom/open air display use remain after this twenty-eight (28) days period; and*
- (iv) *the Council DELETES the Non-Conforming Use (NCU) No. 31, stated as a showroom/open air display (Midland Brick) at No.6 (Lot 22) London Street, North Perth from the Town of Vincent Non-Conforming Use Register, Appendix No.11 - Stage 1 as the non-conforming use ceased in March 2002.*

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

The Presiding Member ruled that clauses (i), (ii) and (iv) would be dealt with first and then clause (iii).

Clauses (i), (ii) and (iv) were put.

CLAUSES (i), (ii) and (iv) CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Clauses (iii) was put.

CLAUSE (iii) LOST (0-7)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Reasons:

1. The community has expressed support for the current business.
2. The matter is currently before the SAT and they may determine the outcome.

SUBSEQUENT MOTION

Moved Cr Messina, Seconded Cr Doran-Wu

That the Council REQUESTS the Chief Executive Officer to further investigate the matter with the view to allowing the existing business to continue including a possible rezoning of the land.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That the following words be added the end of the motion:

"and that a report be provided to the Council by the end of March 2006."

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

SUBSEQUENT MOTION THEREFORE READS AS FOLLOWS:

That the Council REQUESTS the Chief Executive Officer to further investigate the matter with the view to allowing the existing business to continue including a possible rezoning of the land and that a report be provided to the Council by the end of March 2006.

COUNCIL DECISION ITEM 10.1.14

That;

- (i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Council DOES NOT ACKNOWLEDGE showroom and open air display area as a non-conforming use on No.6 (Lot 22) London Street, North Perth;*
- (ii) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by ACB Consulting Pty Ltd on behalf of the owner Nicotra Developments Pty Ltd for retention of non-conforming use as showroom/open air display, at No.6 (Lot 22) London Street, North Perth, and as shown on revised plans stamp-dated 6 January 2006, for the following reasons:*
 - (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) the proposed use is classified as showroom and open air display, which is an "X" use under the Residential zone of the property, and therefore the use is not permitted by the Town's Town Planning Scheme No. 1;*
 - (c) the non-compliance with the Town's Policy relating to Non-Residential/Residential Development Interface, and Town Planning Scheme No. 1, namely provisions relating to Non-Conforming Uses and "X" Uses; and*
 - (d) consideration of the objections received;*
- (iii) the Council DELETES the Non-Conforming Use (NCU) No. 31, stated as a showroom/open air display (Midland Brick) at No.6 (Lot 22) London Street, North Perth from the Town of Vincent Non-Conforming Use Register, Appendix No.11 - Stage 1 as the non-conforming use ceased in March 2002; and*
- (iv) the Council REQUESTS the Chief Executive Officer to further investigate the matter with the view to allowing the existing business to continue including a possible rezoning of the land and that a report be provided to the Council by the end of March 2006*

Landowner:	Nicotra Developments Pty Ltd
Applicant:	ACB Consulting Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Non-conforming showroom/open air display (current status subject to determination as per this Agenda report)
Use Class:	Showrooms and Open Air Display
Use Classification:	"X"
Lot Area:	2023 square metres
Access to Right of Way	Not applicable

BACKGROUND:

The subject site is occupied by a single-storey showroom and outbuilding (former Midland Brick Display Centre). Current vehicular access to the subject site is via Haynes Street.

- 17 October 2003 Property transferred to current owner as stated on certificate of title for the subject property.
- 23 August 2005 Letter received from Midland Brick states that the company ceased staffing the above site in September 2000, with the signage and displays maintained after September 2000 to gain exposure and sales enquiries. From October 2000 to August 2003, the premises were leased to a "Nuts and Bolts" company.
- 23 August 2005 The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing showroom and outbuilding, but to refuse the proposed construction of three-storey mixed use development comprising eight (8) multiple dwellings, eating house, offices, shops and associated basement car parking proposed on the subject property.
- 24 October 2005 The Town served Written Directions (Notices) to both the owner and operator of the showroom/open air display business at the above site to immediately stop and not recommence the use of the site for the purpose of a showroom and open air display.
- 8 September 2005
and 26 October 2005 The Town had written to the owner of the subject site and owner's consultant requesting the submission of additional information and evidence to support the current use of the site as a showroom and open air display which is operating as a non-conforming use at the above site, including when the current use commenced operation on-site and copies of electricity invoices.
- 7 November 2005 The Town requested the owners and occupiers to submit a statutory declaration detailing all supporting information and documentation to substantiate that the non-conforming showroom/open air display area use on the property has not been discontinued for a period of six (6) consecutive months.
- 7 December 2005 Directions Hearing at the State Administrative Tribunal (SAT) as a result of the applicant (operator) of the business at the above site having lodged a review application (Ref: DR626 of 2005) with the SAT. As part of the SAT proceedings, the applicant has now lodged a new planning application with the Town for the continued use of the subject site as a non-conforming use and to allow further evidence to be submitted by the applicant.
- 14 February 2006 The Town has received a planning application for 12 multiple dwellings on the above site.
- 8 March 2006 Further Direction Hearing scheduled at SAT.

It is to be noted that the Town's Officers have been receiving ongoing complaints regarding the use of the subject site throughout the course of its investigation.

DETAILS:

The applicant seeks the approval of the Town to continue using the above properties as non-conforming showroom and open air display, and have submitted the following information (attached), which is summarised as follows:

- The existing site had a non-conforming use right when owned and operated by Midland Brick, and has been used at various times such as production of "Nuts and Bolts" television show, offices for Nicotra Developments (Builder), display and sale of pinball machines and showroom and display of nursery items.
- The proposal does not increase the existing floor area of the showroom and open air display area.
- Showroom floor area is 330 square metres, and the open air display is 807 square metres.
- Request for a dispensation to car parking as the use is existing.
- Commencement of business was around 13 May 2005, with 2 full time employees and 2 part time employees on weekends.
- Electricity invoices provided from 7 August 2003 to 30 June 2005, which demonstrate that the premises did consume power throughout the period of use.
- Builders' catalogues list the above address as a place to view Midland Brick products, as the open air display area was used to display brick products throughout the period from when the showroom was closed.

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	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
One petition with 372 signatures and 22 individual submissions in support. The petition and most of the individual submissions have been mainly signed by non-Town of Vincent residents.	<ul style="list-style-type: none"> • That the showroom and open air display be allowed to operate from the subject site. 		Not supported - for the reasons provided in the Comment Section.

<p>Objection (8)</p>	<ul style="list-style-type: none"> • The former Midland brick use which was operating on-site has been abandoned for approximately 18 months, when the current owners purchased it, and as such the use should revert back to Residential R30/40, as the non-conforming use rights have expired. • The Town's Economic Development Strategy report recommends that all commercial and business uses should be limited with a business hub, with residential within a residential area. • The commercial use would set a precedent for the owners to change use permissibility to suit themselves and result in the residents being disadvantaged, disruption/negative effect to lifestyles and loss in amenity, and can potentially destroy the existing strong residential community, built by people living in harmony with each other. • The business being carried out at the subject site is in breach of the Town's Town Planning Scheme requirements, and is causing undue stress to residents. • Concerned that the proposed continued non-conforming use could result in the land owner taking advantage to seek a 50 per cent density increase to redevelop the site for residential uses and is linked to clause 20 of Town of Vincent Town Planning Scheme No.1. This proposal can be viewed as seeking leverage for an increase in density. • Aware that the owners have had discussion with the Town's Officers regarding an application for 11 or 12 dwellings, which exceed the R30 density applying to the site. On that basis, the above application for the non-conforming use should be deferred until the plans submitted for the 12 dwellings be assessed to ascertain whether the dwellings with the 50 per cent bonus, and have minimal impact on adjacent residences in terms of potential loss of privacy, setbacks, overshadowing, and car parking. 	<p>Supported-additional details in the Comments section.</p> <p>Supported-as there is opportunity to locate the use at other appropriately zoned commercial sites, which are recommended in the findings of the <i>Town's Economic Development Strategy</i>.</p> <p>Supported-as the approval and continued use of the subject site as a showroom and open air display area would result in an undesirable precedent for other similar commercial uses encroaching into established residential areas.</p> <p>Noted.</p> <p>Noted-the opportunity to seek an increase in the density by 50 per cent will be dependant on whether the existing non-conforming use is legitimate, and will also be dependant on the merits of the residential development proposed for the above site.</p> <p>Noted-the Town has received a planning application for 12 multiple dwellings at the above site on 14 February 2006. The non-conforming use is scheduled for another Direction Hearing at SAT on 8 March 2006, and as such a deferment is not supported.</p>
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	<ul style="list-style-type: none"> The use is totally intrusive. Noise complaints lodged relating to the nursery/pot plant, fertilizer retailing, large trucks being parked on-site and barking from guard dog. 	<p>Supported-as the non-conforming use has expired, and any future use should be in conformity with the uses permissible under the Residential zoning applying to the subject site.</p> <p>Noted-as the Town had written to the operators of the business at the subject site to advise to comply with the relevant statutory noise provisions.</p>
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Schedule of Submissions

(only detailed where permission has been granted for public release by author)

Author Name	Affected Property	Date Received	Submission Type
A and J Kuipers	5 Auckland Street, North Perth	31 January 2006	Submission form and non-form submission
S Passante	7 Auckland Street, North Perth	31 January 2006	Submission form and non-form submission
Dr P Winterton	81 Scarborough Beach Road, Mount Hawthorn	23 January 2006	Submission form
J J Mollison	240 Selby Street (of no suburb details given)	19 January 2006	Submission form

Other Implications

Legal/Policy	TPS 1 and associated Policies.
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.

Car Parking

Requirements	Required No. of Car bays
<p>Showroom: 3 car bays for first 200 square metres of gross floor area and thereafter 1 car bay per 100 square metres of gross floor area or part thereof (proposed 330 square metres).</p> <p>Open air display: 3 car bays for first 200 square metres of display and sales area and thereafter 1 car bay per 100 square metres of display and sales area or part thereof (proposed 807 square metres).</p>	15 car bays
Total car parking required before adjustment factor (nearest whole number)	15 car bays

Apply the parking adjustment factors. ▪ 0.85 (within 400 metres of a bus stop)	(0.85) 12.75 car bays
Car parking provided on-site	10 car bays
Resultant shortfall	2.75 car bays

As the site previously had non-conforming use rights, it is considered reasonable to assume that the 2.75 car bays shortfall is an existing shortfall in car parking applying to the subject site.

COMMENTS:

The land is zoned Residential R30/40 under the Town of Vincent Town Planning Scheme No.1 and falls within the North Perth Precinct Scheme Map 8, and is within the Eton Locality Plan 7.

The purpose of the Zoning Table in TPS No. 1 is to indicate the uses permitted in the various zones. An 'X' use means that the use is not permitted by TPS No. 1. A Note contained in the Scheme further states: "*Council shall refuse to approve any "X" use of land.*"

Therefore, the Council does not have the discretion to approve an 'X' (prohibited) use under TPS No. 1.

A 'X' (prohibited) use in the current Residential zone applying to the subject site, can operate on the subject site only if it is a non-conforming use.

In order to determine whether an 'X' (prohibited) use is non-conforming, the Town is required to be satisfied that the use was lawful (that is, previously approved by the determining authority at that time) prior to the promulgation of TPS 1 on 4 December 1998.

The subject property is registered on the adopted Non-Conforming Use Register contained within the Town's Planning and Building Policy Manual under Non Conforming Use (NCU) No.31, as a showroom/open air display.

A non-conforming use is defined in TPS No. 1 as follows:

"means any use of land or building which was lawful immediately prior to the coming into operation of the Scheme, but is not now in conformity with the provisions of the Scheme."

Clause 16 of TPS 1 states as follow:

"(1) Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or*
- (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current.*

- (2) *A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme. All applications for planning approval under this clause will be subject to notice under Clause 37 and the Council shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality.*
- (3) *Notwithstanding anything contained in the Zone Table, the Council may grant its planning approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone or reserve.*
- (4) *When a non-conforming use of any land or buildings has been discontinued for a period of six consecutive months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.*
- (5) *The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.*
- (6) *When a building used for a non-conforming use is destroyed to 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the Council.”*

The Town's Officers have carried out extensive investigations of files and records, including requesting documentation and evidence from the owner and operator of the business and Midland Brick, the previous owners, to ascertain whether or not that the non-conforming use has been discontinued for a period of six (6) consecutive months.

The applicant has not submitted a statutory declaration to state that the above non-conforming use had not ceased for a continuous period of six (6) months, or other evidence as proof that the non-conforming use has been continued as required in TPS No.1.

The Council had a similar situation at No. 181 (Lot 8) Carr Place, Leederville where notwithstanding that there was no evidence or proof of lawful approval for a car wrecking yard use on the property, the Council at its Ordinary Meeting held on 21 November 2000 resolved to '*acknowledge the existing use of the building/site for a Car Wreckers Yard at No.181 (Lot 8) Carr Place, Leederville as being a non-conforming use in accordance with the Town of Vincent Town Planning Scheme No.1 and may lawfully continue to operate*'.

On 26 March 2001, the then Acting Director of the Minister for Planning and Infrastructure's Planning Appeals Office advised the Town that an Inquiry under Section 18 (2) of the Town Planning and Development Act 1928 had been established following allegations that the above Council resolution was ultra vires. The Town Planning Appeal Committee Member to the Minister for Planning and Infrastructure concluded that the Minister is advised that the

Town failed to enforce effectively the observance of its Scheme by allowing an unauthorised existing 'X' use to continue in a Residential zone; the Town be required to enforce the observance of the Scheme; and a suitable solution is via a scheme amendment to list an additional use in Schedule 3 of TPS 1 (the listing should very specifically describe the use and contain appropriate conditions dealing with matters such as (but restricted to) expiry of the additional use after a period of discontinuation, hours of operation, limited or no vehicle access to Carr Place, health issues and visual appearance from Carr Place). In accordance with the above Inquiry outcomes, the Council initiated Amendment No. 8 to TPS 1, which the Minister of Planning and Infrastructure subsequently upheld the objections received during the submission period and refused to grant final approval of the Scheme Amendment.

It is considered that if the Council acknowledges showroom and open air-display still as a non-conforming use on the subject property, it is ultra vires, and will place the Town and the Council in a position whereby the Minister for Planning and Infrastructure can intervene and take action against the Town/Council.

The electricity invoices submitted are fairly standard charges that do not reflect the usage demands by a commercial business and also did not cover the full six (6) month period. The current evidence available to the Town suggests that the non-conforming use right has been discontinued for a period of more than 6 consecutive months; hence clause 16 of TPS No.1 is no longer applicable. The non-conforming use ceasing to operate for a consecutive period of more than six (6) months has been further confirmed in two (2) submissions received from residents in the area. In light of the above, the showroom and open air-display use on the subject property is therefore considered unauthorised.

It is recommended that the Council does not acknowledge showroom and open air-display use as a non-conforming use on the subject property; require the unauthorised showroom and open air-display use to cease within 28 days; authorise the Chief Executive Officer to continue with legal proceedings should this use continue; and remove the subject showroom and open air display use from the Town's Non-Conforming Use Register.

10.1.11 No. 67 (Lot 33, Strata Lot 1 STR: 18327) Forrest Street, Dual Frontage to Alma Road, Mount Lawley - Proposed Garage Addition to Existing Single House

Ward:	South	Date:	20 February 2006
Precinct:	Norfolk; P10	File Ref:	PRO3053; 5.2005.3313.1
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 A N Bradshaw for proposed Garage Addition to Existing Single House, at No. 67 (Lot 33, Strata Lot 1 STR: 18327) Forrest Street, dual frontage to Alma Road, Mount Lawley, and as shown on plans stamp-dated 2 December 2005, subject to the following conditions:

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

- (iii) *first obtaining the consent of the owners of No. 69 Forrest Street and No. 98 Alma 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. 69 Forrest Street and No. 98 Alma Road in a good and clean condition; and*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the solid portion of garage door facing the Alma Road boundary having significant appropriate design feature(s) to reduce its visual impact. 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 10.1.11

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Landowner:	A N Bradshaw
Applicant:	A N Bradshaw
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 33 = 512 square metres; Strata Lot 1 = 291 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a garage addition to the rear of the subject site with a 1.5 metre setback to a dedicated road, namely Alma Road. The subject site has an unusual layout with a 4 metres wide by 11.5 metres deep land area facing Alma Road. This adjoins a 1.25 metre wide accessway that links to the main site area contiguous with Forrest Street.

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

ASSESSMENT:

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

Setbacks:			
Alma Road Garage	6 metres	1.5 metres	Supported - see 'Comments' below.
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 abovementioned variation is supported in this instance on the basis of;

- the unusual block shape and subsequent limited opportunity to use that section of the site for other uses;
- the existing streetscape along Alma Road contains a number of garages with reduced setbacks on the northern side, including the garage immediately east which has a 1.5 metre setback; and
- the parking area along Forrest Street is insufficient for dimensioned car parking bays.

The variation sought by the applicant is therefore supportable, and does not have an undue impact on the adjoining properties or the surrounding streetscape. However, appropriate design features should be incorporated into the garage door facing Alma Road to reduce its visual impact.

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

10.1.1 Further Report - No. 12A (Lot 803 D/P: 31016) Kalgoorlie Street, Mount Hawthorn - Proposed Two Storey Single House

Ward:	North	Date:	20 February 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3356; 5.2005.3232.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER 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 Michael Bradshaw Architect on behalf of the owner G F Maund for proposed Two storey Single House, at No. 12A (Lot 803 D/P: 31016) Kalgoorlie Street, Mount Hawthorn, and as shown on amended plans stamp-dated 2 February 2006, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Privacy and Design for Climate requirements of the Residential Design Codes;*
- (iii) the Design for Climate (overshadowing) requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) consideration of the objections received.*

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 7.30pm.

Cr Torre returned to the Chamber at 7.34pm.

LOST (2-5)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Reasons:

1. The amended plans and design allows sufficient light and ventilation for the adjoining dwelling.
2. Limitations imposed by the shape and size of the lot.
3. No overshadowing of outdoor living areas of the adjoining property.

ALTERNATIVE RECOMMENDATION

Moved Cr Messina, Seconded Cr Torre

That the following alternative recommendation be adopted:

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Michael Bradshaw Architect on behalf of the owner G F Maund for proposed two storey single house, at No. 12A (Lot 803 D/P: 31016) Kalgoorlie Street, Mount Hawthorn, and as shown on plans stamp-dated 2 February 2006, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Kalgoorlie Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *first obtaining the consent of the owners of No. 12B Kalgoorlie 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. 12B Kalgoorlie 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 removal of the terrace from the first floor OR the northern elevation of the terrace on the first floor being screened with a permanent obscure material and be non-openable to a minimum of 1.8 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

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

- "(ii) (f) the southern wall to the development be no higher than a relevant level of 104.7 metres;"*

AMENDMENT CARRIED (5-2)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Moved Cr Maier, Seconded Cr Lake

That clause (iv) be deleted.

Debate ensued.

AMENDMENT LOST (3-4)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Moved Cr Messina, Seconded Cr Lake

That the word "northern" in clause (iv) be deleted and the word "southern" inserted in its place.

AMENDMENT CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (5-2)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Michael Bradshaw Architect on behalf of the owner G F Maund for proposed two storey single house, at No. 12A (Lot 803 D/P: 31016) Kalgoorlie Street, Mount Hawthorn, and as shown on plans stamp-dated 2 February 2006, subject to the following conditions:

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

- (f) *the southern wall to the development be no higher than a relevant level of 104.7 metres;*
- (iii) *first obtaining the consent of the owners of No. 12B Kalgoorlie 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. 12B Kalgoorlie 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 removal of the terrace from the first floor OR the southern elevation of the terrace on the first floor being screened with a permanent obscure material and be non-openable to a minimum of 1.8 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

ADDITIONAL INFORMATION:

On 28 February 2006, the Town received plans that illustrate the "no objection" from the owners/occupiers of No. 10 Kalgoorlie Street, who previously objected to the proposal. The Consultation Submissions Table is amended accordingly. The Officer Recommendation for refusal remains unchanged.

Consultation Submissions		
Support (1)	<ul style="list-style-type: none"> • Written consent given by adjoining neighbour for all variations. 	Noted - privacy variations supported with neighbour consent but variations to R Codes' overshadowing requirements are not considered supportable, see Officer Comments above.
Objection (4-3)	<ul style="list-style-type: none"> • Overlooking from terrace. 	Supported - see Officer Comments above.
	<ul style="list-style-type: none"> • Setback variation to dining and living affects light and ventilation for adjoining dwelling. 	Supported in part - setback variation supported, see Officer Comments above, but overshadowing and its subsequent affect on light and ventilation not supported, see Officer Comments above.
	<ul style="list-style-type: none"> • Overshadowing affects light into kitchen, bathroom and outdoor living area. 	Supported - see Officer Comments above.
	<ul style="list-style-type: none"> • Effect on streetscape and character of the area. 	Not supported - proposal is considered to be appropriate contemporary development in the area.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 17 January 2006 resolved that "*the Item be DEFERRED at the request of the applicant*".

The applicant has submitted amended plans dated 2 February 2006 and addressed some non-compliance issues detailed in the Assessment Table contained in the Agenda Report for the Ordinary Meeting of Council held on 17 January 2006. Furthermore, the previous Assessment Table incorrectly stated the overshadowing requirement to not exceed 25 percent of the adjoining property site area. An amended Assessment Table to reflect the amended plans and correct requirements for overshadowing is as follows:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks:			
Southern Elevation - Ground floor	1.5 metres	1.2 metres to dining and living	Supported - no undue impact considering existing setback of southern neighbour being 1 metre.
Northern Elevation - Ground floor	1.5 metres	Nil to garage, bathroom and kitchen	Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12B Kalgoorlie Street.
- First floor	2.1 metres	Nil to bedroom 1, stairs and study	Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12B Kalgoorlie Street.
Privacy:			
Northern Elevation - Bedroom 3	4.5 metres	3 metres to northern boundary	Supported - considered by adjoining neighbour to have no undue impact.

- Terrace Western Elevation	7.5 metres	3.3 metres to northern boundary	Supported - considered by adjoining neighbour to have no undue impact.
- Bedroom 3	4.5 metres	2.2 metres to southern boundary	Not supported - overlooking over southern boundary considered to have an unnecessary undue impact on adjoining neighbour.
Overshadowing: - Southern property	Shadow cast at midday, 21st June onto adjoining property shall not exceed 35 per cent of the site area.	48 per cent (149 square metres) of the southern property.	Not supported - overshadowing compliance considered a fundamental requirement of the R Codes (and included as part of the Town's Non-Variation of Specific Development Standards and Requirements Policy), and subsequent spacings overshadowing over southern boundary considered to have an unnecessary undue impact on adjoining neighbour and ecologically sustainable principles .

In light of the above, the previous Officer Recommendation for refusal remains unchanged.

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

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 17 January 2006:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Michael Bradshaw Architect on behalf of the owner G F Maund for proposed two storey single house, at No. 12A (Lot 803 D/P: 31016) Kalgoorlie Street, Mount Hawthorn, and as shown on plans stamp-dated 21 October 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;*
- (ii) *the non-compliance with the Privacy and Design for Climate requirements of the Residential Design Codes;*
- (iii) *the Design for Climate (overshadowing) requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) *consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

That the Item be DEFERRED at the request of the applicant.

CARRIED (8-0)

(Cr Farrell was an apology.)

