



CITY OF BAYSWATER

MINUTES

FOR THE

ORDINARY MEETING

OF COUNCIL

14 JULY 2009

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CITY OF BAYSWATER

Minutes of the Ordinary Meeting of the Bayswater City Council which took place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Tuesday, 14 July 2009.

MINUTES

1 OFFICIAL OPENING

The Chairperson, His Worship the Mayor, Cr Lou Magro, welcomed those in attendance and declared the meeting open for the ordinary business of Council at 6:02pm.

**2 RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

2.1 Attendance and Apologies

COUNCIL RESOLUTION

CR SYLVAN ALBERT MOVED, CR TERRY BLANCHARD SECONDED that the following Attendance and Apologies be accepted:

Members

North Ward

Cr Lou Magro, Mayor
Cr Ian McClelland, JP

Chairperson

Central Ward

Cr Barry McKenna
Cr Sally Palmer

West Ward

Cr Terry Kenyon, JP
Cr Terry Blanchard

South Ward

Cr Sylvan Albert
Sonia Turkington

Officers

Ms Francesca Lefante	Chief Executive Officer
Mr Ted Budzinski	Director of Finance
Mr Des Abel	Director of Planning and Development Services
Mr Andrew Ward	A/Director of Administration and Community Services
Mr Doug Pearson	Director of Technical Services
Mr Martyn Boyle	Public Relations Officer
Ms Debbie Todorovich	Executive Assistant
Mrs Nola Patricia	Minutes & Agenda Coordinator
Mrs Raylene Vucens	PA – A/Director of