<i>Landowner:</i>	<i>G F Maund</i>
<i>Applicant:</i>	<i>Michael Bradshaw Architect</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30</i>
<i>Existing Land Use:</i>	<i>Vacant</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>312 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a two storey single house with a two storey boundary (parapet) wall on the northern boundary abutting a proposed two storey single house at No. 12B Kalgoorlie Street. The planning application for the proposed two storey single house at No. 12B Kalgoorlie Street is designed and submitted concurrently by the same architect, and is the subject of a separate report on the Agenda. It is noted that the two properties at No.12A and No. 12B Kalgoorlie Street are under different ownership.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Setbacks:</i>			
<i>Southern Elevation - Ground floor</i>	<i>1.5 metres</i>	<i>1 metre to dining and living</i>	<i>Supported - no undue impact considering existing setback of southern neighbour being 1 metre.</i>
<i>Northern Elevation - Ground floor</i>	<i>1.5 metres</i>	<i>Nil to garage, bathroom and kitchen</i>	<i>Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12B Kalgoorlie Street.</i>
<i>- First floor</i>	<i>2.1 metres</i>	<i>Nil to bedroom 1, stairs and study</i>	<i>Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12B Kalgoorlie Street.</i>
<i>Privacy: Northern Elevation</i>			
<i>- Bedroom 3</i>	<i>4.5 metres</i>	<i>3 metres to northern boundary</i>	<i>Supported - considered by adjoining neighbour to have no undue impact.</i>
<i>- Terrace</i>	<i>7.5 metres</i>	<i>3.3 metres to northern boundary</i>	<i>Supported - considered by adjoining neighbour to have no undue impact.</i>
		<i>5.8 metres to eastern boundary</i>	<i>Not supported - overlooking over eastern boundary considered to have an unnecessary undue impact on adjoining neighbour.</i>

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
		<i>1.35 metres to southern boundary</i>	<i>Not supported - overlooking over southern boundary considered to have an unnecessary undue impact on adjoining neighbour.</i>
<i>Overshadowing: - Southern property</i>	<i>Shadow cast at midday, 21st June onto adjoining property shall not exceed 25 per cent of the site area.</i>	<i>48 per cent (149 square metres) of the southern property.</i>	<i>Not supported - overshadowing compliance considered a fundamental requirement of the R Codes (and included as part of the Town's Non-Variation of Specific Development Standards and Requirements Policy), and subsequent overshadowing over southern boundary considered to have an unnecessary undue impact on adjoining neighbour (even when considering that their support was received) and ecologically sustainable principles .</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<ul style="list-style-type: none"> <i>Written consent given by adjoining neighbour for all variations.</i> 		<i>Noted - privacy variations supported with neighbour consent but variations to R Codes' overshadowing requirements are not considered supportable, see Officer Comments above.</i>

<i>Objection (4)</i>	<ul style="list-style-type: none"> • <i>Overlooking from terrace.</i> 	<i>Supported - see Officer Comments above.</i>
	<ul style="list-style-type: none"> • <i>Setback variation to dining and living affects light and ventilation for adjoining dwelling.</i> 	<i>Supported in part - setback variation supported, see Officer Comments above, but overshadowing and its subsequent affect on light and ventilation not supported, see Officer Comments above.</i>
	<ul style="list-style-type: none"> • <i>Overshadowing affects light into kitchen, bathroom and outdoor living area.</i> 	<i>Supported - see Officer Comments above.</i>
	<ul style="list-style-type: none"> • <i>Effect on streetscape and character of the area.</i> 	<i>Not supported - proposal is considered to be appropriate contemporary development in the area.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

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

COMMENTS:

The proposed development, by reason of its scale, massing, and design of its component structures would result in an overdevelopment of the site. The proposed development is contrary to the provisions of the Town's Policies and the Residential Design Codes and is, therefore, recommended for refusal."

10.1.2 Further Report - No. 12B (Lot 802 D/P: 31016) Kalgoorlie Street, Mount Hawthorn - Proposed Two Storey Single House

Ward:	North	Date:	20 February 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3024; 5.2005.3231.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER 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 Michael Bradshaw Architect on behalf of the owner C L Stewart for proposed Two-Storey Single House, at No.12B (Lot 802 D/P: 31016) Kalgoorlie Street, Mount Hawthorn, and as shown on amended plans stamp-dated 2 February 2006, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Design for Climate requirements of the Residential Design Codes;*
- (iii) the Design for Climate (overshadowing) requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) consideration of the objections received.*

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

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

"(ii) the non-compliance with the Design for Climate and Streetscape requirements of the Residential Design Codes;"

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.2

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 Michael Bradshaw Architect on behalf of the owner C L Stewart for proposed Two-Storey Single House, at No.12B (Lot 802 D/P: 31016) Kalgoorlie Street, Mount Hawthorn, and as shown on amended plans stamp-dated 2 February 2006, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the Design for Climate and Streetscape requirements of the Residential Design Codes;*
- (iii) *the Design for Climate (overshadowing) requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) *consideration of the objections received.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 17 January 2006 resolved that "*the Item be DEFERRED at the request of the applicant*".

The applicant has submitted amended plans dated 2 February 2006 and addressed some non-compliance issues detailed in the Assessment Table contained in the Agenda Report for the Ordinary Meeting of Council held on 17 January 2006. Furthermore, the previous Assessment Table incorrectly stated the overshadowing requirement to not exceed 25 percent of the adjoining property site area. An amended Assessment Table to reflect the amended plans and correct requirements for overshadowing are as follows:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks: Northern Elevation - Ground floor	1.5 metres	Nil to entry	Supported - no undue impact considering existing setback of southern neighbour being nil.
- First floor	2.4 metres	Nil to robe and ensuite, 2 metres to bedroom 2 and 1.95 metres to terrace.	Supported - no undue impact considering existing setback of northern neighbour being nil.

<p>Southern Elevation - Ground floor</p> <p>- First floor</p>	<p>1.5 metres</p> <p>2.1 metres</p>	<p>Nil to garage, laundry, dining and kitchen.</p> <p>Nil to bedroom 1, stairs and bedroom 2</p>	<p>Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12A Kalgoorlie Street.</p> <p>Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12A Kalgoorlie Street.</p>
<p>Privacy:</p> <p>Southern Elevation</p> <p>- Terrace (rear)</p> <p>Northern Elevation</p> <p>- Terrace (front)</p>	<p>7.5 metres</p> <p>7.5 metres</p>	<p>1.5 metres to southern boundary</p> <p>2 metres to northern boundary</p>	<p>Supported - considered by adjoining neighbour to have no undue impact.</p> <p>Supported - overlooks parapet wall and front setback area and considered to have no undue impact.</p>
<p>Overshadowing:</p> <p>- Southern property</p>	<p>Shadow cast at midday, 21st June onto adjoining property shall not exceed 35 per cent of the site area.</p>	<p>59 per cent (185 square metres) of the southern property.</p>	<p>Not supported - overshadowing compliance considered a fundamental requirement of the R Codes (and included as part of the Town's Non-Variation of Specific Development Standards and Requirements Policy), spacing and subsequent overshadowing over southern boundary considered to have an unnecessary undue impact on adjoining neighbour (even when considering that their support was received) and ecologically sustainable principles .</p>

Consultation Submissions		
Support (1)	<ul style="list-style-type: none"> Written consent given by southern adjoining neighbour for all variations. 	Noted - privacy variations supported with neighbour consent but variations to R Codes' overshadowing requirements are not considered supportable, - see Officer Comments above.
Objection (3)	<ul style="list-style-type: none"> Garage very dominant to streetscape. 	Not supported - garage is setback 6 metres in accordance with the Town's Street Setbacks Policy.
	<ul style="list-style-type: none"> Overlooking from terrace. 	Not Supported - see Officer Comments above.
	<ul style="list-style-type: none"> Effect on streetscape and character of the area. 	Not supported - proposal is considered to be appropriate contemporary development in the area.

In light of the above, the previous Officer Recommendation is amended to remove non-compliance to the Privacy requirements, but the recommendation for refusal remains unchanged.

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

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 17 January 2006:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Michael Bradshaw Architect on behalf of the owner C Stewart for proposed two storey single house, at No. 12B (Lot 802 D/P: 31016) Kalgoorlie Street, Mount Hawthorn, and as shown on plans stamp-dated 21 October 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;*
- (ii) the non-compliance with the Privacy and Design for Climate requirements of the Residential Design Codes;*
- (iii) the Design for Climate (overshadowing) requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted.

Moved Cr Doran-Wu, Seconded Cr Torre

That the Item be DEFERRED at the request of the applicant.

CARRIED (8-0)

(Cr Farrell was an apology.)

<i>Landowner:</i>	<i>C Stewart</i>
<i>Applicant:</i>	<i>Michael Bradshaw Architect</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30</i>
<i>Existing Land Use:</i>	<i>Vacant</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>313 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a two storey single house with a two storey boundary (parapet) wall on the southern boundary abutting a proposed two storey single house at No. 12A Kalgoorlie Street. The planning application for the proposed two storey single house at No. 12A Kalgoorlie Street is designed and submitted concurrently by the same architect, and is the subject of a separate report on the Agenda. It is noted that the two properties at No.12A and No. 12B Kalgoorlie Street are under different ownership.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Setbacks: Northern Elevation - Ground floor</i>	<i>1.5 metres</i>	<i>Nil to entry</i>	<i>Supported - no undue impact considering existing setback of southern neighbour being nil.</i>

- First floor	2.4 metres	Nil to robe and ensuite, 2 metres to bedroom 2 and 1.95 metres to terrace.	Supported - no undue impact considering existing setback of northern neighbour being nil.
Southern Elevation - Ground floor	1.5 metres	Nil to garage, laundry, dining and kitchen.	Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12A Kalgoorlie Street.
- First floor	2.1 metres	Nil to bedroom 1, stairs and bedroom 2	Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12A Kalgoorlie Street.
Privacy: Northern Elevation - Terrace (rear)	7.5 metres	4.5 metres to northern boundary	Not supported - overlooking over northern boundary considered to have an unnecessary undue impact on adjoining neighbour.
<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
Eastern Elevation - Terrace (rear)	7.5 metres	1.5 metres to southern boundary 5.8 metres to eastern boundary	Supported - considered by adjoining neighbour to have no undue impact. Not supported - overlooking over eastern boundary considered to have an unnecessary undue impact on adjoining neighbour.

- Terrace (front)	7.5 metres	2 metres to northern boundary	Not supported - overlooking over northern boundary considered to have an unnecessary undue impact on adjoining neighbour.
<i>Overshadowing:</i> - Southern property	Shadow cast at midday, 21st June onto adjoining property shall not exceed 25 per cent of the site area.	59 per cent (185 square metres) of the southern property.	Not supported - overshadowing compliance considered a fundamental requirement of the R Codes (and included as part of the Town's Non-Variation of Specific Development Standards and Requirements Policy), and subsequent overshadowing over southern boundary considered to have an unnecessary undue impact on adjoining neighbour (even when considering that their support was received) and ecologically sustainable principles .
<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Street Verge Trees:</i> <i>Clearance</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Noted - applicant/owner to remove and replace street tree at owner's cost.</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<ul style="list-style-type: none"> • <i>Written consent given by southern adjoining neighbour for all variations.</i> 		<i>Noted - privacy variations supported with neighbour consent but variations to R Codes' overshadowing requirements are not considered supportable, see Officer Comments above.</i>

<i>Objection (3)</i>	<ul style="list-style-type: none"> • <i>Garage very dominant to streetscape.</i> 	<i>Not supported - garage is setback 6 metres in accordance with the Town's Street Setbacks Policy.</i>
	<ul style="list-style-type: none"> • <i>Overlooking from terrace.</i> 	<i>Supported - see Officer Comments above.</i>
	<ul style="list-style-type: none"> • <i>Effect on streetscape and character of the area.</i> 	<i>Not supported - proposal is considered to be appropriate contemporary development in the area.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

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

COMMENTS:

The proposed development, by reason of its scale, massing, and design of its component structures would result in an overdevelopment of the site. The proposed development is contrary to the provisions of the Town's Policies and the Residential Design Codes and is, therefore, recommended for refusal.

10.1.3 No.305 (Lot 1 D/P: 2600) Walcott Street, North Perth- Proposed Two Storey plus Basement Multiple Dwellings Development, Comprising Four (4) Single Bedroom Dwellings and Two (2) Multi-Bedroom Dwellings

Ward:	North	Date:	21 February 2006
Precinct:	North Perth;P8	File Ref:	PRO3173; 5.2005.3178.1
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 APPROVES the application submitted by T Pearce on behalf of the owner Mount Lawley Properties Pty Ltd for proposed Two Storey plus Basement Multiple Dwellings Development, Comprising Four (4) Single Bedroom Dwellings and Two (2) Multi-Bedroom Dwellings, at No. 305 (Lot 1 D/P: 2600) Walcott Street, North Perth, and as shown on plans stamp-dated 18 November 2005 , subject to the following conditions:*

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

- (1) *the windows to bedroom 1 of Unit 4 on the north-western elevation and to the dining room of Unit 6 on the north-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 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;*
- (2) *the ~~northern-western~~ and ~~north-eastern~~ western sides of the balconies to Units 4 and 6 on the first floor having permanent non-openable obscure glazing at a height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
- (3) *the street setback area being a maximum of 50 per cent hard surface; and*
- (4) *the relocation of the bin store to be a minimum of 6.0 metres from neighbouring dwellings.*

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

- (b) *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;*
- (c) *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;*
- (d) *any new street/front wall, fence and gate between the Walcott 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;*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (6) *the solid portion adjacent to the Walcott Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (e) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Walcott 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*

- (ii) *the Council ADVISES the applicant that the Department for Planning and Infrastructure has advised as follows:*

"The subject land is affected by a land requirement (1.5 metres to 2.2 metres) for the future upgrading of Walcott Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The attached extract of the WAPC Plan No. 1.3155/1 defines the land requirement for the ORR.

It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of widening the ORR.

You are advised to contact WAPC - Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the Western Australian Planning Commission."

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

Moved Cr Torre, Seconded Cr Lake

That the recommendation be adopted.

Cr Messina departed the Chamber at 7.54pm.

Moved Cr Lake, Seconded Cr Torre

That clause (i)(4) be amended to read as follows:

- "(i) (4) the relocation of the bin store to be a minimum of 6.0 metres from neighbouring dwelling's swimming pool and outdoor areas;"*

AMENDMENT CARRIED (6-0)

(Cr Ker on leave of absence. Cr Farrell was an apology. Cr Messina was absent from the Chamber and did not vote.)

Debate ensued.

Cr Messina returned to the Chamber at 7.57pm.

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.3

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Pearce on behalf of the owner Mount Lawley Properties Pty Ltd for proposed Two Storey plus Basement Multiple Dwellings Development, Comprising Four (4) Single Bedroom Dwellings and Two (2) Multi-Bedroom Dwellings, at No. 305 (Lot 1 D/P: 2600) Walcott Street, North Perth, and as shown on plans stamp-dated 18 November 2005 , subject to the following conditions:*

- (a) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (1) *the windows to bedroom 1 of Unit 4 on the north-western elevation and to the dining room of Unit 6 on the north-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 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;*
 - (2) *the northern and western sides of the balconies to Units 4 and 6 on the first floor having permanent non-openable obscure glazing at a height of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
 - (3) *the street setback area being a maximum of 50 per cent hard surface; and*
 - (4) *the relocation of the bin store to be a minimum of 6.0 metres from neighbouring dwelling's swimming pool and outdoor areas.*

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

- (b) *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;*
- (c) *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;*
- (d) *any new street/front wall, fence and gate between the Walcott 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;*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (6) *the solid portion adjacent to the Walcott Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (e) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Walcott 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*
- (ii) *the Council ADVISES the applicant that the Department for Planning and Infrastructure has advised as follows:*

"The subject land is affected by a land requirement (1.5 metres to 2.2 metres) for the future upgrading of Walcott Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The attached extract of the WAPC Plan No. 1.3155/1 defines the land requirement for the ORR.

It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of widening the ORR.

You are advised to contact WAPC - Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the Western Australian Planning Commission."

Landowner:	Mount Lawley Properties Pty Ltd
Applicant:	T Pearce
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:	784 square metres
Access to Right of Way	West side, 4.8 metres wide, sealed, Town-owned

BACKGROUND:

The Council at its Ordinary Meeting held on 9 August 2005 resolved to conditionally approve the demolition of existing single house and to refuse the proposed construction of a two storey plus basement multiple dwellings development, comprising four (4) single bedroom dwellings and two (2) multi-bedroom dwellings, at the subject property.

DETAILS:

The proposal involves a two storey plus basement multiple dwellings development, comprising four (4) single bedroom dwellings and two (2) multi- bedroom dwellings. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 multi-bed dwellings or 6 single bedroom dwellings or 2 multi-bed dwellings and 4 single bedroom dwellings R 60	2 multi-bed dwellings and 4 single bedroom dwellings R 60	Supported- no variation.
Plot Ratio	0.7 - 548.8 square metres	0.5 - 390 square metres	Supported- no variation.
Privacy Setbacks	Bedrooms- 4.5 metres Habitable rooms other than bedrooms - 6.0 metres Outdoor habitable spaces- 7.5 metres	Bed 1 (unit 4) is 4.0 metres to north- west boundary. Living/dining (unit 6) is 4.2 metres to north- west boundary. Balcony (unit 4) is 2.5 metres to north- west boundary; and balcony (unit 6) is 6.0 metres to north- west boundary.	Not supported- undue impact and applicant has agreed to have this matter conditioned to comply.
Setbacks: Upper Floor - North-West	6.4 metres	2.5-8.0 metres (2.8 metres if screened to full height)	Supported- minor variation in this instance, no undue impact on neighbour and screening to full height would increase bulk of building.

- South	3.0 metres	2.0 (screening) - 3.5 metres	Supported- minor variation and no undue impact.
Pedestrian Stair Access	Maximum 2 dwellings served by shared staircase	3 dwellings served by proposed staircase	Supported- minor variation in this instance and two of the dwellings served by the staircase are single bedroom dwellings.
Right of way access	Car parking to be accessible from an existing right of way where (legally) available.	Car parking to be accessed from Walcott Street.	Supported- subject lot only has a narrow (2.73 metres) frontage to the right of way and therefore, it is not considered to be safe in use in this instance.
Landscaping	Street setback area developed with a maximum of 50 per cent hard surface.	Requirement not demonstrated.	Not supported- has been conditioned to comply accordingly.

Consultation Submissions

Support (2)	<ul style="list-style-type: none"> • Details not provided 	Noted.
Objection (5)	<ul style="list-style-type: none"> • Traffic • Waste and pollution • Parking • Noise pollution • Overlooking • Removal of tree 	<p>Not supported- Town's Technical Services have advised that it supports the proposal in respect to this matter.</p> <p>Not supported - development will be required to comply with Environmental Protection Act 1986.</p> <p>Not supported- parking is compliant with R-Codes and Town's Policy relating to Parking and Access.</p> <p>Not supported - development is required to comply with Western Australian Environmental Protection (Noise) Regulations 1997.</p> <p>Supported- refer to above.</p> <p>Not supported- Town's Park Services have advised that it supports the removal of the Jacaranda Tree (Jacaranda mimosaeifolia), which is</p>

		on the Town's Interim Significant Tree Database reference as this tree species is a common planting within the Town and there are many fine examples appearing on the Town's Trees of Significance Inventory.
	<ul style="list-style-type: none"> • Design not keeping in with streetscape • Proposed density not suitable • Setbacks 	<p>Not supported- design not considered to have undue impact on streetscape.</p> <p>Not supported- compliant with relevant requirements.</p> <p>Not supported- refer to above.</p>
	<ul style="list-style-type: none"> • Overshadowing • Location of bin storage area • Number of storeys • Lack of vehicular and parking access during construction 	<p>Not supported- compliant with R-Codes.</p> <p>Supported- applicant has agreed for this matter to be conditioned accordingly.</p> <p>Not supported- compliant with relevant locality plan statement.</p> <p>Not supported- temporary impact which will be addressed via standard requirements and monitored by Town.</p>
	<ul style="list-style-type: none"> • Proposal aimed at rental market • Number and type of people to occupy development • Disruption caused during proposed demolition and construction • Damage to property during proposed demolition and construction • Use of right of way 	<p>Not supported- not a major planning consideration.</p> <p>Not supported- not a major planning consideration.</p> <p>Not supported- however proposal is required to comply with Environmental Protection (Noise) Regulations 1997, which addresses noise and permitted working hours.</p> <p>Not supported- civil matter, not a major planning consideration.</p> <p>Not supported- no use of right of way proposed.</p>

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

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

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

COMMENTS:

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

10.1.13 No. 2 (Lot 81 D/P: 2848), The Boulevarde, corner Britannia Road, Mount Hawthorn - Proposed Subdivision

Ward:	North	Date:	21 February 2006
Precinct:	Mount Hawthorn P1	File Ref:	130331; 7.2006.11.1
Attachments:	001		
Reporting Officer(s):	O Hammond		
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 Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the application submitted by K Di Prinzie on behalf of the owner T S Di Prinzie for proposed Subdivision, of No. 2 (Lot 81 D/P: 2848) The Boulevarde, corner Britannia Road, Mount Hawthorn, and as shown on plans stamp-dated 23 January 2006 (subdivision 130331) for the following reasons:*
- (a) *the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance of the minimum and average site area requirements of the Residential Design Codes; and*
 - (c) *the approval of the proposed subdivision could create an undesirable precedent for subdivision of lots with similar sizes within the area; and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, that the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Torre, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (5-2)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Landowner:	T S Di Prinzio
Applicant:	K Di Prinzio
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	570 square metres
Access to Right of Way	Eastern side, 5 metres wide, unsealed, Town owned

BACKGROUND:

18 November 2003 The Council at its Ordinary Meeting resolved to recommend refusal to the Western Australian Planning Commission (WAPC) for the subdivision of the subject lot. The Council stated the following reasons for refusal:

- “1. The proposed subdivisions do not comply with the average or minimum area per dwelling lot size requirements of 300m² as per the residential R30 design code.
2. Approval for the proposed subdivision would create an undesirable precedent for subdivision of lots with similar sizes within the area.”

27 January 2004 The WAPC granted conditional approval for the subdivision of the subject land.

23 January 2006 The owner submitted a new application for subdivision approval citing insufficient time and resources to complete conditions set by WAPC approval granted in 2004.

DETAILS:

The proposal involves the subdivision of the subject property into two lots as follows: Lot 1 – 313 square metres and Lot 2 – 257 square metres. The applicant's submission is "Laid on the Table". This subject proposal is identical to the proposal that was not supported by the Council on 18 November 2003, and conditionally approved by the WAPC on 27 January 2004.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R 30	2 dwellings R 35 5 per cent density bonus	Not supported- the proposal does not adequately address the reasons Council recommended refusal of the previous identical proposal.
Plot Ratio	N/A	N/A	N/A

Minimum Site Area for R30	Minimum site area - 270 square metres Average site area - 300 square metres	Lot 1 – 313 square metres Lot 2- 257 square metres Average – 285 square metres	Not supported - as above
Consultation Submissions			
No consultation 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 representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

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

COMMENTS:

The proposed subdivision has merit given the previous Officer Recommendation to recommend conditional approval and the reasons for such as contained in the Agenda report (Item 10.1.2) to the Ordinary Meeting of Council held on 18 November 2003. The WAPC also conditionally approved the previous identical proposal, which is valid until 27 January 2007.

Notwithstanding the above, the current proposal does not adequately address the reasons the Council recommended refusal of the previous identical proposal. In light of the above, it is recommended that the Council recommends refusal of the proposal to the WAPC, and requests and that the Town be further consulted should the WAPC be inclined to approve the proposal.

10.1.6 No. 1 (Lot 4045) Selden Street, North Perth- Patio Addition to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	21 February 2006
Precinct:	North Perth; P8	File Ref:	PRO3327; 5.2006.72.1
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 APPROVES the application submitted by A Bonasera on behalf of the owners A & A Bonasera for Patio Addition to Existing Single House (Application for Retrospective Approval), at No.1 (Lot 4045) Selden Street, North Perth, and as shown on plans stamp-dated 13 February 2006, subject to the following conditions:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (b) *any new street/front wall, fence and gate between the Selden boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (c) *the new brick wall shall be fully constructed within 60 days of the Planning Approval notification and be fully contained within the subject lot;*
- (d) *the finished floor level of the patio shall not be greater than 0.5 metres above the natural ground level; and*
- (e) *first obtaining the consent of the owners of No. facing ~~No. 10 Ellesmere 1A Selden Street and No. 12 Ellesmere 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. 10 Ellesmere 1A Selden Street and No. 12 Ellesmere Street~~ in a good and clean condition; and*
- (ii) *the Council ADVISES the applicant and owners that the above works that form part of clause (i)(c) above shall be completed within sixty (60) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this sixty (60) days period.*

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

COUNCIL DECISION ITEM 10.1.6

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

That the Item be DEFERRED for further information.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

ADDITIONAL INFORMATION:

A submission was received on 27 February 2006 relating to the subject proposal.

The submission requests that the subject planning application be deferred to allow the residents of No.1A Selden Street and No. 10 Ellesmere Street to lodge additional information concerning the proposal.

In relation to the submission's concern regarding the lack of consultation, the proposal was not advertised as it was considered to be fully compliant with the Residential Design Codes (R Codes) and the relevant Town's Policies.

With regard to the continuing construction of the subject patio in contravention of the current Planning Approval, the Town Officers were unable to confirm this via a site inspection due to access problems and time constraints. Notwithstanding this, the Town's Officers have advised the subject owner/applicant that any works undertaken in contravention with the current approval will result in a Building Notice and Planning Written Direction being served, requiring works to cease and any unauthorised works to be removed.

Landowner:	A & A Bonasera
Applicant:	A Bonasera
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	769 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 17 January 2006 resolved to conditionally approve the same application. The previous conditional approval included the following condition to address Building Code of Australia requirements:

"(c) the roof cover of the patio shall be modified to be setback a minimum 0.5 metre from the southern boundary within 28 days of the notification; and"

DETAILS:

The proposal involves patio addition to existing single house (application for retrospective approval). The applicant has requested that the above condition (condition (c) of the previous approval) be reconsidered as the proposed brick wall would also achieve compliance with the applicable standards of the Building Code of Australia.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
The proposal was not advertised as it was considered to be fully compliant with the Residential Design Codes (R Codes) and the relevant Town's Policies. It is noted, however, that the unauthorised patio was brought to the Town's attention via an anonymous complainant.			
Support		N/A	Noted.
Objection		N/A	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 proposal is considered to be fully compliant with the R Codes and the relevant Town's Policies. Accordingly, approval is recommended subject to standard and appropriate conditions, including a condition which requires the new brick wall to be fully constructed and contained within the subject lot to address the Building Code of Australia requirements. It is further recommended that the Chief Executive Officer be authorised to continue legal proceedings should the subject brick wall not be constructed within 60 days.

10.1.12 Nos. 135-139 (Lot 41 D/P: 2454) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn - Proposed Change of Use from Warehouse to Recreational Facility

Ward:	North	Date:	20 February 2006
Precinct:	Mount Hawthorn Centre; P02	File Ref:	PRO0587; 5.2005.3296.1
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 D Reece on behalf of the owners B Re, F Re, J Re, R J Re and C M Re for Proposed Change of Use from Warehouse to Recreational Facility, at Nos. 135-139 (Lot 41 D/P: 2454) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 24 November 2005, subject to the following conditions:

- (i) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) *the floor areas shall be limited to the following:*
 - (a) *199 square metres of gross floor area for the recreational facility (gymnasium) component;*
 - (b) *197 square metres of gross floor area for the shop component; and*
 - (c) *208 square metres of gross floor area for the warehouse component.*

Any increase in floor space or change of use for the subject land shall require prior Planning Approval to be applied to and obtained from the Town;

- (iii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$10,478 for the equivalent value of 4.03 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iv) *doors, windows and adjacent floor areas fronting Scarborough Beach Road and Fairfield Street shall maintain an active and interactive relationship with these streets; and*
- (v) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

"(vi) the Recreational Facility (Gymnasium) shall only operate between the hours of 7am and 9pm on Mondays to Fridays and 9am to 11am on Saturdays, inclusive, and be closed on Sundays and public holidays."

AMENDMENT CARRIED (4-3)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Moved Cr Chester, Seconded Cr Torre

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

"(vii) prior to the first occupation of the development, adequate sound attenuation measures for the premises and proposed new land use as a Recreational Facility (Gymnasium) shall be undertaken to ensure that noise emitted from the premises does not exceed the levels stipulated in the Environmental Protection (Noise) Regulations 1997 and the Building Code of Australia. A report on the soundproofing required shall be prepared by a reputable acoustic consultant and provided to the Town's Health Services. The report shall comment on the following:

- (a) appropriate glazing;*
- (b) appropriate acoustic roof/ceiling insulation;*
- (c) baffling of ventilation ducts facing noise sources;*
- (d) door and window seals;*
- (e) identify reasonable attenuation measures to ensure compliance with the Environmental Protection (Noise) Regulations 1997 with respect to limiting sound transmission between tenancies, from commercial to residential; and*
- (f) identify the suitable location of all mechanical devices/installations (such as roller doors, air conditioners, exhaust fan outlets, pool pumps, compressors and the like), to ensure compliance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.*

The engagement of the acoustic consultant and implementation of the consultant's recommendations shall be at the applicant's/owner's expense."

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.12

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Reece on behalf of the owners B Re, F Re, J Re, R J Re and C M Re for Proposed Change of Use from Warehouse to Recreational Facility, at Nos. 135-139 (Lot 41 D/P: 2454) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 24 November 2005, subject to the following conditions:

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (ii) the floor areas shall be limited to the following:*
 - (a) 199 square metres of gross floor area for the recreational facility (gymnasium) component;*
 - (b) 197 square metres of gross floor area for the shop component; and*
 - (c) 208 square metres of gross floor area for the warehouse component.*
- Any increase in floor space or change of use for the subject land shall require prior Planning Approval to be applied to and obtained from the Town;*
- (iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$10,478 for the equivalent value of 4.03 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
 - (iv) doors, windows and adjacent floor areas fronting Scarborough Beach Road and Fairfield Street shall maintain an active and interactive relationship with these streets;*

- (v) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vi) *the Recreational Facility (Gymnasium) shall only operate between the hours of 7am and 9pm on Mondays to Fridays and 9am to 11am on Saturdays, inclusive, and be closed on Sundays and public holidays; and*
- (vii) *prior to the first occupation of the development, adequate sound attenuation measures for the premises and proposed new land use as a Recreational Facility (Gymnasium) shall be undertaken to ensure that noise emitted from the premises does not exceed the levels stipulated in the Environmental Protection (Noise) Regulations 1997 and the Building Code of Australia. A report on the soundproofing required shall be prepared by a reputable acoustic consultant and provided to the Town's Health Services. The report shall comment on the following:*
 - (a) *appropriate glazing;*
 - (b) *appropriate acoustic roof/ceiling insulation;*
 - (c) *baffling of ventilation ducts facing noise sources;*
 - (d) *door and window seals;*
 - (e) *identify reasonable attenuation measures to ensure compliance with the Environmental Protection (Noise) Regulations 1997 with respect to limiting sound transmission between tenancies, from commercial to residential; and*
 - (f) *identify the suitable location of all mechanical devices/installations (such as roller doors, air conditioners, exhaust fan outlets, pool pumps, compressors and the like), to ensure compliance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.*

The engagement of the acoustic consultant and implementation of the consultant's recommendations shall be at the applicant's/owner's expense.

Landowner:	B Re, F Re, J Re, R J Re and C M Re
Applicant:	D Reece
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop and Warehouse
Use Class:	Shop, Warehouse, and Recreational Facility (Gymnasium)
Use Classification:	"P", "P", and "AA"
Lot Area:	607 square metres
Access to Right of Way	South side, 5.1 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves change of use for the upper level portion at the rear of the subject site from warehouse to recreational facility. The shops with frontage to Scarborough Beach Road remain unchanged.

The recreational facility will be used for the teaching and training of Muaythai kickboxing. The operation involves a boxing ring, gymnasium, reception and office. There will primarily be one (1) employee at the subject property, except two (2) on Tuesday and Thursday evenings between 6pm and 7pm where the applicant will get assistance for Beginner's Classes.

The hours of operation vary significantly. Depending on demand the recreational facility will operate from 7am to 9pm Monday to Friday with between 1 and 2 people for 30 to 60 minute sessions. The applicant aims to have 10 - 14 participants from Aranmore Catholic College for 30 minute sessions several days per week on Monday to Fridays during school hours. Evening classes operate on Monday to Thursday nights and finish at 8pm, these classes will have between 10 - 18 participants. Friday evening classes operate between 6pm and 7:30pm and have between 5 - 10 participants. Saturday classes are run between 9 and 11am and involve between 5 - 10 participants. There are no classes on Sunday.

The equipment proposed to be used as part of the recreation facility includes; skipping ropes, punching bags, boxing ring, stereo system and other gym equipment.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car parking			
Requirements as per Parking and Access Policy**			Required
Car Parking Requirement (nearest whole number) - Recreational Facility (Gymnasium) (198.79 square metres) - 6.62 carbays. - Shop (Butcher - 149.6 square metres, Coffee Retail - 47.2 square metres) - 13.12 car bays. - Warehouse (207.1 square metres) - 3 car bays			23 car bays
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of car park with excess of 25 car parking bays)			(0.8075) 18.57 car bays
Minus car parking on-site			4 car bays

Minus the most recently approved on-site parking shortfall: Shop (196.8 square metres) - 13.12 car bays plus Warehouse (406.1 square metres) - 5 car bays equals 18 car bays x the adjustment factor (0.8075) equals 14.54 car bays minus car parking on-site (4 car bays) equals 10.54 car bays.	10.54 car bays
Resultant shortfall	4.03 car bays

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

**There are no bicycle parking requirements for recreational facilities.

COMMENTS:

Cash-in-lieu

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

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

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

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2005/06 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/06 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

In terms of the Town's Parking and Access Policy a cash-in-lieu contribution for the 4.03 car bays shortfall is considered acceptable.

Previous Planning Application

The applicant has previously applied for a similar use at No. 24 Britannia Road, which was refused at the Ordinary Meeting of Council held on 12 July 2005. The application for No. 24 Britannia Road is currently subject to review with the State Administrative Tribunal and the Town awaits determination.

Summary

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

The Presiding Member advised that Cr Chester had declared a proximity interest in this Item. Cr Chester departed the Chamber at 8.05pm and did not speak or vote on the matter.

10.1.9 No. 95 (Lot: 75 & Part Lot: 76-D/P: 2861) Chelmsford Road, Mount Lawley - Proposed Garage, Poolroom and Fencing Additions to Existing Single House

Ward:	South	Date:	22 February 2006
Precinct:	Norfolk; P10	File Ref:	PRO2061 5.2005.3244.1
Attachments:	001		
Reporting Officer(s):	J Barton		
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 J C & R A Brandsma for proposed Garage, Poolroom and Fencing Additions to Existing Single House at No. 95 (Lot 75 and Part Lot 76- D/P-2861) Chelmsford Road, Mount Lawley, and as shown on the amended plans stamp-dated 19 January 2006, subject to the following conditions:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) a visual truncation of at least 1.0 metre by 1.0 metre at the intersection of the crossovers and the right of way;*
 - (b) the changes to the dividing fence on the eastern side in accordance with the attached approved plans LI-A1 and LI-A3 signed and dated 12 February 2006, as agreed by the landowners and affected neighbours on the eastern side;*
 - (c) the portions of front fence depicted as ‘open feature fence’ being visually permeable, with a minimum 50 per cent transparency;*
 - (d) no portions of fence within the 4 metre front setback area exceeding 2 metres in height, and capping no higher than 2.2 metres;*
 - (e) the portion of fence along the eastern side boundary being reduced to 2 metres in height within the 6 metre front setback area, in accordance with the attached approved plans LI-A1 and LI-A3 signed and dated 12 February 2006, as agreed by the landowners and affected neighbours on the eastern side; and*
 - (f) the garage loft being used for domestic storage purposes only.*

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

- (ii) *the proposed fill above RL 27.35 metres for the eastern half portion of Lot 75 Chelmsford Road, Mount Lawley shall be for the garden development only, and shall not prejudice the ground floor finished floor level of any subsequent development of that portion of the lot being no higher than RL 27.35 metres as demonstrated by the three (3) two-storey single houses development approved by the Town on 11 December 2003; and*
- (iii) *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.*

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Torre

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

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

- (a) *a visual truncation of at least 1.0 metre by 1.0 metre at the intersection of the crossovers and the right of way;*

The new street/front wall, fence and gate between the Chelmsford Road boundary and the main building, within the 4 metre front setback area, including along the side boundaries within this front setback area, complying 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 1.0 metres by 1.0 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (b) *the changes to the dividing fence on the eastern side in accordance with the attached approved plans LI-A1 and LI-A3 signed and dated 12 February 2006, as agreed by the landowners and affected neighbours on the eastern side;*
- ~~(c) *the portions of front fence depicted as 'open feature fence' being visually permeable, with a minimum 50 per cent transparency;*~~
- ~~(d) *no portions of fence within the 4 metre front setback area exceeding 2 metres in height, and capping no higher than 2.2 metres;*~~
- ~~(e) *the portion of fence along the eastern side boundary being reduced to 2 metres in height within the 6 metre front setback area, in accordance with the attached approved plans LI-A1 and LI-A3 signed and dated 12 February 2006, as agreed by the landowners and affected neighbours on the eastern side; and*~~
- ~~(f)~~(c) *the garage loft being used for domestic storage purposes only.*

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

Debate ensued.

AMENDMENT CARRIED (6-0)

(Cr Ker on leave of absence. Cr Farrell was an apology. Cr Chester was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Ker on leave of absence. Cr Farrell was an apology. Cr Chester was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.9

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners J C & R A Brandsma for proposed Garage, Poolroom and Fencing Additions to Existing Single House at No. 95 (Lot 75 and Part Lot 76- D/P-2861) Chelmsford Road, Mount Lawley, and as shown on the amended plans stamp-dated 19 January 2006, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *The new street/front wall, fence and gate between the Chelmsford Road boundary and the main building, within the 4 metre front setback area, including along the side boundaries within this front setback area, complying 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 1.0 metres by 1.0 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (b) *the changes to the dividing fence on the eastern side in accordance with the attached approved plans LI-A1 and LI-A3 signed and dated 12 February 2006, as agreed by the landowners and affected neighbours on the eastern side;*
- (c) *the garage loft being used for domestic storage purposes only.*

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

- (ii) *the proposed fill above RL 27.35 metres for the eastern half portion of Lot 75 Chelmsford Road, Mount Lawley shall be for the garden development only, and shall not prejudice the ground floor finished floor level of any subsequent development of that portion of the lot being no higher than RL 27.35 metres as demonstrated by the three (3) two-storey single houses development approved by the Town on 11 December 2003; and*
- (iii) *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.*

CORRECTED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
<u>Outbuildings</u>	<u>2.4 metres to the top of the wall and 4 metres to the top of the ridge</u>	<u>Garage- 4.4 metres to top of wall and 7 metres to top of ridge.</u>	<u>Support- although the height of the outbuilding is well over the acceptable development requirements, the height is not considered to create an undue visual impact</u>

			<p><u>given the previous approval for three, two-storey dwellings and the garage is setback significantly from all adjoining properties (12.2 metres from the eastern side and 6 metres from the southern side) and the street (30 metres from Chelmsford Road). Also, the outbuilding is not to be used for habitable purposes.</u></p>
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Landowner:	J C & R A Brandsma
Applicant:	J C & R A Brandsma
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Subject Lots 75 and Pt 76 - Vacant Land; Lots Pt 76 and 77 - Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	693 square metres
Access to Right of Way	South side, 5.02 metres wide, sealed, Council owned

BACKGROUND:

On 10 June 2002, the Town, under delegated authority from the Council, conditionally approved demolition of existing dwelling.

On 18 September 2003, the Western Australian Planning Commission granted conditional approval for the proposed three (3) lot subdivision.

On 11 December 2003, the Town conditionally approved, under delegated authority, three (3) additional two-storey single houses on the subject land.

On 24 November 2004, the applicants submitted a request for reconsideration to the Western Australian Planning Commission requesting various conditions to be removed from the subdivision approval.

On 28 June 2005, the Council adopted Design Guidelines for No. 95 (Lot 75 and Pt Lot 76) Chelmsford Road, Mount Lawley.

DETAILS:

This application proposes a garage, pool room and fencing additions to the existing single dwelling.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Retaining and fill	500 millimetres	600 millimetres to 780 millimetres.	Supported- given the height of the existing dwelling, the minor portions of retaining and fill over 500 millimetres (mainly within the front setback area near the existing dwelling) are considered acceptable as the variation creates a minimal impact on the amenity of the street, and does not create an undue impact on the adjoining neighbours on the eastern side (as all retaining and fill is setback sufficiently from the eastern side).
Dividing Fence Height (Local Law)	2.4 metres	Portions of the dividing fence reach 3.340 metres at the rear.	Supported- the land owners and affected property owners have reached an agreement to reduce the height of the fence as per the attached plans (LI-A1 and A3). Given this, a condition has been recommended to ensure that the dividing fence is reduced in height as per the signed plans.
Front Fence	Solid portion of the front fence to be 1.2 metres in height and the rest to be 50 per cent visually permeable to 1.8 metres in height. Decorative capping on pillars may extend to 2 metres.	Portions of the front fence within the 4 metre front setback area do not comply as follows: <ul style="list-style-type: none"> • Up to 2.4 metres in height to the top of the open feature/ visually permeable section of the front fence. • Up to 2.5 metres in height to the top of the capping at the highest point (section of fence 	Not supported- the proposed front fence is considered to create a dominant feature in the street, which will unduly impact on the amenity of the streetscape, the adjoining property and the character of the area. Notwithstanding the above, given the height of the existing front fence to

		<p>closest to the existing house).</p> <ul style="list-style-type: none"> • 1.35 metres in height to the top of the lower solid portions of fence, and 2.1 metres to the top of the pillars at the highest point. 	<p>No. 97 Chelmsford Road, the significant levels differences across the site, and that the neighbours on the eastern side are willing to support the visual permeable section of fence to 2 metres in height, the proposal is considered acceptable subject to the pillars and visual permeable portion of fence within the 4 metre front setback area being reduced to a maximum height of 2 metres, and all capping within the front setback area being a maximum height of 2.2 metres. Accordingly, a condition has been recommended to this effect.</p>
Consultation Submissions			
Support	None		Noted
Objection (1) - see " <i>Laid on the Table</i> ".	<ul style="list-style-type: none"> • There is a significant difference in the levels shown in our survey and the survey provided by the applicants. The height of the proposed side boundary fence will reduce our amenity by giving a sense of enclosure and reducing the open aspect and character of the locality. • We request the solid portion of the front fence that is not shown open and is within our front setback area to be reduced from 2.4 metres to 2 metres as seen from our property. 	<p>Supported- the adjoining neighbour and the landowners have reached an agreement to reduce the height of the dividing fence as per the signed plans LI-A1 and A3 (attached). Given this, a condition has been recommended to address the concerns raised.</p> <p>Supported- a condition has been imposed to ensure that all portions of fence, excluding capping, within the 4 metre front setback area are reduced to 2 metres in height. It is noted that the front setback area should be read in accordance with the Town's Alma Locality Statement Policy and where appropriate the Residential Design Codes 2002 (4 metres) as the</p>	

	<ul style="list-style-type: none"> We are aware that the installation of a garden development is temporary and that the site has been sub-divided with Design Guidelines for a future unit development. We request the following condition: <i>That the fill above RL 27.350m for the Eastern Half Part Lot 75 Chelmsford Road Mount Lawley is for the garden development only and is not to prejudice the Ground Floor Level of any subsequent development of that part Lot being no higher than RL 27.350M as demonstrated on the approved indicative dwelling design (October 2003) required for sub-division of that Lot.</i> 	<p>Design Guidelines for No. 95 Chelmsford Road do not fully apply to the site until the subdivision is implemented.</p> <p>Notwithstanding the above, the Design Guidelines should be used as a guide for the development of the site and, as such, it is considered appropriate to recommend that the portion of fence, within the front setback area abutting the eastern side only, be reduced to 2 metres in maximum height six (6) metres back from the front boundary. This requirement is also in accordance with the plans agreed on and signed by the landowners and affected neighbours. A condition has therefore been recommended to this effect.</p> <p>Supported- the proposed fill for the garden development shall not prejudice any subsequent development of the site, as the three (3) two-storey single houses, approved by the Town on 11 December 2003 are to be developed in accordance with the levels depicted on the approved plans. A condition has therefore been recommended to this effect.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

COMMENTS:

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

10.1.15 Amendment No. 34 to Planning and Building Policies - Draft Policy Relating to Sound Attenuation

Ward:	Both Wards	Date:	20 February 2006
Precinct:	All Precincts	File Ref:	PLA 0171
Attachments:	001		
Reporting Officer:	T Durward, S Teymant		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the Draft Policy relating to Sound Attenuation, as shown in Attachment 10.1.15;*

(ii) *ADOPTS the Draft Policy relating to Sound Attenuation, to be applied in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows:*

(a) clause 3 being amended to read as follows:

"3) Measures

The aim of these measures is to achieve appropriate acoustic environments within noise sensitive premises. Therefore ambient environmental noise will be considered at the planning stage of the development process, and subsequently addressed during development design for implementation during construction.

i) Development Planning

The consideration of sound attenuation at the planning stage of a development contributes significantly to achieving the Noise Criteria Factors, in clause 5) that affect the acoustic performance of a building. Factors that should be considered include:

- a) the identification of existing/potential environmental noise sources, as outlined in clause 2);*
- b) development orientation and layout, taking into account the location of existing/potential environmental noise sources;*
- c) the location of bedrooms away from noise sources;*
- d) the location of balconies and windows away from noise sources;*
- e) the use of development built form (blade walls and the like) to screen noise sources; and*
- f) the use of building design elements (balcony balustrades, decorative screens and the like) to reduce ~~in~~ noise impact on windows.*

- (iii) *ADVERTISES the Draft Policy relating to Sound Attenuation, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Policy relating to Sound Attenuation, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Sound Attenuation, with or without amendment, to or not to proceed with them.*

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

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Cr Chester returned to the Chamber at 8.07pm.

Moved Cr Doran-Wu, Seconded Cr Maier

That new clause (ii)(b) and (c) be added as follows:

"(ii) (b) *clause 4 be amended to read as follows:*

~~"i) The Town of Vincent may require an acoustic report in the following circumstances:~~

~~a) residential and mixed use development in the District Centre, Local Centre, Commercial and Commercial/Residential zones; or~~

~~b) residential and mixed use development within a 450 metres radius, or less if justified, due to the presence of structural barriers and the like, of the District Centre, Local Centre, Commercial and Commercial/Residential zones; or~~

~~c) non-residential development in the Residential zone; or~~

~~d) non-residential development in the District Centre, Local Centre, Commercial and Commercial/Residential zones that includes any additional structures or plant and equipment including air conditioners or equipment rooms;
or~~

- e) ~~change of use applications for land uses that involve entertainment, amplified music, public gatherings or other significant noise emitting activity.~~
- i) a) The Town of Vincent will require an acoustic report in the following circumstances:
- aa) residential, hotels, clubs, taverns and other licenced premises in the District Centre, Local Centre, Commercial and Commercial/Residential zones; or
- bb) non-residential development in the District Centre, Local Centre, Commercial and Commercial/Residential zones that includes any additional structures or plant and equipment including air conditioners or equipment rooms; or
- cc) change of use applications for land uses that involve entertainment, amplified music, public gatherings or other significant noise emitting activity; or
- dd) non-residential development in the Residential zone.
- i) (b) The Town of Vincent strongly encourages an acoustic report where residential and mixed use development is within a 50 metres radius, or less if justified, due to the presence of structural barriers and the like, of the District Centre, Local Centre, Commercial and Commercial/Residential zones."; and
- (c) a new clause 7 be added as follows:

"7) Acoustic Compliance

The following condition will be imposed on any Planning Approval requiring an acoustic report:

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

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.15

That the Council;

(i) *RECEIVES the Draft Policy relating to Sound Attenuation, as shown in Attachment 10.1.15;*

(ii) *ADOPTS the Draft Policy relating to Sound Attenuation, to be applied in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows;*

(a) *clause 3 being amended to read as follows:*

"3) Measures

The aim of these measures is to achieve appropriate acoustic environments within noise sensitive premises. Therefore ambient environmental noise will be considered at the planning stage of the development process, and subsequently addressed during development design for implementation during construction.

i) Development Planning

The consideration of sound attenuation at the planning stage of a development contributes significantly to achieving the Noise Criteria Factors, in clause 5) that affect the acoustic performance of a building. Factors that should be considered include:

- a) the identification of existing/potential environmental noise sources, as outlined in clause 2);*
- b) development orientation and layout, taking into account the location of existing/potential environmental noise sources;*
- c) the location of bedrooms away from noise sources;*
- d) the location of balconies and windows away from noise sources;*
- e) the use of development built form (blade walls and the like) to screen noise sources; and*
- f) the use of building design elements (balcony balustrades, decorative screens and the like) to reduce ~~in~~ noise impact on windows.*

(b) *clause 4 be amended to read as follows:*

~~*"i) The Town of Vincent may require an acoustic report in the following circumstances:*~~

- ~~*a) residential and mixed use development in the District Centre, Local Centre, Commercial and Commercial/Residential zones; or*~~

- ~~b) residential and mixed use development within a 450 metres radius, or less if justified, due to the presence of structural barriers and the like, of the District Centre, Local Centre, Commercial and Commercial/Residential zones; or~~
- ~~e) non-residential development in the Residential zone; or~~
- ~~d) non-residential development in the District Centre, Local Centre, Commercial and Commercial/Residential zones that includes any additional structures or plant and equipment including air conditioners or equipment rooms; or~~
- ~~e) change of use applications for land uses that involve entertainment, amplified music, public gatherings or other significant noise emitting activity.~~
- i) a) The Town of Vincent will require an acoustic report in the following circumstances:
- aa) residential, hotels, clubs, taverns and other licenced premises in the District Centre, Local Centre, Commercial and Commercial/Residential zones; or
- bb) non-residential development in the District Centre, Local Centre, Commercial and Commercial/Residential zones that includes any additional structures or plant and equipment including air conditioners or equipment rooms; or
- cc) change of use applications for land uses that involve entertainment, amplified music, public gatherings or other significant noise emitting activity; or
- dd) non-residential development in the Residential zone.
- i) (b) The Town of Vincent strongly encourages an acoustic report where residential and mixed use development is within a 50 metres radius, or less if justified, due to the presence of structural barriers and the like, of the District Centre, Local Centre, Commercial and Commercial/Residential zones."; and
- (c) a new clause 7 be added as follows:
- "7) Acoustic Compliance
- The following condition will be imposed on any Planning Approval requiring an acoustic report:

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

- (iii) **ADVERTISES** the Draft Policy relating to Sound Attenuation, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
- (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and
- (iv) after the expiry of the period for submissions:
- (a) **REVIEWS** the Draft Policy relating to Sound Attenuation, having regard to any written submissions; and
 - (b) **DETERMINES** the Draft Policy relating to Sound Attenuation, with or without amendment, to or not to proceed with them.

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the Draft Policy relating to Sound Attenuation, and to seek approval for advertising of the subject Policy.

BACKGROUND:

- 27 March 2001 The Council at its Ordinary Meeting resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.
- 25 October 2005 The Council at its Ordinary Meeting resolved as follows:
"(iii) (c) prepare a Planning Policy to address measures to minimise the effects of noise intrusion and/or noise emissions in areas comprising both residential and non-residential developments. The draft Planning Policy relating to noise intrusion and/or noise emissions is to be reported to Council by no later than January 2006 for its consideration."

DETAILS:

The objective of the Draft Policy relating to Sound Attenuation is to provide measures to be undertaken to minimise the adverse impacts of noise for the sustainable co-existence of a mix of land uses (including residential, shops, offices, eating houses, theatres, cinemas, hotels and clubs) within the Town's District Centre, Local Centre, Commercial and Commercial/Residential zones.

The Policy provides long term strategies that aim to avoid or minimise potential adverse noise impacts before they occur and to provide for noise impact assessment and management processes for land use planning decisions at the initial stages of the development process. It proposes to do this by outlining:

- noise sources relevant to the Town;
- measures to be taken to minimise the impact of these noise sources; and
- provisions for when and how an acoustic report will be required and prepared at the planning application and assessment stage of development.

This Draft Policy has been instigated because in recent times the demand for higher density housing within close proximity to the Perth Central Business District and mixed use development has increased. As a result of this, the Town is being challenged with the management of conflicting land uses in regard to the impact of sound and noise, particularly in the Town's South Ward.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town 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:

Noise affects most of the community at some time. Contemporary society is a place where noise levels tend to be increasing, especially in areas of heightened activity like the Town's District and Local Centres. This has created a subsequent heightened potential for disruption to work, home and recreational activities. There are also significant variations in the way individuals react to noise. Some people may be more annoyed than others by any given noise level. Noise may become annoying if it intrudes into people's awareness, is heard against people's wishes or offers people no perceived benefits.

In addition to this, the existing *Environmental Protection (Noise) Regulations 1997* do not recognise the effect regulations and legislation can have on the vibrancy and vitality of activity centres, centres where the Town is experiencing a mixture of commercial and residential land uses in close proximity to each other. The vibrancy and vitality of the Town's District and activity centres must be protected for the long term sustainability of the Town.

The Draft Policy relating to Sound Attenuation has been modelled on the East Perth Redevelopment Authority's Sound Attenuation Policy, with further augmentation to make it relevant to the local context and subsequent noise related issues being encountered by the Town. The Draft Policy has also been prepared with input from the Town's Health Services.

In addition to this, other Local Governments such as the City of Perth were consulted to ascertain its approach to managing noise at the planning application stage. The City of Perth does not have a sound attenuation Policy as such but, as a matter of practice, it requires acoustic reporting for developments involving entertainment venues, hotels/nightclubs and any new residential development in entertainment precincts.

It is therefore recommended that the Council receives, adopts in the interim and advertises the new Policy, in line with the Officer Recommendation.

10.1.16 Town of Victoria Park and Western Australia Turf Club: Belmont Park Racecourse Redevelopment - Structure Plan

Ward:	Opposite South Ward	Date:	22 February 2006
Precinct:	Opposite Banks Precinct; P14	File Ref:	PLA 0022
Attachments	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the Town of Victoria Park and Western Australia Turf Club "Belmont Park Racecourse Redevelopment - Structure Plan", as "Laid on the Table";*
- (ii) *ADVISES the Town of Victoria Park that the Council HAS NO OBJECTION to the "Belmont Park Racecourse Redevelopment - Structure Plan", subject to the following matter being addressed:*
 - (a) *the Town of Victoria Park investigates options for inclusion of affordable housing within the Structure Plan area; and*
- (iii) *FORWARDS a copy of this report and its comments to the Town of Victoria Park.*

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Messina

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

- “(ii) (b) *the Town of Vincent is concerned that the proposed Belmont Park Racecourse Redevelopment will result in a significant increase in traffic through the eastern parts of the Town of Vincent from the Graham Farmer Freeway and consider that this has not been sufficiently addressed in the Structure Plan and appended Traffic Report. The Town of Victoria Park is therefore requested to address these issues as part of the Belmont Park Racecourse Redevelopment; and*”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Moved Cr Maier, Seconded Cr

That the second paragraph under the heading "Comments - Traffic" in the report be amended to read as follows:

"Of the predicted vehicle trips some 30 per cent of trips will be to and from the east of the site (via GFF) which may have ~~some~~ nil impact on the Town, while 10 per cent of trips will be to and from Victoria Park Drive which skirts the Burswood Golf Course and Casino which will have nil impact upon the Town."

AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.16

That the Council;

- (i) *RECEIVES this report and the Town of Victoria Park and Western Australia Turf Club "Belmont Park Racecourse Redevelopment - Structure Plan", as "Laid on the Table";*
- (ii) *ADVISES the Town of Victoria Park that the Council HAS NO OBJECTION to the "Belmont Park Racecourse Redevelopment - Structure Plan", subject to the following matter being addressed:*
 - (a) *the Town of Victoria Park investigates options for inclusion of affordable housing within the Structure Plan area;*
 - (b) *the Town of Vincent is concerned that the proposed Belmont Park Racecourse Redevelopment will result in a significant increase in traffic through the eastern parts of the Town of Vincent from the Graham Farmer Freeway and consider that this has not been sufficiently addressed in the Structure Plan and appended Traffic Report. The Town of Victoria Park is therefore requested to address these issues as part of the Belmont Park Racecourse Redevelopment; and*
- (iii) *FORWARDS a copy of this report and its comments to the Town of Victoria Park.*

PURPOSE OF REPORT:

The purpose of this report is for Council to consider and formalise its comments regarding the Belmont Park Racecourse Redevelopment - Structure Plan (Plan) released by the Town of Victoria Park and prepared by the Western Australia Turf Club (WATC) on 10 January 2006 for public comment. The closing date for all submissions is 20 February 2006. The Town has received an extension to this closing date, being after the publishing of the Minutes of the Ordinary Meeting of Council to be held on 28 February 2006.

BACKGROUND:

The Western Australian Turf Club has engaged a number of consultants to facilitate the preparation of a structure plan for the Belmont Park Racecourse. The site is bounded by the Swan River on its northern, eastern and western boundaries and the Graham Farmer Freeway on its southern boundary. The site is located within the Town of Victoria Park.

The Burswood Peninsula has recorded Aboriginal crossings, was one of the States first land grants and has in the past been a market garden and had other agricultural land uses. The site and surrounding Swan River has also been significantly affected by human intervention over time. This includes the dredging, straightening, deepening and widening of the river and canals being cut into the peninsula as well as it being used as a rubbish tip, a sewerage settlement area, a storage site for fly ash waste and a dumping ground for mud dredged from the Swan River.

In the early 1970's the current track, grandstand, stables and parking areas were constructed. Studies conducted by the WATC has indicated that a new racing venue is critical to the racing industry in WA and that if built as a major recreational, cultural and tourism development the venues attributes would be greatly enhanced.

The 73 hectare Burswood Peninsula site is particularly significant due to its proximity to the Perth CBD and access to major transport routes and the airport.

DETAILS:

The Belmont Park Racecourse Redevelopment - Structure Plan area will provide for 8,000 people. The site has been divided into five precincts each with its own objectives, permitted land uses, parking plan and design guidelines. The five precinct plans are attached to this report.

In summary half the 73.3 hectare site will be retained for horse racing, 11.5 hectares has been set aside for the river park with three kilometres of foreshore being available to the public, 23.7 hectares for residential and 3.1 hectares for the Village and Cultural Centres.

Key elements to the plan include:

- Ceding 11.5 hectares of foreshore to the public.
- Relocating the track to the western edge of the site.
- Concentrating Tourism and Cultural Centres as close as possible to the Belmont Park Railway Station and on a lee shore of the Swan River.
- Linking the Village Centre to the new racing grandstand building designed to be a multi-purpose entertainment and function complex.
- Constructing public beaches, promenades and boardwalks amongst rehabilitated riverine wetland vegetation in the river park and releasing it to public ownership.
- Integrating Nyungar Aboriginal heritage into the design and construction of the elements of the river park.
- Urban water management through the containment of all stormwater on site and recycling greywater for irrigation of the Racing Precinct and other landscaping.
- Constructing on about a third of the site over a period of 15 years.
- Facilitating the construction of an iconic cultural facility on site with the Village Centre.
- Providing of amenities for residents such as shopping, education, community facilities and parks.
- The Plan includes provisions for approximately 4,240 square metres of retail floorspace and 5,000 square metres of office floorspace.

- Arresting nutrient discharge (zero targets).
- Creating river sanctuary areas.
- Rehabilitating 11.5 hectare foreshore park.
- Water sensitive urban design.
- Constructing stormwater lakes for nutrient stripping.
- Recycling of greywater for irrigation.
- Water sensitive irrigation surfaces.
- Groundwater nutrient interception curtain.
- Removing fly ash to a secure landfill site.
- Water management programs.

The staging of the development is expected as follows:

September 2006 - September 2007	Construction of site works and excavation of uncontrolled fill and imported fill.
October 2007 - May 2009	Relocation of racetrack and construction of new racing facilities. Creation and sale of single residential lots in Precinct E. Precinct C, Village Centre and Marina development.
May 2009 - onwards	Creation and sale of single residential lots in Precincts D (River Beach) and E (River Gardens). Precinct D apartment towers created to suit market demand.

CONSULTATION/ADVERTISING:

Consultation undertaken by the Town of Victoria Park.

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 Plan has been examined and analysed by the Town's Officers from the perspective of the potential impacts and implications for the Town. The following is a summary of those potential impacts and implications.

Economic

There is a potential economic impact for the Town's District Centres, especially the Mount Lawley District Centre and commercial development along Beaufort Street towards Northbridge.

The concept for the Village Centre Precinct of the Belmont Park Racecourse Structure Plan involves 4,240 square metres of retail floorspace and 5,000 square metres of office floorspace. Due to the proximity of the land to the Town, there is a potential leakage of businesses and commercial activity from the Town to the Structure Plan area.

The Town's Officers consider this impact to be minimal as the Town's District Centres are well established, regionally significant and do not have an excess of vacant commercial floorspace.

Community Services

The Structure Plan outlines the potential for 324 primary school aged children to be living within the Belmont Park Racecourse Structure Plan area within 15 - 20 years. The site has an area to accommodate a primary school but the feasibility of providing a school requires at least 200 pupils.

If for some reason the number of primary school aged children is below 200, which is possible if the housing is not attractive for families with young children, the surrounding area may need to accommodate extra pupils in its primary schools. It is noted that the possibility of this is low and any excess demand for primary school places is likely to be fulfilled within the Town of Victoria Park.

Traffic

The traffic study predicts that, once completed in 2021, the Belmont Park residential / commercial development will generate upwards of 8,000 vehicle trips per day. This figure excludes race and special events. The report also assumes that the Graham Farmer Freeway (GFF) will remain the primary vehicle access to and from the site.

Of the predicted vehicle trips some 30 per cent of trips will be to and from the east of the site (via GFF) which may have some impact on the Town, while 10 per cent of trips will be to and from Victoria Park Drive which skirts the Burswood Golf Course and Casino which will have nil impact upon the Town.

The remaining 60 per cent or 4,800 predicted daily vehicles trips will access Belmont Park to and from the west via the GFF.

While the report does not discuss the likely impact upon the Town of Vincent, it should not be assumed that a significant portion of these journeys will originate, traverse or conclude within the Town as the GFF also provides direct links to the Perth Central Business District (CBD), Northbridge, and most importantly the Mitchell and Kwinana Freeways.

The existing GFF entry and exit points to the east side of the Town's road network are at East Parade (within the City of Perth area) and Lord Street. To the west, there is an on/off ramp from the GFF at Loftus Street (again located within the City of Perth area).

Given the existing traffic volumes on the existing higher order roads in the Town, it is considered the predicted 4,800 vehicle trips per day generated from the Belmont Park Racecourse Redevelopment will be dispersed over the greater road network and will have a minimal adverse impact on the level of service of the Town's existing road network.

The report also discusses the potential for a considerable reduction in (the 8,000) vehicles trips generated by the development if there is a significant uptake of public and alternate transport modes. Given the proximity to the CBD and existing rail infrastructure, including the under-utilised Belmont Park Railway Station, currently only used on race days, and access to regional recreational shared paths, the Town's Technical Services agrees with the potential reduction of vehicle trips. It is noted that the report states that by 2021 the Belmont Park station could be handling 2,350 passenger movements per day.

Visual Aesthetic

The River Beach Precinct includes 13 multi-storey towers ranging in height from 36 levels in the core of the Precinct to 18 levels towards the northern River Gardens Precinct. This will impact on the visual amenity of the Town's residents in the Banks Precinct in East Perth and Mount Lawley. The Town's Officers consider this to be a negligible impact, some residents may consider it to clutter the skyline or block views of the Darling Escarpment, others may consider it to be a welcome addition to an urban environment and help the facilitation of sustainable development outcomes as outlined in state documents like Network City.

Housing Affordability

A review of the relevant documentation has given no indication that there has been due consideration given to affordable housing. Housing affordability aids in the creation of diverse and vital communities and although no direct impact on the Town, the Town should be promoting sustainable and affordable housing principles in developments in it and developments that surround it.

Summary

In light of the above, it is recommended that the Council receives and has no objection to the Belmont Park Racecourse Redevelopment - Structure Plan, in line with the Officer Recommendation.

10.2.1 Further Report - Additional Works Including Streetscape/Traffic Safety Improvements for Bulwer Street between Fitzgerald Street and William Street Perth, associated with the planned Rehabilitation and Upgrade

Ward:	South	Date:	225 February 2006
Precinct:	Hyde Park P12	File Ref:	TES0174
Attachments:	001:		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed additional works including Streetscape/Traffic Safety Improvements for Bulwer Street between Fitzgerald and William Streets associated with the planned Rehabilitation and Upgrade;*
- (ii) *NOTES that Main Roads WA have endorsed the Town's proposal to carry out Streetscape/Traffic improvements in Bulwer Street between Fitzgerald and William Streets as shown on attached amended concept plan No 2382-CP-1A;*
- (iii) *ADOPTS IN PRINCIPLE the proposed Streetscape/Traffic Safety Improvements as outlined on attached amended concept plan No 2382-CP-1A estimated to cost \$293,000;*
- (iv) *NOTES that \$270,000 has been allocated in the 2005/2006 budget for the rehabilitation of Bulwer Street (between Fitzgerald and William Streets) and that Main Roads WA has given approval for part of these funds to be expended on the Bulwer Street Streetscape/Traffic Safety Improvements;*
- (v) *APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$23,000 from the Newcastle Street Streetscape Improvement budget (\$70,000 - Works currently on hold pending the outcome of the Leederville Masterplan) and that these funds be reallocated to Newcastle Street Streetscape Improvement project in 2006/2007 if required;*
- (vi) *CONSULTS with residents/businesses in Bulwer Street regarding the proposal in accordance with the Town's Consultation Policy; and*
- (vii) *If necessary, RECEIVES a further report at the conclusion of the consultation period.*

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

*"(iii) **ADOPTS IN PRINCIPLE the proposed Streetscape/Traffic Safety Improvements as outlined on attached amended concept plan No 2382-CP-1A estimated to cost \$293,000 subject to the plans being modified to reinstate the red asphalt in the parking bays;**"*

AMENDMENT CARRIED (7-0)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) **RECEIVES the further report on the proposed additional works including Streetscape/Traffic Safety Improvements for Bulwer Street between Fitzgerald and William Streets associated with the planned Rehabilitation and Upgrade;***
- (ii) **NOTES that Main Roads WA have endorsed the Town's proposal to carry out Streetscape/Traffic improvements in Bulwer Street between Fitzgerald and William Streets as shown on attached amended concept plan No 2382-CP-1A;***
- (iii) **ADOPTS IN PRINCIPLE the proposed Streetscape/Traffic Safety Improvements as outlined on attached amended concept plan No 2382-CP-1A estimated to cost \$293,000 subject to the plans being modified to reinstate the red asphalt in the parking bays;***
- (iv) **NOTES that \$270,000 has been allocated in the 2005/2006 budget for the rehabilitation of Bulwer Street (between Fitzgerald and William Streets) and that Main Roads WA has given approval for part of these funds to be expended on the Bulwer Street Streetscape/Traffic Safety Improvements;***
- (v) **APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$23,000 from the Newcastle Street Streetscape Improvement budget (\$70,000 - Works currently on hold pending the outcome of the Leederville Masterplan) and that these funds be reallocated to Newcastle Street Streetscape Improvement project in 2006/2007 if required;***
- (vi) **CONSULTS with residents/businesses in Bulwer Street regarding the proposal in accordance with the Town's Consultation Policy; and***
- (vii) **If necessary, RECEIVES a further report at the conclusion of the consultation period.***

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of discussions with Main Roads WA to carry out traffic improvements along Bulwer Street, between Palmerston and William Streets, in conjunction with the road rehabilitation project.

BACKGROUND:

As previously reported to Council, requests were received for improvements in the section of Bulwer Street between Fitzgerald and William Streets.

Following the receipt of these requests, the Council at its Ordinary Meeting held on 22 November 2005, considered a report on possible additional works for Bulwer Street between Fitzgerald and William Streets, Perth, where the following decision was made:

"That the Council;

- (i) RECEIVES the report on the possible additional works including Streetscape/Traffic Safety Improvements for Bulwer Street between Fitzgerald Street and William Street associated with the planned Rehabilitation and Upgrade;*
- (ii) APPROVES IN PRINCIPLE the proposed Streetscape/Traffic Safety Improvements as outlined on attached concept plan No 2382-CP-1;*
- (iii) REFERS concept plan No 2382-CP-1 to Main Roads WA seeking their comments and requesting their endorsement of the proposal;*
- (iv) NOTES that should the proposal be endorsed by Main Roads WA additional funds of between \$45,000 and \$50,000 would need to be reallocated from a source to be determined (as outlined in the report);*
- (v) DOES NOT proceed with the Bulwer Street Rehabilitation project, currently scheduled for April 2006 until further advice has been received from Main Roads WA;*
- (vi) NOTES that should favourable response be received from Main Roads WA and should the Council still wish to proceed with the proposal, further consultation with the community would be undertaken at that stage; and*
- (vii) RECEIVES a further report once a response has been received from Main Roads WA."*

DETAILS:

As previously reported to Council, funds totalling \$270,000 have been allocated in the 2005/2006 budget (*funded 2/3 by the state and 1/3 by the Town*) to carry out the following rehabilitation works in Bulwer Street:

- Removal of existing precast kerbing and replacement with new insitu kerbing
- Removal of the existing hotmixed asphalt layer and replacing with a new layer of hotmixed asphalt of approximately 30mm (mill and fill)
- Resurfacing with a hotmixed asphalt wearing course layer of 25 to 30mm

In accordance with clause (iii) of the Council's decision, on 30 November 2005 a letter was sent to MRWA seeking their comments and requesting their endorsement of the concept proposal (as shown on attached Plan No 2382-CP-1) designed to address most of the safety issues and also improve the streetscape along this section of Bulwer Street.

MRWA were advised as follows:

"There is an opportunity to implement the above proposed measures in this section of Bulwer Street as part of the Rehabilitation Works, to achieve a much better outcome for the street.

As the kerbing will be replaced 'anyway', nibs could be installed as part of the works. The resurfacing could incorporate the 'red asphalt' parking bays as indicated.

The only additional cost would be as follows:

- *Paving of the nibs*
- *Centre of road kerbing works/trees*
- *Minor drainage works*
- *Additional line marking*

The estimated cost for the additional works is \$45,000 to \$50,000.

Given the status of Bulwer Street as a District Distributor 'A' road, endorsement to reduce the road effectively to two (2) lanes is requested. Given that the road functions as a two (2) lane road at present and given that four (4) traffic lanes will still be maintained at the intersections of both William and Fitzgerald Streets, it is considered that the proposal should be favourably considered.

Main Roads WA Response

The Town's officers met with representatives from MRWA in February 2006. MRWA supported the Town's proposal to modify Bulwer Street (*as shown on amended plan No 2382-CP-1A*) and also provided their support for part of the funds for the rehabilitation project to be expended on the proposed Streetscape/Traffic Safety Improvements.

The only modifications requested to the original proposal (*plan No 2382-CP-1*) was a minor modification to the pedestrian refuge island detail at Palmerston Street and at Lake Street to allow storage for at least one right turning vehicle (*into either Palmerston and Lake Street*) and for the proposed central median to comprise 'red asphalt'.

Proposed Trees

This proposal includes the planting of trees along the centre of the road as follows:

- Excavating the road pavement
- Installation of tree guards
- Installation of flush kerbing
- Installation of two (2) timber bollards (*with reflectors*)
- Planting of an advanced tree specimen.

The proposed tree species to be planted is the Spotted Gum (*Eucalyptus maculata*), a tree native to the Eastern States but widely used throughout Australia as a street tree, particularly within median islands where its upright habit reduces the risk of conflict with passing vehicles. This species can also be sourced readily and usually in specimens of around 4 metres in height, therefore providing an instant visual effect.

With the native *Melaleuca* or Broad leafed paperbark planted along the verges of Bulwer Street, the Spotted Gum will provide a perfect contrast of height and form. Planted at approximately 35 metre centres will also create a more relaxed movement of vehicular traffic through this space.

The trees will be hand watered for the first 2-3 years as reticulation is not easily attainable along this section of Bulwer Street, nor is it cost effective for such a small number of trees.

CONSULTATION/ADVERTISING:

Residents along Bulwer Street will be consulted regarding the proposal in accordance with the Town's consultation policy.

LEGAL/POLICY

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The 2005/2006 Capital Works Budget includes funds of \$270,000 for the road rehabilitation of Bulwer Street.

It has been estimated that an additional \$23,000 will be required to implement the proposal. It is suggested this be sourced from the Newcastle Street streetscape budget (\$70,000 - *Works currently on hold pending the outcome of the Leederville Masterplan*) and these funds be reallocated to this project in 2006/2007 if required.

STRATEGIC IMPLICATIONS:

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

COMMENTS:

As previously mentioned, an opportunity exists to implement the above proposed measures in this section of Bulwer Street as part of the Rehabilitation Works.

MRWA have endorsed the proposal and have expanded the Rehabilitation funding guidelines (*in this instance*) to enable the Streetscape/Safety Improvements to be implemented/funded as part of the Rehabilitation works.

It is therefore considered that the proposal as recommended should be approved and that, if necessary, the Council considers a further report at the conclusion of the consultation period.

Mayor Catania advised that Cr Messina had declared a financial interest in this Item. The Council resolved to allow Cr Messina to remain in the Chamber and participate in the debate but not to vote on the matter.

10.2.2 Proposed Bus Stop Modification - Adjacent to the Mt Hawthorn Plaza Redevelopment, Scarborough Beach Road, Mt Hawthorn

Ward:	North	Date:	22 February 2006
Precinct:	Mt Hawthorn Centre; P2	File Ref:	PRO0266/TES0128
Attachments:	001;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the proposed modification of the bus stop adjacent to the Mount Hawthorn Plaza Shopping Centre, in Scarborough Beach Road, Mt Hawthorn;
- (ii) **APPROVES IN PRINCIPLE** the proposed modification of the bus stop as shown on attached plan SK_01 subject to the existing bus shelter being relocated and retained at this location to the satisfaction of the Town;
- (iii) **REQUESTS** the applicant to:
 - (a) submit the proposal to the Public Transport Authority and Main Roads WA for approval;
 - (b) advertise/display the proposal in the Mt Hawthorn Plaza redevelopment display area for 21 days, from a date to be agreed by the Town; and
 - (c) provide the Town with a report on the results of (a) and (b) above as soon as this information has been received;
- (iv) **ADVERTISES** the proposal to the Mount Hawthorn Precinct Group and adjoining businesses and residents for 21 days seeking comments on the proposal; and
- (v) **RECEIVES** a further report at the conclusion of the consultation period.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

The Presiding Member requested that Cr Messina depart the Chamber during the voting on this matter. Cr Messina departed the Chamber at 8.25pm.

Moved Cr Doran-Wu, Seconded Cr Chester

That the Item be DEFERRED for a more detailed assessment to be made of the traffic implications and a report be provided to Council at its second meeting in March 2006.

CARRIED (5-1)

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

(Cr Ker on leave of absence. Cr Farrell was an apology. Cr Messina was absent from the Chamber due to his proximity interest.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request by the developers of the 'Mezz' (*the Mt Hawthorn Plaza Shopping Centre*) to modify the existing bus stop on Scarborough Beach Road adjacent to the Shopping Centre, to enable the footpath to be widened to provide improved pedestrian amenity and create more useable space.

BACKGROUND:

The redevelopment of the Mt Hawthorn Plaza Shopping Centre, located in Scarborough Beach Road, Mt Hawthorn, commenced in December 2005 and is expected to be completed by December 2006.

While the development approval and building licence sets out the conditions for the major elements of the redevelopment, some of the lesser design elements are evolving during the course of the works.

One such element is the useable footpath area fronting the new ground floor tenancies along the Scarborough Beach Road facade, between Flinders and Fairfield Streets.

DETAILS:

Existing Bus Embayment

The east bound lane at this location consists of a through traffic lane and an extended embayed bus zone and two (2) ¼ P parking bays.

The existing footpath is approximately 3m wide expanding to about 5.2m wide at either end, adjacent the intersections. While the existing footpath width is adequate to cater for the current pedestrian traffic, the developer anticipates that pedestrian traffic will increase significantly once the shopping centre redevelopment is completed. Further, they envisage that some of the tenancies will be cafés and/or restaurants seeking to incorporate alfresco dining under the new awnings to be installed as part of the upgraded facade.

Proposed Bus Embayment Modifications

In order to accommodate both pedestrians and alfresco dining, Hawaiian Developments have submitted a proposal to remove the embayed bus zone and shelter. The intention, as shown on the attached diagram (SK_01), is to widen the footpath to approximately 5.0m, and install a kerbside bus stop, with a decorative bench seat and tactile paving. The two (2) ¼ P parking spaces at the Fairfield Street end would be retained to service the existing tenancies.

The concept of a kerbside bus stop is that if a bus is stopped within the traffic lane, for people using the bus, the traffic following has to wait until the bus moves off. The benefit to the public transport system is that there would be no delay in the bus re-entering the traffic stream. While not yet commonplace in Perth, the system operates successfully in South Terrace, Fremantle, and has recently has been introduced in Newcastle Street as part of East Perth Redevelopment Authority's upgrade project.

Traffic Study

In support of the application, Hawaiian engaged Riley Consulting Traffic and Transportation Consultants to assess the impact of the proposed changes. The primary concern is one of potential traffic queuing if a Transperth bus, typically the No. 400 regional service or No. 15 local service, is stopped in the traffic lane for people using the bus during the morning peak period. Given the proximity of the bus stop to the signalised intersection at Flinders Street, traffic could potentially queue back through the intersection.

The report found (in part) that:

“the impact of removing the embayment will be that buses are required to stop in the traffic lane and will obstruct the through movement. It can be seen from the bus survey that typically 6 vehicles pass the bus whilst it’s stopped at the stop. (sic) It can therefore be concluded that if the bus blocks the traffic lane, then typically 6 vehicles will be caught behind the bus and a queue of (6 x 6.5m) 39 meters is likely to occur.

The bus stop is currently located 50 to 60m meters clear of the Flinders Street traffic signal intersection and a queue of 9 vehicles could be accommodated before the queue would be likely to interfere with the operation of the intersection.”

The conclusions of the report were:

- It can be seen that buses can be subject to an additional delay of 9 seconds per bus when using the existing embayment. Removal of the bus embayment will result in no additional delays to buses when departing the stop adjacent to the Mezz.
- Based on the average stopping times of buses, a possible queue of 6 vehicles may occur if no opportunity exists to overtake the bus whilst stopped. The typical queue that may occur can be accommodated without interfering with the traffic signals at the intersection of Scarborough Beach Road and Flinders Street.
- The average increase to vehicle journey times through Mount Hawthorn is **one** second. The increase is considered to be insignificant.
- Removal of the bus embayment introduces an opportunity to provide pedestrian and community amenity to the footpath in the form of alfresco facilities that will enhance the main street of Mount Hawthorn.

CONSULTATION/ADVERTISING:

The applicant will be required to advertise the proposal in the Mt Hawthorn Plaza shopping centre redevelopment display area for 21 days. Public comments will be referred to the Town.

The Mount Hawthorn Precinct Group and residents and businesses along Scarborough Beach road in the vicinity of the proposal will also be consulted. Main Roads WA will also be requested to comment.

LEGAL/POLICY:

While it is within the Town's authority to approve the proposed changes, Main Roads WA comments would be sought prior to proceeding.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 1.4 *“Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town”*.

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

FINANCIAL/BUDGET IMPLICATIONS:

There are nil financial implications to the Town as the proposed works/changes would be fully funded by the developer, Hawaiian Developments.

COMMENTS:

Over recent times there has been a subtle change in transport planning in respect of the interaction between bus services and general traffic. In the past the priority, where possible, has been to install embayed bus bays to isolate the bus from the through traffic lane to reduce delays. However, the down side is that in heavy or congested traffic the bus can be delayed when re-entering the traffic stream.

The current direction, where appropriate, such as commercial / retail precincts, a kerbside bus stop acts as a traffic calming measure, has minimal impact upon the general traffic flow and improves the level of service of the bus system.

If approved and successful, this concept could be extended to the other bus stops within the Mt Hawthorn Centre Precinct.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in the Item.

In the absence of the Deputy Mayor, Mayor Catania called for nominations for the Chair.

Moved Cr Maier, Seconded Cr Doran-Wu

That Cr Chester be nominated to assume the Chair.

Cr Chester declined.

Moved Cr Chester, Seconded Cr Lake

That Cr Torre be nominated to assume the Chair.

Cr Torre declined.

Moved Cr Torre, Seconded Cr Lake

That Cr Doran-Wu be nominated to assume the Chair.

Cr Doran-Wu accepted.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Mayor Catania and Cr Messina departed the Chamber at 8.27pm and Cr Doran-Wu assumed the Chair.

10.3.2 Investment Report as at 31 January 2006

Ward:	Both	Date:	6 February 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 January 2006 as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (5-0)

(Cr Ker on leave of absence. Cr Farrell was an apology. 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 January 2006 were \$14,753,127 compared with \$14,752,618 at 31 December 2005. At 31 January 2005, \$ \$10,300,617 was invested.

Total accrued interest earned on Investments as at 31 January 2006:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	223,198	72.00
Reserve	324,200	238,467	73.56

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.

It was agreed that as Mayor Catania and Cr Messina had also declared a financial interest in Item 10.4.2 that the Item would be brought forward as they were already absent from the Chamber.

10.4.2 Policies – Amendment to Investment Policy

Ward:	-	Date:	22 February 2006
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to amend and re-adopt the Investment Policy No 1.2.4:*
- (ii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the proposed amended policy for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any public submissions received; and*
 - (c) *include the amended/draft policies in the Council's Policy Manual if no public submissions are received.*

Moved Cr Maier, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Chester

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

"(i) APPROVES BY AN ABSOLUTE MAJORITY to amend and re-adopt the Investment Policy No 1.2.4 subject to be the following amendments:

- (a) *Clause 3 of the Policy Statement - Amend heading to read as follows:*

"Authorised Investment shall include but not necessarily be limited to:"

AMENDMENT CARRIED (4-1)

For
Cr Chester
Cr Doran-Wu
Cr Lake
Cr Maier

Against
Cr Torre

(Cr Ker on leave of absence. Cr Farrell was an apology. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

Moved Cr Maier, Seconded Cr Chester

That a new clause (i)(b) be added as follows:

"(i) (b) *Clause 1 of the Guidelines and Policy Procedure - Credit Ratings Table being amended to read as follows:*

<u>Long Term Rating</u> (Standard & Pooors) or Equivalent	<u>Short Term Rating</u> (Standard & Pooors) or Equivalent	<u>Direct Investments</u> Maximum % With any one institution	<u>Managed Funds</u> Maximum % With any one institution	<u>Maximum % of Total Portfolio</u>
<u>AAA Category and below</u>	<u>A1+</u>	<u>30%</u>	<u>45%</u>	<u>100%</u>
<u>AA Category and below</u>	<u>A1+</u>	<u>30%</u>	<u>45%</u>	<u>90%</u>
<u>A Category and below</u>	<u>A1</u>	<u>20%</u>	<u>30%</u>	<u>80%</u>
<u>BBB Category</u>	<u>A2</u>	<u>10%</u>	<u>n/a</u>	<u>20%</u>
<u>Unrated ADI</u>	<u>Unrated</u>	<u>5%</u>	<u>n/a</u>	<u>10%''</u>

Debate ensued.

AMENDMENT CARRIED (5-0)

(Cr Ker on leave of absence. Cr Farrell was an apology. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

Moved Cr Maier, Seconded Cr Chester

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

"(i) (c) *Clause 1 of the Guidelines and Policy Procedure - Credit Ratings Table being amended to read as follows:*

<u>Long Term Rating</u> (Standard & Pooors) or Equivalent	<u>Short Term Rating</u> (Standard & Pooors) or Equivalent	<u>Direct Investments</u> Maximum % With any one institution	<u>Managed Funds</u> Maximum % With any one institution	<u>Maximum % of Total Portfolio</u>
<u>AAA Category</u>	<u>A1+</u>	<u>30%</u>	<u>45%</u>	<u>100%</u>
<u>AA Category</u>	<u>A1+</u>	<u>30%</u>	<u>45%</u>	<u>90%</u>
<u>A Category</u>	<u>A1</u>	<u>20%</u>	<u>30%</u>	<u>80%</u>
<u>BBB Category</u>	<u>A2</u>	<u>10%</u>	<u>n/a</u>	<u>20%</u>
<u>Unrated ADI</u>	<u>Unrated</u>	<u>5%</u>	<u>n/a</u>	<u>10%''</u>

Debate ensued.

Cr Maier withdrew his amendment with the consent of the seconder.

Journalists Giovanni Torre and Dan Hatch left the meeting at 8.32pm.

COUNCIL DECISION ITEM 10.4.2

That the Council;

(i) **APPROVES BY AN ABSOLUTE MAJORITY to amend and re-adopt the Investment Policy No 1.2.4 subject to be the following amendments:**

(a) **Clause 3 of the Policy Statement - Amend heading to read as follows:**

"Authorised Investment shall include but not necessarily be limited to:"
and

(b) **Clause 1 of the Guidelines and Policy Procedure - Credit Ratings Table being amended to read as follows:**

<u>"Long Term Rating</u> <u>(Standard & Poors) or Equivalent</u>	<u>Short Term Rating</u> <u>(Standard & Poors) or Equivalent</u>	<u>Direct Investments</u> <u>Maximum % With any one institution</u>	<u>Managed Funds</u> <u>Maximum % With any one institution</u>	<u>Maximum % of Total Portfolio</u>
<u>AAA Category and below</u>	<u>AI+</u>	<u>30%</u>	<u>45%</u>	<u>100%</u>
<u>AA Category and below</u>	<u>AI+</u>	<u>30%</u>	<u>45%</u>	<u>90%</u>
<u>A Category and below</u>	<u>AI</u>	<u>20%</u>	<u>30%</u>	<u>80%</u>
<u>BBB Category</u>	<u>A2</u>	<u>10%</u>	<u>n/a</u>	<u>20%</u>
<u>Unrated ADI</u>	<u>Unrated</u>	<u>5%</u>	<u>n/a</u>	<u>10%"</u>

(ii) **AUTHORISES the Chief Executive Officer to:**

(a) **advertise the proposed amended policy for a period of twenty-one (21) days, seeking public comment;**

(b) **report back to Council with any public submissions received; and**

(c) **include the amended/draft policies in the Council's Policy Manual if no public submissions are received.**

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to re-adopt the Investment Policy, which is due for review.

BACKGROUND:

At the Special Council Meeting held on 21 February 2006 the review of the Investment Policy was deferred as there would not be a quorum (as the Mayor and Cr Messina declared a financial interest in the matter). The Town's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to Elected Members for decision making.

A major review of the Town's Policy Manual has been completed during 2003/2004 however, there are policies that were not due for review until 2005/2006.

DETAILS:

The following details are provided:

1.2.4 – Investment Policy – Amended Policy

This Policy was considered at the Ordinary Meeting of Council held on 17 January 2006 and deferred to allow for minor changes to be incorporated.

The current Investment Policy was originally adopted on 24 February 1997 and subsequently amended on 27 March 2001. The policy and guidelines are being amended to provide a more comprehensive policy and guidelines and permit the Town to invest in some of the current investment vehicles used in the Local Government industry.

The objectives of the policy are currently general in scope and have been amended to be more specific.

The guidelines associated with the policy are proposed to be expanded to provide more details of credit ratings and the specific percentage allocation in the investment portfolio for individual investments and the total percentage of credit rating, together with increased reporting requirements.

The following amendments to the policy have been proposed.

The current policy has been amended to include the following:

1. An expansion of the investment objectives.
2. Inclusion of a risk profile for the Town's investments.
3. An expansion in the authorised investments that can be utilised by the Town:
 - The guidelines have been amended to include an expanded investment guideline matrix for Investment Credit Ratings to include increased credit rating categories and definitions for each rating level.
 - The Benchmark has been changed to UBSW Bank Bill Index which reflects the name of the company that now sponsors the Bank Bill Index.
 - The reporting requirements have been amended to ensure documentary evidence is maintained for investments, together with an annual report on the performance of the investment portfolio.

The Investment Policy has been amended to provide a more expansive policy to extend the authorised investments available for use, while at the same time responding to the investment objectives and including a risk profile.

The guidelines have been amended to provide an expanded credit matrix, with increased reporting provisions.

This amended policy will provide the Town with the opportunity to obtain increased returns on their investment, whilst ensuring the security of their funds.

CONSULTATION/ADVERTISING:

The policy will be advertised for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010 - Key Result Area 4 - Governance and Management

- 4.5 *Promote Financial Management and Information Technology*
(e) Adopt "Best Practice" to manage the financial resources and assets of the Town.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

It is recommended that the Council approve the amended policy as detailed in this report.

Mayor Catania and Cr Messina returned to the Chamber at 8.37pm. Mayor Catania resumed the Chair.

10.3.4 Lease Negotiations North Perth Tennis Club

Ward:	North Ward	Date:	9 February 2006
Precinct:	North Perth Precinct	File Ref:	RES0006
Attachments:			
Reporting Officer(s):	Paul Betts		
Checked/Endorsed by:	Mike Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES of a five (5) year lease with the North Perth Tennis Club who lease the North Perth tennis facilities, Farmer Street, which are a portion of Swan Location 653 and 2545, Lots 10, 11 and 12, part of A class reserve 12965, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 8.40pm.

CARRIED (6-0)

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

PURPOSE OF REPORT:

To report to Council on the negotiations between the Town and the North Perth Tennis Club for the lease of the North Perth Tennis facilities in Farmer Street, North Perth.

BACKGROUND:

The North Perth Tennis Clubs current lease commenced on the 1 April 2001 and will expire on 31 March 2006. The North Perth Tennis Club has expressed a keen desire to continue leasing the premises.

DETAILS:

Council recommends negotiations commence with the North Perth Tennis Club. A five (5) year lease period will be offered commencing on 1 April 2006.

The North -Perth Tennis Club has occupied the premises for nearly a century and at present have ninety four (94) members. The club has recently submitted a CSRFF grant application to the Department of Sport and Recreation for the purpose of securing funds for the installation of two (2) new hard courts and with the expectation of reducing maintenance costs and attracting more memberships.

Financial statements for the past three years were submitted by the club as part of the lease review process. The Town considers the club to be one of the smaller tennis clubs and figures submitted by the club show the membership to be consistent.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town's Policy No. "1.2.8 Terms of Lease", which specifies a five year term, to a maximum of ten years.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 - 2010

Key Result 2.1 (a) 'Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town.'

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

FINANCIAL/BUDGET IMPLICATIONS:

The North Perth Tennis Club currently pays \$600 per year in lease fees.

COMMENTS:

It is recommended that negotiations commence with the North Perth Tennis Club with the view of offering a five (5) year lease. The Town recognises the historical attachment that the North Perth Tennis Club has with the tennis facilities at Farmer Street.

10.3.7 Review of the 2005/2006 Annual Budget

Ward:	Both	Date:	16 February 2006
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Reporting Officer(s):	Bee Choo Tan / M Rootsey		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES BY ABSOLUTE MAJORITY the adjustments of the 2005/06 Annual Budget as follows;**

<i>Item</i>	<i>Budget Adjustment</i>	<i>Funding Source</i>	<i>Amount Required</i>	<i>Net Impact</i>
<i>Beatty Park Split level Air conditioner for the gym</i>	<i>\$2,500</i>	<i>• Beatty Park Reserve Fund</i>	<i>\$2,500</i>	<i>0</i>
<i>Beatty Park upgrade to PA system</i>	<i>\$8,425</i>	<i>• Beatty Park Reserve Fund</i>	<i>\$8,425</i>	<i>0</i>
<i>Beatty Park Café replacement deep fryer</i>	<i>\$5,390</i>	<i>• Beatty Park Reserve Fund and savings from the refrigerated display cabinet item</i>	<i>\$5,390</i>	<i>0</i>
<i>Sound System Council Chambers</i>	<i>\$1,200</i>	<i>• Reallocation of funds from savings on purchase of laptops item</i>	<i>\$1,200</i>	<i>0</i>
<i>Drinking Fountain North Perth Primary School</i>	<i>\$3,579</i>	<i>• Reallocation of funds from Stirling & Parry St. Account</i>	<i>\$3,579</i>	<i>0</i>
<i>Tolcan Place Reserve</i>	<i>\$45,750</i>	<i>• Developers Contribution held in trust</i>	<i>\$45,750</i>	<i>0</i>
<i>Brisbane St Upgrade</i>	<i>\$25,201</i>	<i>• Increased revenue from Brisbane Street car park</i>	<i>\$25,201</i>	<i>0</i>
<i>Slab Footpath Programme</i>	<i>\$27,500</i>	<i>• Increased revenue from parking fines</i>	<i>\$27,500</i>	<i>0</i>
<i>Hyde Park Replacement Bore</i>	<i>\$18,700</i>	<i>• Emergency Maintenance Account</i>	<i>\$18,700</i>	<i>0</i>
<i>Queens Baton Relay</i>	<i>\$10,000</i>	<i>• Reallocation of funds from the Criterium Event Sponsorship Account to the Parades and Festivals Account</i>	<i>\$10,000</i>	<i>0</i>
<i>Sustainability Management System</i>	<i>\$1,650</i>	<i>• Increased revenue from parking fines</i>	<i>\$1,650</i>	<i>0</i>
<i>Municipal Heritage Review</i>	<i>\$53,900</i>	<i>• Increased Parking revenue</i>	<i>\$53,900</i>	<i>0</i>
<i>Vision of Vincent 2024</i>	<i>\$46,000</i>	<i>• Reallocation of funds from: Drainage Study - \$20,000 Election Expenses - \$20,000 Oxford Centre Study - \$6,000</i>	<i>\$46,000</i>	<i>0</i>
<i>Leederville Masterplan</i>	<i>\$125,000</i>	<i>• Reallocation of funds from Avenue Car Park resurfacing account</i>	<i>\$125,000</i>	<i>0</i>
<i>Interstate Planning Conference</i>	<i>\$3,360</i>	<i>• Increased revenue from parking fines</i>	<i>\$3,360</i>	<i>0</i>
<i>Health Services Salaries</i>	<i>\$48,300</i>	<i>• Funded from increased Health Service fees & additional parking revenue</i>	<i>\$48,300</i>	<i>0</i>
<i>Library Minor Assets</i>	<i>\$1,300</i>	<i>• Reallocation of funds from Stock Purchases Account Lost Books Revenue Account</i>	<i>\$1,300</i>	<i>0</i>
<i>Modified Penalties</i>	<i>-\$400,000</i>	<i>• Increased Revenue from Parking Fines</i>		<i>-\$400,000</i>

<i>Item</i>	<i>Budget Adjustment</i>	<i>Funding Source</i>	<i>Amount Required</i>	<i>Net Impact</i>
<i>Parking Ticket Machines</i>	<i>-\$135,000</i>	<ul style="list-style-type: none"><i>Increased revenue from parking ticket machines</i> <i>Frame Court - \$20,000</i> <i>Avenue Car Park - \$10,000</i> <i>Brisbane St Car Park - \$35,000</i> <i>Kerbside Parking - \$70,000</i>		<i>-\$135,000</i>
<i>Health Services Fees</i>	<i>-\$14,500</i>	<ul style="list-style-type: none"><i>Increased revenue from fees and licences applied</i>		<i>-\$14,500</i>

and

- (ii) **REQUESTS** a report from the Chief Executive Officer on the feasibility and impacts of placing all or part (but not less than \$100,000) of the remaining surplus funds to the Hyde Park Reserve funds.

COUNCIL DECISION ITEM 10.3.7

Moved Cr Messina, **Seconded** Cr Chester

That the recommendation be adopted.

Moved Cr Maier, **Seconded** Cr Lake

That the allocation of \$125,000 for the Leederville Masterplan be removed from clause (i).

Debate ensued.

Cr Torre returned to the Chamber at 8.42pm.

AMENDMENT LOST (2-5)

For

Cr Lake
Cr Maier

Against

Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Messina
Cr Torre

(Cr Ker on leave of absence. Cr Farrell was an apology.)

MOTION CARRIED BY AN ABSOLUTE MAJORITY (5-2)

For

Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Messina
Cr Torre

Against

Cr Lake
Cr Maier

(Cr Ker on leave of absence. Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to review the progress of the annual budget and to recommend adjustments to account for any major variances, funding reallocations, additional requirements or reflect Council decisions

BACKGROUND:

At the Special Meeting of Council on the 21 February 2006, this item failed to obtain an absolute majority approval. The vote was lost as follows;

<u>In Favour</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	Cr Maier
Cr Ker	
Cr Messina	(4-2)

(Cr's Doran-Wu, Farrell and Torre were apologies for the meeting)

The report is re-submitted for the Council's consideration, the Local Government Act (Amended 2005) now requires a Local Government to undertake a review of its budget at least once a year, in the period between January and March of a financial year.

The budget review must then be submitted to the Department of Local Government and Regional Development within the thirty (30) days of the end of the period.

No prescribed format has been requested by the Local Government Department as to the format of the budget review, however Information Notes have been issued for guidance.

The Town, as part of its management procedures, since its inception has undertaken reviews of its Annual Budget on a regular basis. To date, this has been on a quarterly basis as required. This is to make adjustments for any major variations, reallocations and additional requirements to the adopted Budget.

DETAILS:

A review has been undertaken as at 31st December 2005 to make adjustments for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of the Council.

CAPITAL BUDGET - Land and Buildings:

Beatty Park Administration - Split System Air conditioner for gym - \$2,500

A new air conditioner was required in the health and fitness club as the existing one broke down and was not able to be repaired. To enable the gym to operate, a new air conditioner was purchased.

Beatty Park Administration – Public Address (PA) System - \$8,425

A number of major faults arose with the current system during November and December. As part of the Asset Management Plan for the Centre it had been planned to extend the current life of the system and replace it when the future redevelopment occurred. It had not been expected that it would be required to replace core units of the PA system this financial year. Remedial work has been carried out to the system, but it is not expected to last. This project is considered urgent.

Beatty Park Café - Replacement Deep Fryer - \$5,390

The Café has two fryers that are in constant use. The older of the units has a number of major faults that require repairs in excess of \$2,000. The service company has recommended against repair, due to the age of the fryer. The fryers are serviced regularly and it was not anticipated that either of them would require replacement during this financial year.

The funds for this additional expenditure will be found from savings from the monies budgeted for the refrigerated display cabinet, this had a budget of \$8,330, the cabinet has been refurbished at a cost of \$4,900 leaving a balance of \$3,430 to go towards the replacement of the fryer with \$1,960 being funded from the Beatty Park Reserve Account.

Funding Implication:

No implication on financial position as the expenditure is funded from the Beatty Park Reserve Fund.

CAPITAL BUDGET – Furniture and Equipment

Sound System – \$1,200

An additional microphone was needed to be installed in the Council Chamber, to allow power point presenters to be able to be heard (via the sound system).

To be funded from savings on the purchase of three laptop items which were \$1,500 under budget.

Funding Implication:

No impact on the financial position as this is to be funded from reallocation of funds from identified savings.

CAPITAL BUDGET - Infrastructure Assets

Drinking Fountain - North Perth Primary School:- \$3,579

At the OMC of 17 January 2006 Item 10.2.4 it was resolved that an amount of \$3,579 be listed for consideration in the February 2006 budget review for the installation of a drinking fountain.

This item will be funded from the savings from the deferral of the works for the half seagull island at Stirling and Parry Streets \$5,000. Parry Street is a boundary road with the City of Perth and it has been agreed that the traffic device is no longer required.

Funding implication:

No funding implications as the project will be funded by re allocation of monies from the Capital account for the Stirling and Parry St - half Seagull Island.

Tolcon Place Reserve- \$45,750

This expenditure is as a result of a condition on the Monmouth/Burt Street redevelopment that public open space has to be developed to fulfil the conditions of the sub division this is being undertaken and being paid for from the developers contribution to the installation of public open space.

Funding Implication:

There is no funding implication as this expenditure is being funded out of the developer's contribution held in trust for the sub division for this purpose.

Brisbane St – Streetscape Upgrade - \$25,201

This project was started in May last year and was advised that it would be completed by the end of the financial year, however this did not materialise and some work was completed after the end of the financial year. No funds were advised to be carried over.

This expenditure is to be funded from the increased parking revenue from the Brisbane Street Car Park.

Funding Implication:

No funding implications as the funds have been internally reallocated.

Slab Footpath Programme - \$27,500

Four footpath projects, while completed last financial year, invoices were processed this year and funds were not carried forward. These included the following:

Hunter St – Clievedon to Waugh St - \$13,866

Lord St – Lincoln to Broome St. – \$5,924

Pennant St – Scarborough Beach Road to Kadina St. \$9,677

This expenditure will be funded from increased revenue from parking fines.

Funding Implication:

No funding implications as the funds have been internally reallocated.

OPERATING BUDGET

Operating Expenditure:

Hyde Park Replacement Bore - \$18,700

At the OMC of 13 September the Council adopted the following resolution which in part stated "*iii) Considers listing an amount of \$18,700 in the next budget review to be reallocated to the Hyde Park Maintenance budget.*"

Funding Implication:

This expenditure can be funded from the Emergency Building Maintenance Account which has a \$60,000 allocated budget, with only a minimal expense to date.

Queen's Baton Relay - \$10,000

At the OMC of 25 October Item 10.3.1, Council adopted a resolution to reallocate an amount of \$10,000 from the Criterium Event Sponsorship account to the Parades and Festivals account for the Queen's Baton Relay. The Town was advised of this event, after the adoption of the budget, therefore funds were not previously included.

Funding Implication:

No funding implications as the funds have been internally reallocated.

Sustainability Management System - \$1,650

It is advised that insufficient funding was carried over from last year to finalise the project. An invoice for the above amount has been received.

This amount is to be funded from increased revenue from parking fines.

Funding Implication:

No impacts as these costs are to be funded from reallocation of existing funds.

Municipal Heritage Review - \$53,900

At the OMC of 25 October 2005 Item 10.1.15 it was resolved that the Chief Executive Officer is to identify funds in the 2005/2006 Budget to undertake the new items at an amount of \$39,100 identified in Appendix 10.1.15 (of that report).

Further at the OMC of 20 December 2005 (Item 10.1.36) it was resolved that funds were to identify a further \$14,800 to undertake new items required to complete the implementation of the Municipal Heritage Review.

The new items in the Municipal Heritage Review are to be funded from the development application and building licence revenue that has been received over the budget expectations.

Funding Implication:

Increase in budgeted expenditure to be funded from a combination of development and building licence revenue and increased parking revenue.

Vincent Vision 2024 - \$46,000

At the OMC of 25 October 2005 Item 10.1.9 it was resolved by Absolute Majority that the amount of \$46,000 be reallocated to the Vincent Vision 2024 project and that this be funded by the following:

Drainage Study - \$20,000
Electoral Expenses - \$20,000
Oxford Centre Study - \$6,000

Funding implication:

No impact as funds reallocated from other internal accounts as stated above.

Leederville Master Plan - \$125,000

The budgeted item at the Avenue Car Park for the resurfacing Stage 1 of 2 will not now be undertaken due to the proposed implications for the Car Park in the plan. It has been determined that the funds of \$90,000 will be utilised for the Leederville Masterplan. In addition, funds of \$35,000 from the Avenue Car park redevelopment investigations items are to be reallocated to the Leederville Masterplan as the investigations will be included as part of the Masterplan.

A report was presented to the Ordinary Meeting of Council held on 13 September 2005 on the Progress of the Leederville Masterplan. At the meeting the Council approved the following indicative timetable (and noted that the timeline was dependant upon the Delivery Model chosen and could be subject to significant revision).

PART 1

Stage 1 - Concept Design

Stage 2 - Due Diligence of Concept Designs

PART 2

Stage 3 - Appointment of Principal Consultants

Stage 4 - Preparation of Design Plans and Subdivision

Stage 5 - Disposal of Land

Stage 6 - Development/Implementation

INDICATIVE DATES

June - October 2005

October - December 2005

January - March 2006

March 2006 - April 2007

May 2007 - October 2007

October 2007 onwards

On 21 September 2005, a tender was advertised calling for the provision of Consultancy Services for the Leederville Masterplan for the provision of the following services:

- Urban Design and / or Architectural Services
- Project Management
- Property / Commercial and/or Economic Consultant
- Quantity Surveyor
- Engineering Consultant

At its Ordinary Meeting held on 25 October 2005 the Council approved the engagement of various consultants to provide services for PART 1 *Stage 1* – develop/finalise Concept Design/s and *Stage 2* - prepare Due Diligence Report and Business Case for the Concept Design/s

The Council also approved the establishment of a panel of consultants comprising various tenderers for the possible progression of PART 2 of the Leederville Masterplan.

In addition, at its Ordinary Meeting held on 13 September 2005 the Council approved the listing, for consideration, an amount of \$450,000 in the 2006/2007 Budget for reimbursement to the Water Corporation for carrying out the main drain diversion in The Avenue Carpark;

Funds totalling \$125,000 (*\$90,000 for the resurfacing of The Avenue Carpark and \$35,000 previously allocated for the upgrade of the Water Corporation Reserve between The Avenue Carpark and Oxford Street*) are currently allocated in the 2005/2006 budget. These funds carried forward from 2004/2005.

These works have been placed on hold pending the development of the Leederville Masterplan and it is considered prudent that these funds be retained and reallocated to the 'Leederville Masterplan' for either a contribution to future infrastructure upgrade costs eg the Main Drain diversion and /or consultancy costs for the progression to PART 2 of the Leederville Master Plan development (refer above table).

Council is requested to allocate these funds to specific tasks/projects within the context of the Master Plan, as these matters progress.

Funding Implication:

No funding implication. The funds are to be reallocated from the Avenue Car Park resurfacing account and Avenue Car park redevelopment investigations item.

New Zealand Planning Institute and Planning Institute Australia Congress 2006 - \$3,360

At the OMC of 17 January 2006 Item 10.1.22 it was resolved to allow the Manager Planning, Building and Heritage Services and Planning Officer (Strategic) to attend this Congress on the Gold Coast, Queensland, where the award winning Vincent Vision 2024 project is a finalist in the National Awards for Planning Excellence.

There is available funding of \$2,000 in the Town Planning conference account however it requires additional funding of \$3,360.

Funding Implication:

No funding implication as the expenditure will be funded from increased revenue from parking fines.

Health Service Salaries - \$48,300

An additional temporary Environmental Health Officer has been required to be employed to cover for the Manager Health Service's Long Service Leave and two lengthy periods of unexpected sick leave absences by the two other Environmental Health Officers, whilst some of this expenditure was anticipated other expenditure including overtime required for call outs had not been covered.

The increase has been offset to some extent by an increase in revenue received from health licences and there is some potential savings been identified in the Operating Revenue section of this report.

Funding Implication:

The increase in the budgeted expenditure has been reduced by an increase in revenue in Health Services.

Library Minor Assets - Barcode Readers - \$1,300

The library need to urgently replace six bar code readers which are currently not operating to the required standard or have broken and not replaced. There is no provision in the budget to be able to replace the readers. The budget in the above account needs to be increased by \$1,300 to accommodate this expenditure.

This can be funded by the reallocation of funds from the Library Stock purchase account and the Lost and Damaged Books revenue account.

OPERATING REVENUE:

Modified Penalties - \$400,000

The current revenue as at the end of December 2005 is significantly over the budgeted estimates.

The increase in revenue is as a result of a significant increase in the penalty fees for the 2005/06 year and the increased vigilance in the enforcement of the penalties by the ranger service.

It is conservatively estimated that on current projections an additional \$400,000 will be received in modified penalties by the end of this financial year.

Funding Implication:

Increased budget revenue.

Parking Ticket Machine Revenue - \$135,000

The current revenue from parking ticket machines is over the budget projections for the year. This is due to the increase in the parking fees implemented this financial year and the increased use of the Car Parks in the Town, which reflects the popularity of the entertainment hubs in the a Town.

The following projections are made for the increase over budget estimates for the following major car parks.

Frame Court - \$20,000
Avenue Car Park - \$10,000
Brisbane St Car Park - \$35,000
Kerbside Parking - \$70,000

Funding Implication:

Increased budgeted revenue.

Health Services Revenue - \$14,500

The revenue in Health Services is over the budget estimations due to increased licence fees being received from Eating Houses and Alfresco Dining permits.

Funding Implication:

Increased budget revenue.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Local Government Act 1995 (Amended 2005) requires that a budget review be undertaken each financial year, between January and March.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area 4 – Governance and Management

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

FINANCIAL/BUDGET IMPLICATIONS:

At the end of the second quarter of the financial year, with the inclusion of the reported adjustments there is an estimated surplus on the 2005/06 Budget of \$442,300.

COMMENTS:

The Town reviews the budget at the end of each quarter, if required. It would therefore be anticipated that the next review will be conducted at the end of March 2006. A report would then be presented to Council in April 2006.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion - Councillor Helen Doran-Wu - Mainstreet-Scape and Heritage Business Premises Assistance Funds Policy

That the Council;

- (i) *AUTHORISES the Chief Executive Officer to investigate and report on the following;*
 - (a) *the development of a Mainstreet-scape and Heritage Business Premises Assistance Funds Policy; and*
 - (b) *the allocation of \$100,000 to fund the application of the proposed Assistance Funds Policy;*
- (ii) *REQUESTS the report examine, but not be limited to, the following;*
 - (a) *similar programs in other Councils and the capacity to promote, conserve, restore, revitalise and improve Mainstreet-scapes and Heritage Business Premises;*
 - (b) *the funds allocation being based on a percentage of the development cost of the proposed development;*
 - (c) *identifying and recognising synergies between the existing relevant policies and initiatives of the Council, including the Economic Development Strategy, Heritage Assistance Fund and the Leederville Masterplan and the Assistance Funds;*
 - (d) *identifying the number of properties potentially benefiting from the Assistance Funds;*
 - (e) *the development of a promotional package for the Assistance Funds, targeting property and business owners and potential developers; and*
 - (f) *identifying a target date for completion of a policy; and*
- (iii) *REQUESTS the report be presented to Council by the second Ordinary Meeting of Council to be held in April 2006.*

Moved Cr Doran-Wu, Seconded Cr Messina

That the motion be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Chester

That a new clause (ii)(c) be added as follows and the remaining subclauses renumbered:

“(ii) (c) identifying a cap on funds available per application;”

Debate ensued.

AMENDMENT CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Debate ensued.

Moved Cr Maier, **Seconded** Cr Messina

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

“(i) (b) ~~the allocation of \$100,000 level of funds required~~ *to fund the application of the proposed Assistance Funds Policy;*”

Debate ensued.

AMENDMENT LOST (2-5)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

COUNCIL DECISION ITEM 11.1

That the Council;

- (i) *AUTHORISES the Chief Executive Officer to investigate and report on the following;*
 - (a) *the development of a Mainstreet-scape and Heritage Business Premises Assistance Funds Policy; and*
 - (b) *the allocation of \$100,000 to fund the application of the proposed Assistance Funds Policy;*

- (ii) ***REQUESTS the report examine, but not be limited to, the following;***
- (a) ***similar programs in other Councils and the capacity to promote, conserve, restore, revitalise and improve Mainstreet-scapes and Heritage Business Premises;***
 - (b) ***the funds allocation being based on a percentage of the development cost of the proposed development;***
 - (c) ***identifying a cap on funds available per application;”***
 - (d) ***identifying and recognising synergies between the existing relevant policies and initiatives of the Council, including the Economic Development Strategy, Heritage Assistance Fund and the Leederville Masterplan and the Assistance Funds;***
 - (e) ***identifying the number of properties potentially benefiting from the Assistance Funds;***
 - (f) ***the development of a promotional package for the Assistance Funds, targeting property and business owners and potential developers; and***
 - (g) ***identifying a target date for completion of a policy; and***
- (iii) ***REQUESTS the report be presented to Council by the second Ordinary Meeting of Council to be held in April 2006.***
-

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

At 9.00pm Moved Cr Torre, Seconded Cr Doran-Wu

That the meeting proceed "behind closed doors" to consider Item 14.1.

CARRIED (7-0)

The Confidential Report has been released to the public with the exception of the commercially sensitive information.

14.1 Confidential Report: Proposed State Gymnastics Centre, Redevelopment of the Loftus Centre and Construction of a New Town Library (Incorporating a Local History Centre), 99 Loftus Street, Leederville and Progress Report No 11

Ward:	South	Date:	23 February 2006
Precinct:	Oxford Centre, P4	File Ref:	RES0061
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the Progress Report No. 11 as at 23 February 2006, relating to the proposed State Gymnastics Centre, Redevelopment of the Loftus Centre and construction of a new Town Library (incorporating a Local History Centre), 99 Loftus Street, Leederville and adjoining land;*

(ii) ***NOTES:***

(a) *the Town has been formally advised by the Department of Sport and Recreation that it has approved funding of \$3,600,000 for the State Gymnastics Centre to be located in the proposed redevelopment of the Loftus Centre subject to the Town and the State entering into a Financial Assistance Agreement which includes the following conditions:*

(1) *the Town of Vincent confirms that all other funding has been secured;*

(2) *the Town of Vincent has entered into a long term lease arrangement with Gymnastics WA;*

- (3) *the replacement courts are to be to a specification to accommodate Netball;*
- (4) *Netball WA will be able to access the Loftus Recreation Centre for a minimum of 50 hours per annum, subject to terms and conditions associated with appropriate notification and agreed hire changes;*
- (5) *the Town will commit to Loftus Recreation Centre remaining accessible to the community, in that the future management will not be able to declare the centre a "members only" establishment;*
- (6) *the Department will be represented on any Project control groups relating to this project;*
- (b) *the outcome of the discussions with Central TAFE WA as detailed in this report; and*
- (c) *that Gymnastics WA have advised in writing of their in principle agreement to the proposal to lease a portion of the Loftus Centre;*
- (iii) *Councillor MOVES a motion 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, to REVOKE clauses (ii) and (iii)(a) of the resolution by the Council at its Special Meeting held on 2 March 2005 as follows;*
- “(ii) *approves in principle Concept Option No. 2, as shown in Appendix 7.2, which is estimated to cost \$7,800,000 plus GST, subject to;*
- (a) *the funding arrangement being as follows;*
- | | | |
|------------------------------|---------------|-------|
| • State Government | \$2.5 million | 32.0% |
| • Town of Vincent | \$2.3 million | 29.5% |
| • Private Partnership/Others | \$3.0 million | 38.5% |
- (b) *a further report being submitted detailing more precise costs and funding sources;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to;*
- (a) *negotiate with the Department of Sport and Recreation (DSR) and other parties for additional funding on the basis that it cannot proceed without it, with the object of reducing the Town’s contribution from \$2.3 million to \$1.3 million;”*
- (iv) *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 Mayor Catania, Cr Messina and Cr Torre, being one third of the number of offices of members of the Council, SUPPORT this motion;*
- (v) **APPROVES BY AN ABSOLUTE MAJORITY:**
- (a) *the approval in principle of the redevelopment of the Loftus Centre as shown in Concept Plans as shown in Appendix 14.1(A) and (B), which is estimated to cost \$11,000,000 plus GST which includes:*

- (1) *internal modifications to the Centre for the creation of the State Gymnastics Centre;*
 - (2) *internal modifications to expand the Loftus Community Centre;*
 - (3) *internal modifications to encompass the Loftus Recreation Centre;*
 - (4) *a new building for the expansion of the Loftus Recreation Centre;*
 - (5) *a new Town Library (and incorporating a Local History Centre);
and*
 - (6) *an upgraded car park and new underground car park; and*
- (b) *landscaping of the Leederville Oval public open space;*
- (vi) *AUTHORISES the Chief Executive Officer to enter into discussions with the Western Australian Police, Ministry of Education, Leederville Child Care Centre, Department of Community Services and other relevant persons to explore possible partnerships as follows;*
- (a) *building the new Leederville Police Station on the current Child Care Centre site and negotiating the conditions;*
 - (b) *relocating and rebuilding a new Child Care Centre adjacent to the Margaret Pre-school site; and*
 - (c) *construction of, or refurbishment and enlarging of the existing Margaret Pre-School on its current site;*
- subject to a further report being submitted to the Council for approval;*
- (vii) *APPROVES the calling of a tender for the Operational Management and the long term lease of the Loftus Recreation Centre, (including the specifications and evaluation criteria) as detailed in this report; and*
- (viii) *NOTES that:*
- (a) *an "Expression of Interest" will be called for the Management of the Town's Beatty Park Leisure Centre ~~jointly~~ contemporaneously with the future operational management of the Loftus Recreation Centre and/or as a "stand alone" option and the Loftus Recreation Centre tender documents will include this information; and*
 - (b) *the financial information, terms and conditions in this report are to remain confidential and AUTHORISES the Chief Executive Officer to make the information available to the public at the appropriate time.*

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

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

"(v) (c) *the in principle funding arrangement being as follows:*

- | | | |
|-------------------------------------|----------------------|--------------|
| • <i>State Government</i> | <i>\$3.6 million</i> | <i>32.7%</i> |
| • <i>Town of Vincent</i> | <i>\$4.4 million</i> | <i>40.0%</i> |
| • <i>Private Partnership/Others</i> | <i>\$3.0 million</i> | <i>27.3%</i> |

Cr Torre departed the Chamber at 9.37pm.

Debate ensued.

AMENDMENT CARRIED (6-0)

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

Moved Cr Chester, Seconded Cr Doran-Wu

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

"(ix) *REQUESTS the Draft Expressions of Interest document be circulated to Elected Members for comment and these be submitted to the Chief Executive Officer for consideration, no later than midday 6 March 2006.*

(x) *AUTHORISES:*

- (a) *the Mayor and the Chief Executive Officer to meet with the Minister for Education and Training, Acting Director General of Central TAFE to expedite in principle agreement to the TAFE Sports Department's move to Leederville; and*
- (b) *the Chief Executive Officer to expedite quantifying the implications to the project so that this situation is qualified before the tender is awarded and the Loftus Centre design is finalised."*

Debate ensued.

Cr Torre returned to the Chamber at 9.40pm.

AMENDMENT CARRIED (6-1)

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

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Moved Cr Lake, Seconded Cr Maier

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

“(xi) REQUESTS the Chief Executive Officer to:

- (a) apply for funding through the Australian Government's Community Water Grants Round 2 to incorporate innovative methods of achieving a best practice "water wise" facility, including stormwater and "grey" water reuse systems which will serve as an ongoing demonstration of water wise systems; and*
- (b) contact relevant community groups requesting they provide letters of support for the Town's application.”*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Moved Cr Doran-Wu, Seconded Cr Torre

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

“(vii) APPROVES the calling of a tender for the Operational Management and the long term lease of the Loftus Recreation Centre, (including the specifications and evaluation criteria) as detailed in this report subject to clarification of the insurance amount for the tender; and”

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Moved Cr Lake, Seconded Cr Torre

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

“(xii) REQUESTS the Chief Executive Officer to investigation options for the Café at the Loftus Recreation Centre to be located in a more prominent location so that it can be used by all users of the Centre;”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Moved Cr Chester, Seconded Cr Messina

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

"(xiii) REQUESTS the Chief Executive Officer to provide a report no later than March 2006 considering the appointed Leederville Masterplan consulting team:

- (a) having the Leederville Masterplan project area extended over the area bordered by Loftus, Richmond, Oxford and Vincent Streets; and*
- (b) providing advice as to the means of achieving urban design, town planning and architectural best practice over the project area."*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

Cr Torre moved the motion to revoke the decision of Council of 2 March 2005 as stated in clause (iii).

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

COUNCIL DECISION ITEM 14.1

That the Council;

(i) RECEIVES the Progress Report No. 11 as at 23 February 2006, relating to the proposed State Gymnastics Centre, Redevelopment of the Loftus Centre and construction of a new Town Library (incorporating a Local History Centre), 99 Loftus Street, Leederville and adjoining land;

(ii) NOTES:

(a) the Town has been formally advised by the Department of Sport and Recreation that it has approved funding of \$3,600,000 for the State Gymnastics Centre to be located in the proposed redevelopment of the Loftus Centre subject to the Town and the State entering into a Financial Assistance Agreement which includes the following conditions:

- (1) the Town of Vincent confirms that all other funding has been secured;*
- (2) the Town of Vincent has entered into a long term lease arrangement with Gymnastics WA;*
- (3) the replacement courts are to be to a specification to accommodate Netball;*
- (4) Netball WA will be able to access the Loftus Recreation Centre for a minimum of 50 hours per annum, subject to terms and conditions associated with appropriate notification and agreed hire changes;*

- (5) *the Town will commit to Loftus Recreation Centre remaining accessible to the community, in that the future management will not be able to declare the centre a "members only" establishment;*
- (6) *the Department will be represented on any Project control groups relating to this project;*
- (b) *the outcome of the discussions with Central TAFE WA as detailed in this report; and*
- (c) *that Gymnastics WA have advised in writing of their in principle agreement to the proposal to lease a portion of the Loftus Centre;*
- (iii) *Councillor Torre MOVES a motion 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, to REVOKE clauses (ii) and (iii)(a) of the resolution by the Council at its Special Meeting held on 2 March 2005 as follows;*
- “(ii) *approves in principle Concept Option No. 2, as shown in Appendix 7.2, which is estimated to cost \$7,800,000 plus GST, subject to;*
- (a) *the funding arrangement being as follows;*
- | | | |
|------------------------------|---------------|-------|
| • State Government | \$2.5 million | 32.0% |
| • Town of Vincent | \$2.3 million | 29.5% |
| • Private Partnership/Others | \$3.0 million | 38.5% |
- (b) *a further report being submitted detailing more precise costs and funding sources;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to;*
- (a) *negotiate with the Department of Sport and Recreation (DSR) and other parties for additional funding on the basis that it cannot proceed without it, with the object of reducing the Town's contribution from \$2.3 million to \$1.3 million;”*
- (iv) *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 Mayor Catania, Cr Messina and Cr Torre, being one third of the number of offices of members of the Council, SUPPORT this motion;*
- (v) *APPROVES BY AN ABSOLUTE MAJORITY:*
- (a) *the approval in principle of the redevelopment of the Loftus Centre as shown in Concept Plans as shown in Appendix 14.1(A) and (B), which is estimated to cost \$11,000,000 plus GST which includes:*
- (1) *internal modifications to the Centre for the creation of the State Gymnastics Centre;*
- (2) *internal modifications to expand the Loftus Community Centre;*
- (3) *internal modifications to encompass the Loftus Recreation Centre;*

- (4) *a new building for the expansion of the Loftus Recreation Centre;*
- (5) *a new Town Library (and incorporating a Local History Centre);
and*
- (6) *an upgraded car park and new underground car park;*
- (b) *landscaping of the Leederville Oval public open space; and*
- (c) *the in principle funding arrangement being as follows:*
- *State Government* \$3.6 million 32.7%
 - *Town of Vincent* \$4.4 million 40.0%
 - *Private Partnership/Others* \$3.0 million 27.3%;
- (vi) *AUTHORISES the Chief Executive Officer to enter into discussions with the Western Australian Police, Ministry of Education, Leederville Child Care Centre, Department of Community Services and other relevant persons to explore possible partnerships as follows;*
- (a) *building the new Leederville Police Station on the current Child Care Centre site and negotiating the conditions;*
- (b) *relocating and rebuilding a new Child Care Centre adjacent to the Margaret Pre-school site; and*
- (c) *construction of, or refurbishment and enlarging of the existing Margaret Pre-School on its current site;*
- subject to a further report being submitted to the Council for approval;*
- (vii) *APPROVES the calling of a tender for the Operational Management and the long term lease of the Loftus Recreation Centre, (including the specifications and evaluation criteria) as detailed in this report subject to clarification of the insurance amount for the tender;*
- (viii) *NOTES that:*
- (a) *an "Expression of Interest" will be called for the Management of the Town's Beatty Park Leisure Centre contemporaneously with the future operational management of the Loftus Recreation Centre and/or as a "stand alone" option and the Loftus Recreation Centre tender documents will include this information; and*
- (b) *the financial information, terms and conditions in this report are to remain confidential and AUTHORISES the Chief Executive Officer to make the information available to the public at the appropriate time.*
- (ix) *REQUESTS the Draft Expressions of Interest document be circulated to Elected Members for comment and these be submitted to the Chief Executive Officer for consideration, no later than midday 6 March 2006.*

(x) **AUTHORISES:**

- (a) *the Mayor and the Chief Executive Officer to meet with the Minister for Education and Training, Acting Director General of Central TAFE to expedite in principle agreement to the TAFE Sports Department's move to Leederville; and*
- (b) *the Chief Executive Officer to expedite quantifying the implications to the project so that this situation is qualified before the tender is awarded and the Loftus Centre design is finalised;*

(xi) **REQUESTS the Chief Executive Officer to:**

- (a) *apply for funding through the Australian Government's Community Water Grants Round 2 to incorporate innovative methods of achieving a best practice "water wise" facility, including stormwater and "grey" water reuse systems which will serve as an ongoing demonstration of water wise systems; and*
- (b) *contact relevant community groups requesting they provide letters of support for the Town's application;*

(xii) **REQUESTS the Chief Executive Officer to investigation options for the Café at the Loftus Recreation Centre to be located in a more prominent location sot that it can be used by all users of the Centre; and**

(xiii) **REQUESTS the Chief Executive Officer to provide a report no later than March 2006 considering the appointed Leederville Masterplan consulting team:**

- (a) *having the Leederville Masterplan project area extended over the area bordered by Loftus, Richmond, Oxford and Vincent Streets; and*
- (b) *providing advice as to the means of achieving urban design, town planning and architectural best practice over the project area.*

ADDITIONAL INFORMATION:

Indicative Phased Expenditure

<u>Capital Expenditure</u>	2006/07	2007/08	2008/09
Loftus Recreation Centre	10,800,000		
Car Park Landscape		200,000	
Library Fit Out & Relocation		100,000	
Len Fletcher Pavilion		75,000	
Smith Lake Reserve Upgrade		150,000	
Leederville POS	195,000		
	10,995,000	525,000	

Funded by

DSR Grant		3,600,000	
Private Partnership		3,000,000	
ToV Funds			
State Indoor Sports Centre Reserve Fund	2,000,000		
Loftus Rec Centre Reserve Fund	195,000		
Loftus Community Centre Reserve Fund	55,000		
Len Fletcher Pavilion Reserve Fund	350,000		
	2,600,000	2,600,000	
Loan Underground Car Park		1,600,000	
Muni Funds Leederville POS		195,000	
Muni Funds			525,000
	10,995,000		525,000

Operating Budget

Expenditure

Loan repayments		68,097	136,193
Building Maintenance		2,500	5,000
Ground Maintenance		1,000	2,000
		71,597	143,193

Revenue

Recreation Centre - Lease		52,000	104,000
Gymnastics - Lease		20,000	40,000
Loftus Community Centre - Lease		2,600	5,200
Recreation Centre -Reserve Fund		22,000	44,000
Gymnastics WA - Reserve Fund		5,000	10,000
Loftus Community Centre - Reserve Fund		1,000	2,000
		102,600	205,200

Note: Recoup of insurance, water rates etc has not been included in the above figures.

Proposed Leases

The Town's Administration is in the process of engaging a licensed valuer to provide information in determining the appropriate rents and conditions for the proposed leases. Lease amounts are therefore only indicative and will be further reported to Council when further information is available.

Reserve Fund Contributions

It is normal practice to prepare a twenty (20) year Capital Works and Maintenance Programme for the Centre. Amounts would then be negotiated between the various parties. Therefore, the amounts shown are indicative only.

Loftus Community Centre

The City of Perth granted the first lease from 1 July 1989 to 30 June 1995, with a base rent of \$100 per annum, indexed to CPI. For the same period, a Sinking Fund contribution of \$3,900, indexed to CPI.

A new lease commenced from 1 July 1996 to 30 June 2002 had a rent of \$170 per annum, with the Reserve Fund contribution of \$6,065 per annum (due to CPI increases).

The Centre was on a monthly lease from 1 July 2002 until February 2003. The Sinking Fund contribution was suspended from 1 July 2002, to date, due to the proposed redevelopment of the Centre.

A one year lease was granted from 1 March 2003 to 30 April 2004. The Centre is currently on a monthly lease.

In the 2005-06 Budget, the Council approved the Annual Grant to be increased from \$15,000 to \$30,000.

The proposed Centre will be increased in size from approximately 650m² to 800m². An indicative \$100 per week is shown, however, this is only indicative.

The following is an indication of the existing and proposed areas of the Centre:

SUMMARY OF AREAS	Existing	Proposed
	No	No
Indoor Courts	3	6
Outdoor Courts	1	1
Parking Bays	347	345
Undercover parking bays		86
Spectator seating 1250		
Community Centre	m²	m²
Community Hall	136	165
Meeting Room	80	80
Community Centre Lounge	100	100
Health	52	52
Neighbourhood Care Centre	75	75
Storage	20	45
New Toy Library		25
New Craft Area		48
Courtyard		210
Total	463	800
Library	900	1600
Sports Centre Facilities		
Existing Single Court	860	860
3 Multipurpose Courts	1343	2520
Outdoor Court	835	835
Gymnasium & Cardio	613	1000
Aerobics / Function Rooms	400	400
Group Fitness (first floor)		860
Creche	300	180
Centre Management & Storage	85	225
Storage	35	180
Change rooms	220	110

Shared Spaces		
First Aid Room	5	5
Reception	80	80
Kiosk & Seating Area	140	140
Circulation/kitchen/public toilets	700	1100
Total	3438	8495
WA Gymnastics Facilities		
Gymnastics Hall	1260	1260
Rhythmic Gymnastics		475
Offices & Meeting Room		110
Change Rooms		110

Shared Spaces		
Public Toilets		30
First Aid Room		5
Reception		80
Kiosk		35
Total	1260	2105

CORRECTION TO REPORT

Note: The following corrections were distributed prior to the meeting. Changes to the Report are indicated by strikethrough, italic font and underline

Page 9 - line 2 - as follows:

Negotiations with Gymnastics WA

Gymnastics WA have advised the Town in writing on 17 February 2006, that they have accepted in principle agreement to lease approximately *approximately 2,000m²* ~~2,400m²~~ of the Loftus Centre for a period of twenty (20) years. Payment of outgoings will be required by Gymnastics WA and the rent and contribution towards a Capital Sinking Fund is to be negotiated. This matter will be reported to the Council for approval, at the conclusion of the negotiations.

Page 21 - Financial Implications - paragraph 2 - as follows:

An amount of \$460,000 of unspent monies carried forward is available for the completion of the Leederville Oval Public Open Space works. These funds will be carried forward. The Town's Technical Services Division has calculated the proposed works to cost ~~\$620,000~~ *\$655,000.* *(An additional \$35,000 is required to replace the existing scoreboard and windsock with a new electronic scoreboard.)*

Page 22 - line 2- as follows:

Leederville Oval Public Open Space - additional monies ~~160,000~~ *\$195,000*

CORRECTION TO DRAFT TENDER DOCUMENT

Page 7 - 1st Paragraph, subclauses (vii) and (viii) - as follows:

1.1.6 Objectives

The Town is seeking responses to the RFT from suitably qualified and experienced persons/organizations for the Operation Management Services at the Loftus Recreation Centre in the context of the following objectives:

- (vii) Working in close association with Town and the Loftus Recreation Centre Management Committee.
- (viii) Compliance with the relevant Town Local Laws and any policies and procedures as they relate to the Loftus Recreation Centre, especially the health, safety and environmental procedures to be detailed in a Risk Management Plan.

Page 35 - Heading 12

**12. EXPRESSION OF INTEREST FOR THE OPERATIONAL
MANAGEMENT OF THE BEATTY PARK LEISURE CENTRE**

PURPOSE OF REPORT:

To update the Council on the progress of this project, as at 23 February 2006 and seek the Council's approval for the concept redevelopment plans, the concept landscaping plans of the Leederville Oval public open space, for the tender of the operational management of the Loftus Recreation Centre, calling an Expression of Interest (EOI) for the Management of the Beatty Park Leisure Centre and for the CEO to enter into discussions with relevant stakeholders.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 November 2005, the Council considered this matter and resolved as follows;

"That the Council;

- (i) *RECEIVES the Progress Report No. 10 as at 22 November 2005, relating to the proposed State Indoor Sports Centre, 99 Loftus Street, Leederville;*
- (ii) *NOTES the Town has been advised on a "Confidential and Without Prejudice" basis by the Department of Sport and Recreation that the Acting Minister for Sport and Recreation has approved of funding for the proposed redevelopment of the Loftus Centre;*
- (iii) *ACCEPTS (conditionally) the funding for the proposed "State Gymnastics Centre", subject to the Council receiving a further report on the proposed Financial Assistance Agreement (FAA) between the Town and the State Government of Western Australia;*

- (iv) *AUTHORISES the Chief Executive Officer to;*
- (a) *negotiate the terms and conditions of the proposed FAA, subject to the FAA being reported to the Council for final approval;*
 - (b) *progress the Concept Plans dated June 2005 and associated costings to meet the needs of all lessees and users and further fully consider;*
 - (i) *any impact of the Beatty Park Feasibility Study; and*
 - (ii) *any impact of further discussions with Central TAFE, as outlined in Clause (iv)(d)(i), (ii) and (iii) below and make any appropriate changes to the final plans for the State Indoor Centre and those final plans being reported to the Council for final approval;*
 - (c) *engage the services of a qualified Valuer to prepare valuations for the proposed leases and assist in determining the leases and conditions;*
 - (d) *enter into discussions with Central TAFE, WA to explore possible partnerships as follows;*
 - (i) *establishing a joint Library to service the needs of the Town and Central TAFE, WA and negotiate the conditions of a Memorandum of Understanding (MOU);*
 - (ii) *to encourage TAFE to relocate their Department of Sport to the Leederville Campus and negotiate the conditions of a Memorandum of Understanding (MOU) for the use of the Loftus Recreation Centre, Leederville Oval, Beatty Park Leisure Centre and the proposed State Gymnastics Centre;*
 - (iii) *the establishment of programmes and services associated with the HQ Youth Facility, which may be accommodated at TAFE and/or the proposed project;*
- (v) *NOTES;*
- (a) *the timeline, as detailed in this report, is to be revised to allow for consideration of;*
 - (i) *any impact of the Beatty Park Feasibility Study; and*
 - (ii) *further discussions with Central TAFE, as outlined in (iv)(d)(i), (ii) and (iii) above, and these considerations should be resolved and reported to the Council no later than February 2006;”*
 - (b) *the cost escalation of this project, as detailed in this report; and*
 - (c) *that the matter will be presented to a Forum to be held in late November/early December 2005 (to be advised); and*
- (vi) *NOTES that the financial information, terms and conditions in this report are to remain confidential and AUTHORISES the Chief Executive Officer to make the information available to the public at the appropriate time.”*

Action Taken by Mayor and Chief Executive Officer since November 2005

The Mayor and Chief Executive Officer have vigorously pursued the additional funding for this project. They have met on a number of occasions with the former Minister for Sport and Recreation, Acting Minister for Sport and Recreation, Minister for Housing and Works (*Mayor*) and the Director General and Senior Officers of the Department of Sport and Recreation.

On 10 January 2006, the Town was advised by the Department of Sport and Recreation that the State Government has approved of funding of \$3.6 million for the proposed redevelopment of the Loftus Centre, as follows;

"I am pleased to advise that the State has agreed to increase its contribution to the State Gymnastics Centre from \$1.7 million up to \$3.6 million. While a formal agreement is required to finalise the level of contribution from the State, the \$3.6 million amount is capped and is to incorporate contributions to construction, on-costs and equipment.

There will be a requirement for the Town and the State to enter into a Financial Assistance Agreement to outline the conditions and expectations associated with the additional funding, which will include:

- *The Town of Vincent confirms that all other funding has been secured.*
- *The Town of Vincent has entered into a long term lease arrangement with Gymnastics WA.*
- *The replacement courts are to be to a specification to accommodate Netball.*
- *Netball WA will be able to access the Loftus Recreation Centre for a minimum of 50 hours per annum, subject to terms and conditions associated with appropriate notification and agreed hire changes.*
- *The Town will commit to Loftus Recreation Centre remaining accessible to the community, in that the future management will not be able to declare the centre a "members only" establishment.*
- *The department will be represented on any Project control groups relating to this project.*

If the Town is agreeable to these terms then the Department will commence the development of the necessary documentation with the intent for this to be finalised by the end of February 2006, in accordance with the existing project schedule."

The Town replied to the Department of Sport and Recreation on 24 January 2006, accepting the terms and conditions, subject to the final approval being received by the Council.

At the time of writing this report, the Town is yet to receive the draft Financial Assistance Agreement.

1. DESCRIPTION OF DESIGN CONCEPT FOR THE LOFTUS CENTRE REDEVELOPMENT, FEATURING ALTERATIONS AND ADDITIONS AND A NEW LIBRARY AND LOCAL HISTORY CENTRE (PRESENTED TO THE CONFIDENTIAL BRIEFING HELD ON 19 JULY 2005, REPORTED TO THE COUNCIL ON 22 NOVEMBER 2005, AND BRIEFING ON 21 FEBRUARY 2006)

The Project Architect presented Concept Plans dated 21 February 2006 (Appendix 14.1(A) and (B)), which included the following:

- A new indoor 3 court sports hall built at the same level as the existing change rooms and sports hall with a viewing gallery.
- An extension of the existing southern 2 court sports hall. This sports hall to become a dedicated WA Gymnastic and Rhythmic Gymnastics performance hall.
- Minor alterations to the existing physio and adjacent areas to create gymnastics admin offices and meeting room areas.
- Minor alterations of part of the existing crèche to create a smaller crèche area of approximately 120m².
- Minor alterations to the cardio area to create a 100m² physiotherapist suite for lease.
- An extension at ground floor (west side of the change rooms) to create an office area for the centre management and additional storage capacity.
- At first floor level, extend the existing gym to create a large group fitness area/function area overlooking the oval with new windows also overlooking the gymnastics hall.
- With minor alterations, relocate the gym into the existing library area.
- Retain the existing reception and kiosk areas without alteration or refurbishment.
- Increase the facilities of the Community Centre by incorporating additional craft room area as well as a child's toilets, toy library and expanded community hall.
- Relocate the child play area into an internal courtyard as shown.
- Erect a new single level library (incorporating a local history centre) of approximately 1,600m² having a separate entry but also have direct access into the community hall area.
- Create an outdoor soccer area on the west side of the new sports hall, accessible to both the sports hall and the existing change rooms.
- A design concept to increase the present car parking by approximately 86 cars in an underground car park, with ramp access via the adjacent car park (notwithstanding the loss of cars due to the location of the new library facility).

Underground Car Park

It should be noted that a significant variation to the previous plans is a proposed underground car park under the proposed indoor courts. Entrance is via a ramp in the Loftus Centre Car Park. This car park will be secured and will primarily be used by the long term parkers at the Centre (eg employees).

It is considered essential to provide the car park for approximately 86 vehicles, as parking is already at a premium and the opportunity will be lost forever if it is not included at this stage.

2. COST ESTIMATE FOR THE LOFTUS CENTRE REDEVELOPMENT

In collaboration with the Quantity Surveyors, Ralph Beattie Bosworth (Mr Bill Bosworth) and using the most recent Schematic Design drawing (dated 21 February 2006) the Project Architect prepared cost estimates, as shown below.

It should be noted that these estimates do not allow for quantum upgrade and refurbishment of the existing Loftus Centre, but do allow for the new work as outlined below;

(a)	Sports Centre Provisions <i>Sub-Total</i>	\$3,050,000
(b)	WA Gymnastics Provisions <i>Sub-Total</i>	\$1,300,000
(c)	Town of Vincent Community Centre Provisions <i>Sub-Total</i>	\$200,000
(d)	New Town of Vincent Library <i>Sub-Total</i>	\$3,200,000
	Summary of Estimated Base Costs <i>Sub-Total</i>	<u>\$7,750,000</u>
(e)	New Underground Car Park (86 bays)	\$1,600,000
	Add on Costs:	
-	Design Contingency)
-	Cost Escalation to September 2006)
-	Architect and Consultants' Fees) \$1,650,000
	Final Estimated Cost	\$11,000,000

Note:

The costings are based on the assumption that the Town of Vincent will be responsible for all car park alterations, landscaping and retaining walls in the public open space etc. It should also be noted that no fit out, sporting or library equipment has been included in the above estimates. (This is to be detailed under the heading of Financial/Budget Implications.

* It should be noted that;

- (a) the final cost for this project will depend on the final plans, approved by the Council; and
- (b) building costs are escalating at approximately \$38,000 - \$46,000 per month.

Previous Council Decisions

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a State Indoor Sports Centre on Loftus Centre land.

At a Special Meeting of Council held on 2 March 2005, the Council considered a confidential report concerning this project and resolved as follows;

“That the Council;

- (i) *RECEIVES the Progress Report No. 8 as at 25 February 2005, relating to the proposed State Indoor Sports Centre, 99 Loftus Street, Leederville;*
- (ii) *APPROVES IN PRINCIPLE Concept Option No. 2, as shown in Appendix 7.2, which is estimated to cost \$7,800,000 plus GST, subject to;*

- (a) *the funding arrangement being as follows;*
- *State Government* \$2.5 million 32.0%
 - *Town of Vincent* \$2.3 million 29.5%
 - *Private Partnership/Others* \$3.0 million 38.5%
- (b) *a further report being submitted detailing more precise costs and funding sources;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to;*
- (a) *negotiate with the Department of Sport and Recreation (DSR) and other parties for additional funding on the basis that it cannot proceed without it, with the object of reducing the Town's contribution from \$2.3 million to \$1.3 million;*
- (b) *investigate various funding sources and partnership arrangements; and*
- (c) *prepare the necessary Business Case, tender and major land transaction documentation (if required), for approval by the Council;*
- (iv) *ADVISES the Department of Sport and Recreation and the Smith's Lake Precinct Group of the progress of this project; and*
- (v) *AUTHORISES the architects to liaise with Gymnastics WA, Leisure Co, Loftus Community Centre and Town's Library concerning the concept plans."*

Previous Reports

Previous progress reports were previously submitted to the Council on 23 July 2002, 12 August 2003, 7 October 2003, 16 December 2003, 10 February 2004, 23 March 2004, 26 October 2004, 2 March 2005, 12 July 2005 and 22 November 2005.

Negotiations with Gymnastics WA

Gymnastics WA have advised the Town in writing on 17 February 2006, that they have accepted in principle agreement to lease approximately approximately 2,000m² 2,400m² of the Loftus Centre for a period of twenty (20) years. Payment of outgoings will be required by Gymnastics WA and the rent and contribution towards a Capital Sinking Fund is to be negotiated. This matter will be reported to the Council for approval, at the conclusion of the negotiations.

Discussions with Loftus Community Centre

The Town has held several meetings with the Centre Management in late 2005. However, no recent discussions have been held concerning the lease details. The Town is awaiting advice from the Valuer. It is envisaged that the proposed lease will be based on the previous lease conditions (indexed to CPI). The Centre is currently on a month to month lease.

Discussions with Central TAFE

Several meetings have been held with Central TAFE. The following is the outcome of the meetings.

1. Joint Library

After a careful examination of the needs of both TAFE and the Town, it became evident that a "joint library" would not meet the needs of both parties for the following reasons:

- *The Project Architect has advised that based on evidence throughout Australia, America and Europe, the majority of people will only frequent a library if it is conveniently located near or on route to a regular destination such as a shopping centre or in our case the sporting and community centre. Loftus St is also a major feeder route into the city which would suggest that some people will be dropping-in, to or from work.*
- *Central TAFE Leederville campus is located some 150m west of the Loftus Centre and currently provides students with a library or Learning Resource Centre (LRC). The trend in TAFE LRC facilities is to provide a broad range of services/ resources to the student. There is an ever increasing focus on computer access which has seen the bookstock being surpassed by large areas of computer terminals where students can carry out their training individually or in groups. These spaces differ in many respects to the traditional Library.*

Three (3) site options were considered as follows:

1. *The currently documented location attached to the Community & Sports centre but in a more prominent position (greater exposure to Loftus Street);*
2. *A site bridging the boundaries of TAFE and covering the full extent of the Margaret Preschool Centre;*
3. *A site on Oxford St within the boundaries of TAFE;*
 - *Options 2 & 3 lack the current leverage provided by the Loftus Centre;*
 - *Option 2 places the Library midway between the TAFE and Loftus centre and will require visitors to walk approximately 70 to 100m. It lacks exposure to Loftus Street, and was unattractive to TAFE because the LRC is preferably to be very much connected to the "Social Heart" of the Campus which is located on Oxford Street. This solution would also require the relocation of the Margaret Preschool centre, at added cost.*
 - *Option 3 would see the library completely detached from the Loftus Centre and would take on a greater role as a TAFE facility, given its locality on Oxford Street. The proposed site is currently providing the college with much needed parking. Therefore any design solution for this location will need to include one or two levels of parking for it to be viable. The site lacks convenient access for public wishing to drop-in briefly to pickup a book.*

The Project Architect is of the opinion that by constructing the library at the northern end of the Loftus Centre, attached to the Community Centre, will provide the following:

- Improved library exposure from Loftus St;
- A fresh image to the Loftus Centre;
- An easy sense of accessibility;
- A feeling of spaciousness;
- A sense of liveliness through the variety of services offered within one single complex;
- A major reduction in noise intrusion from the aerobics room;
- Greater benefits and flexibility for the Town;

The Town's Manager Library and Information Services is of the strong opinion that a "*joint Library*" with TAFE would not meet the needs of the Town's residents. She is concerned that any shift away from the Loftus Centre would result in a major drop in usage.

2. Transfer of TAFE Department of Sport to Leederville Campus

This proposal is strongly supported by both TAFE and the Town. TAFE require access to an oval, a gymnasium and also a leisure/aquatic centre. The Town has indicated that it could provide access to these facilities.

TAFE are currently progressing the matter and will provide these to the Town.

3. Establishment of Programmes and Services Associated with HQ Youth Facility

TAFE have indicated that they are keen to pursue this proposal, however, to date little information has been forthcoming.

4. Campus Masterplan

TAFE has advised the Town that they are yet to engage consultants to prepare a masterplan for their land. Also they have advised that their timeline is much slower than the Town's as they are rationalising campuses and reviewing their strategic direction.

Discussions with Leederville Child Care Centre (LCCC) (Site is approximately 3,005m²)

Preliminary brief discussions have been held with the LCCC concerning their future needs. They have advised that there is strong demand for places at the Centre. They have also advised that they have a synergy with the Margaret Pre-school and would not object to relocating to an area adjacent to the Margaret Pre-school, subject to their needs being met.

They have indicated that they could justify a significant increase in size from 430m² (including verandahs of 143m²) to 635m². This would accommodate approximately 120 children.

An indicative replacement cost for a new building of 635m² (based on \$2,500 per m²) would be approximately \$1,587,500 (say \$1.6 million).

LCCC has a lease on their site until 30 April 2014.

Margaret Pre-school (site is 2,407m²)

No discussions have been held with Margaret Pre-School to date. However, general observation reveals that the building is old, too small and poorly located on the site (main building 285m², demountable building 130m²).

Margaret Pre-school have a lease for another five (5) years on their site (expires on 30 June 2010).

A new building of approximately 300m² would cost approximately \$600,000.

Possible Option (See Appendix 14.1(C))

The Project Architect (after discussions with the LCCC) has prepared a sketch which would create three (3) smaller buildings, connected by a "circulation spine". The three (3) smaller buildings would provide the following advantages:

- Cost savings by no longer replacing the existing Margaret Pre-school (refurbishment only);
- Smaller and separate play areas;
- Better flexibility by LCCC.

This Concept Option would require further investigation but is supported in principle by the LCCC Co-ordinator.

Discussions with WA Police

A number of meetings have been held with the Police concerning the future of Leederville Police Station. It appears that the Oxford Street site does not fully meet the needs for the future Police Station. On 6 February 2006 the Police wrote to the Town and indicated that they are keen to "formally pursue the Leederville Child Care Centre site for the future Vincent Police Station".

An amount of \$5.11 million was provided in the 2004/05 State Budget.

The Police have requested that the Town provide them with their requirements concerning construction options, lease options, possible terms and conditions.

At the time of writing this report, the Town's administration has not formulated any terms and conditions for negotiations until the Council has authorised the Chief Executive Officer to enter into negotiations.

The Chief Executive Officer has indicated that full replacement of the current LCCC building (or at least \$1 million) is a minimum condition, other conditions will need to be prepared (eg cash contribution, rents, leases).

Should an agreement be reached between the Town and the WA Police, it will necessitate relocating the LCCC to a new building on land near the Margaret Pre-school. An indicative timeline would be:

• March - April 2006	Negotiations
• May-June 2006	Approvals/Council decision
• July 2006 - July 2007	Construction of new LCCC
• July 2007 - July 2008	Construction of the Vincent Police Station

This indicative timeline is acceptable to the Police.

Tender Documentation - Long Term Lease of Loftus Recreation Centre (See Appendix 14.1D)

A draft tender document has been prepared. The relevant parts are;

PART 2 - Specification and General Conditions of Contract:

- 2.1 Specification
- 2.2 General Conditions of Contract
- 2.3 Special Conditions
- 2.4 Tender Evaluation

PART 3 - Tenderer's Offer

- 3.1 Respondent
- 3.2 General and Corporate Information
- 3.3 Price Information

The Draft Tender document is shown in Appendix 14.1(D).

Approval of the Tender Specifications is requested.

Beatty Park Leisure Centre - Expression of Interest

The consultant carrying out the Feasibility Report for Beatty Park Leisure Centre has indicated there is merit in market testing the management of the Loftus Recreation Centre and Beatty Park Leisure Centre. There are inherent risks in this option, however, there are also potential significant benefits.

The number of Centre Managers in Australia is limited, therefore, a tender for the Loftus Centre and an Expression of Interest for Beatty Park Leisure Centre is recommended.

The potential tenderers are:

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The advantage of an Expression of Interest for Beatty Park Leisure Centre is that it does not devalue the value of the Loftus tender, whilst at the same time, tests the market for potential companies.

Beatty Park Leisure Centre Feasibility Report

The Town's Consultant - Darren Monument of A Balanced View (ABV) Leisure Consulting Services provided a briefing at the Confidential Elected Members Forum held on 21 February 2006.

The Town's administration will be reporting to the Council on the consultant's recommendation in March 2006.

With respect to Management Options, the consultant reported as follows:

"MANAGEMENT

It is recommended that the Town of Vincent market test the management of BPLC once it has determined the extent of any proposed redevelopment.

Further, the market testing should include the management of Loftus Recreation Centre with options for prospective tenderers to package the two centres or manage them individually.

(* underlining added)

In response to the Town of Vincent's brief regarding the management options for the Beatty Park Leisure Centre, ABV have prepared a summary of the options and recent trends within WA and compared the benefits of in-house and outsourced management within the context of the Beatty Park Leisure Centre.

Background

The Beatty Park Leisure Centre has always been managed in-house since its opening in 1962. Loftus Recreation Centre was constructed in 1988 by the former City of Perth and has been privately managed since construction. The current private management agency is Leisureco.

Current Trends

Within metropolitan Perth there are currently 3 LGA aquatic facilities outsourced; Belmont Oasis (Belgravia Leisure), Aquajetty (Rockingham) and Maylands Water Playground (both YMCA Perth). There are 2 large "dry" centres outsourced; Loftus Recreation Centre, and Morley Sport and Recreation Centre.

There appears to be a slowing of outsourcing management of aquatic and recreation centres with the Aquajetty at the City of Rockingham the only aquatic centre within the Perth metropolitan area to have been outsourced within the last 2 years. The Shire of Mundaring is planning to market test the management of their 2 aquatic centres, the Bilgoman Aquatic Centre and the Mt. Helena Aquatic Centre, (both outdoor seasonal facilities) and their 2 smaller dry leisure centres within the next 6 months. (Note that the Belmont Oasis was re-tendered and it remained outsourced and the South West Sports Centre in Bunbury has been tendered out in within this period of time).

Outsourced centres that have returned to in-house operations for a variety of reasons in recent times include; Bayswater Waves (City of Bayswater), Craigie Leisure Centre (City of Joondalup, and Armadale Aquatic Centre (City of Armadale). (The Kalgoorlie Oasis has also recently been returned to in-house management).

General Industry Trends

Some general industry trends have been observed in recent times that affect the management of Large LGA leisure centres;

- *Increasing salaries of Centre Managers and key program staff as a result of a shortage of quality, experienced staff.*

- *In-house managed cafes returning increasing financial deficits and leading to the increased level of outsourcing the management of these areas. (Centres currently being tendered are Craigie Leisure Centre and Melville Aquatic and Melville Recreation Centres).*
- *Customer expectations of health club facilities are rapidly increasing. This has been in part due to the large chains that have opened in recent times with massive capital expenditure for equipment and surroundings. In order to remain competitive and meet the expectations of customers this has filtered down to LGA provided facilities with a great number being recently redeveloped to large scales.*

Private Leisure Facility Management Companies

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In-house versus outsourced Management

The following provides a brief overview of the key characteristics of an in-house operation as compared to an outsourced operation;

Positives

- *Ability to control all financial information and record keeping*
- *With a new or redeveloped centre, the ability to gain a true indication of the potential of the facility with the view of potentially tendering the service externally in the future with a clear indication of the ability of the business*
- *Control of all policies, staffing, quality control, and response to community requirements*
- *Ability to determine requirements and policies specific to pricing, access and the attainment of Council’s social objectives*
- *No external third party to manage and monitor*
- *Ability to respond directly to matters without consultation or delay in response from a third party*
- *Ability to appoint Manager and staff of choice*
- *No financial fee being paid to a third party*

Negatives

- *Council Officer resource requirement in relation to time and commitment specific to the project*
- *Increased volume of work for many areas of Council such as Finance, Human Resources, Communications, as well as the Building and Community Services areas*
- *Lack of established systems, programs, policies and procedures that can be directly applied to the facility operation*
- *If new or redeveloped, the need for a greater start up and preparation time in order to develop all the required systems, resources, etc. prior to opening*
- *Concern regarding ability to attract a quality manager and qualified staff to the area*
- *Greater reliance and exposure of risk from the abilities of individual staff*
- *Less economy of scale in most areas of business as compared to private operators who may manage more than 20 centres across Australia.*
- *Generally lower key approach to driving sales income*

One operator managing both BPLC and Loftus Recreation Centre

The following are the perceived advantages in the Town of Vincent combining the management of both the Beatty Park Leisure Centre (BPLC) and the Loftus Recreation Centre (LRC) together, either in-house or outsourced as opposed to the current management arrangement of the BPLC managed in-house and the LRC outsourced.

Advantages of one operator

- *Reduced competition*
One operator of both centres should result in the Town being offered a better deal than the offering of one centre only or the splitting of centres to 2 contractors. This is based on the reduced need to compete directly with a competitor approximately 1 km away.

The BPLC operations can effectively be subsidised by the LRC operations for the contractor.

- *Staffing economies*
The potential for the contractor to save on staffing is considerable. The 2 centres could be managed by a single Manager and duplication of resources such as Administrative staff and Health Club (gymnasium) Management staff would be reduced across 2 centres.
- *Marketing / Promotions*
A reduced need for aggressive marketing for markets where both centres compete directly at present such as Health clubs and group fitness would be experienced, resulting in less expenditure and planning.

Opportunity exists to offer reciprocal rights to venues. This will add to the appeal of a membership when comparing to competitors in the area which offer only one venue.

- *Centre positioning & Program effectiveness*
Due to reduced direct competition in various markets the contractor can better segment programs to suit the markets resulting in efficiencies. (eg, structure one facility to appeal to a particular group whilst using the other centre to appeal to other particular groups, not having to make each centre appeal to the entire broad market place. This is most beneficial in the Health clubs where for instance LRC can be positioned more at the younger, fashion conscious market allowing BPLC to focus on the mature market and their needs).

This will result in programs being potentially more profitable also.

- *Staff management / availability*
By managing both centres, a larger pool of staff are available that can be used interchangeably and more work can be offered to staff resulting in them more likely to have a reduced turnover.

Career opportunities will also be expanded for staff to progress within the facilities and organisation.

- *Increased economy of scale in purchasing / sponsorship appeal*
Obvious areas such as cafes and merchandise areas as well as consumables, services and increased appeal to sponsors with over 1.6m visitations together.
- *Capital investment*
It would appear that the Town would be more likely to obtain greater capital investment offerings from contractors as a result of having both centres under their management and not having the concern of a major competitor so close.
- *Administration simplicity*
If outsourced the Town would have one set of management to deal with administrating the contracts as opposed to the current one plus overseeing direct management of the other. This could also be the case if a singular management structure was employed for an in-house operation.

This would save considerable time and effort for the Town administration.

Disadvantages of one operator

- *Reduced competition*
This could lead to complacency in terms of service provision and monopoly style behaviour from the operator.
- *Public opinion & perception*
BPLC is an icon facility and as such being outsourced may provide complaints of commercialisation of a community facility if outsourced to a private operator.
- *Risk Exposure*
The Town would be exposed to greater risk of poor performance, a companies financial difficulty or soured relationship with key players with both centres under one operator, both in-house and outsourced.

WA Examples

The City of Melville have employed a one business approach to the in-house management of its 3 large leisure centres to take advantage of service consistency, economies of scale and staffing opportunities.

The City of Bayswater has formerly had both their large centres tendered out but to different operators. Recently Bayswater Waves has become an in-house management operation leaving them with the same situation as the Town of Vincent. It should be noted that these facilities are located considerably further apart than the 1 km of the Vincent centres.

The Town of Victoria Park formerly had the Park Recreation Centre outsourced and the Somerset St Swimming pool in-house. The Somerset facility is about to open after a major renovation and development project and will be managed in-house with the Park centre under the same Manager. The Town is hoping to capitalise on the synergies mentioned within this report of having both centres run by the same operator.

Town of Vincent Position

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The consultant has recommended that the Town provide a clear redevelopment plan before calling a tender. However, the Town will not be in a position to do so for at least a year or possibly longer. Therefore, the calling of Expressions of Interest is a supportable option for both the Town and prospective tenderers. It also allows the market place to indicate their interest and will not further delay the calling of the Loftus Centre Redevelopment, which is escalating in cost at between \$38,000 - \$46,000 per month (depending upon whether an underground car park is provided).

Indicative Timeline

A new indicative timeline has been prepared and is as follows;

Date	Item
22 November-December 2005	<ul style="list-style-type: none"> Meeting with Project Architect to refine costs and plans Council to approve revised Project "in Principle" Negotiations to commence with stakeholders Discussions to commence with TAFE
21 February 2006	<ul style="list-style-type: none"> Council Forum to consider final Concept plans, project details
22 February 2006	<ul style="list-style-type: none"> Agenda closes for OMC 28 February 2006
28 February 2006*	<ul style="list-style-type: none"> Council Meeting to approve Tender Documents for Lease /Management of the Centre Council to Approve of Architect to proceed with preparation of construction plans and documentation
8 March 2006*	<ul style="list-style-type: none"> Advertise tender for Loftus Centre and EOI for BPLC
4 April 2006*	<ul style="list-style-type: none"> Tenders close
4 April-30 April 2006	<ul style="list-style-type: none"> Assessment of tenders, including interviews and site visits if required
3 May 2006	<ul style="list-style-type: none"> Agenda closes for OMC 9 May 2006
9 May 2006*	<ul style="list-style-type: none"> Council Meeting to approve Tender for Lease /Management of the Centre and approve of the Major Land Transaction Business Plan
20 May 2006*	<ul style="list-style-type: none"> Advertise Business Plan (42 days)
May - July 2006	<ul style="list-style-type: none"> Architect to prepare design documentation (12 weeks)
3 July 2006	<ul style="list-style-type: none"> Major Land transaction Consultation closes
3 July - 10 July 2006	<ul style="list-style-type: none"> Assessment of Business Plan submissions
10 July - 12 July 2006	<ul style="list-style-type: none"> Preparation of agenda report for consideration of submissions
25 July 2006*	<ul style="list-style-type: none"> Council Meeting to consider Public Submissions and approve (or discontinue) with Major Land Transaction
25 July 2006*	<ul style="list-style-type: none"> Council approval of "Request for Tender - Construction of Centre" documentation
29 July 2006*	<ul style="list-style-type: none"> Advertise "Request for Tender - Construction of Centre" (30 days)
1 September 2006*	<ul style="list-style-type: none"> Construction Tender closes
1-15 September 2006	<ul style="list-style-type: none"> Evaluation of Construction Tender
20 September 2006	<ul style="list-style-type: none"> Agenda closes for OMC 26 September 2006
26 September 2006*	<ul style="list-style-type: none"> Council to approve Construction Tender
28 September 2006*	<ul style="list-style-type: none"> Appointment of Builder
28 Sept - 1 October 2006	<ul style="list-style-type: none"> Builder Mobilisation
2 October 2006*	<ul style="list-style-type: none"> Construction commences

Date	Item
1 October 2007*	• 2nd Stage complete and opened
1 November 2007	• Finalisation of "snag list".
1 November 2007*	• Building handover
December 2007	• Opening of New Centre

* *Critical Dates*

LEGAL/POLICY IMPLICATIONS:

The Local Government Act Tender Regulation requirements and also Major Land Transaction requirements (if applicable) will need to be followed.

ADVERTISING/COMMUNITY CONSULTATION:

Not required at this stage, however once the Council approves of the concept plans, the Town's normal consultation process will be carried out. Further consultation with prospective stakeholders/users will also need to be carried out.

FINANCIAL/BUDGET IMPLICATIONS:

The Council has allocated an amount of \$7.3 million in the 2005/2006 Budget for the Loftus Centre Redevelopment. These funds will be carried forward. If this Concept is approved, additional funds will be required.

An amount of \$460,000 of unspent monies carried forward is available for the completion of the Leederville Oval Public Open Space works. These funds will be carried forward. The Town's Technical Services Division has calculated the proposed works to cost ~~\$620,000~~ \$655,000. (An additional \$35,000 is required to replace the existing scoreboard and windsock with a new electronic scoreboard.)

The following is the indicative funding arrangement for the Loftus Redevelopment project:

	\$
Department of Sport and Recreation	3,600,000
Private Partnership/Other	3,000,000
Town of Vincent*	2,600,000
Car park upgrade/landscape (Town)#	200,000
Underground car park (Town)##	1,600,000
Total	11,000,000

To be listed in the 07/08 Budget
To be listed in the 06/07 Budget loan

*Funding Sources - Town Reserve Funds	\$
<i>(Funds estimated and projected to June 2007)</i>	
State Indoor Sports Centre Reserve Fund	2,000,000
Loftus Recreation Centre Reserve Fund	195,000
Loftus Community Centre Reserve Fund	55,000
Len Fletcher Pavilion Reserve Fund	350,000
Total	2,600,000

<i>Project Item</i>	<i>\$</i>
To be included in Budget 06/07:	
Underground car park (20 year loan)	1,600,000
Leederville Oval Public Open Space - additional monies	160,000
	<u>\$195,000</u>
To be included in Budget 07/08:	
Car park upgrade/landscaping	200,000
Library - new furniture and relocation costs (estimate)	100,000
Len Fletcher Pavilion demolition	75,000
Smith's Lake Reserve Upgrade	150,000

The indicative repayments for a loan of \$1,600,000 would be approximated \$136,000 per annum over a twenty (20) year period (based on an interest rate of 6%).

Possible Funding Options for a New Relocated Leederville Child Care Centre

In the event that approval is granted to investigate this option, a full Business Case and financial details will be prepared.

Indicatively:

If a 635m² Centre is built, at an indicative costing of \$1.6 million the possible funding could be:

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Possible Funding Options for a New/Refurbished Margaret Pre-School

If a complete new building is required, an indicative cost would be \$600,000. An alternative could be to refurbish the existing building, as shown in the concept sketch at Appendix 14.1(C). These costs have not been determined but could be approximately \$200 - 300,000.

The funding for this would need to be explored, with the Education Department being requested to make a significant financial contribution.

Building costs are escalating at the rate of 0.5% per month. This equates to approximately \$46,000 per month for the revised project.

Long Term Cash Flow from the Tamala Park Land

As previously reported to the Council, the Town is a 1/12 owner of the land at Tamala Park, along with the Cities of Stirling, Joondalup, Perth and Wanneroo and the Towns of Cambridge and Victoria Park.

The member Councils have formed the Tamala Park Regional Council with the specific objective to redevelop the land.

The following is the projected financial information and income:

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The above information is included to demonstrate that the Town will receive an additional positive financial revenue stream from this project from the year 2009 onwards until 2018.

This will allow the Council to review its financial obligations and provide it with the flexibility to pay-out existing loans, place money into Reserve Funds or fund major projects eg:

- Leederville Masterplan
- Beatty Park Leisure Centre redevelopment
- Underground Power Program
- Loan Payout (Department of Sport Building Loan is currently \$6,495,000)

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town’s Strategic Plan 2005-2010, Key Result Area 3.2 – *“Develop business strategies that provide a positive triple bottom line return for the Town”* including 3.2(a) – *“Review leases and commercial contracts to ensure the best return for the Town”*.

The Town’s Principal Activity Plan lists this project to be carried out in 2005/2006. Due to the delays outlined in this report, the construction of this project is not expected to commence prior to October 2006.

COMMENT:

This project has been under consideration since October 2001 and the achievement of successful funding of \$3.6 million from the State Government is a most significant outcome and coup for the Town. The favourable decision of the State Government to provide the necessary funding will now allow this project to be progressed and will provide major benefits to the Town and the sporting community. To allow the matter to be further progressed, the Council’s approval of the matter is recommended.

At 9.55pm **Moved Cr Torre, Seconded Cr Lake**

That an "open" meeting be resumed.

CARRIED (7-0)

(Cr Ker on leave of absence. Cr Farrell was an apology.)

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.55pm with the following persons present:

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 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 28 February 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006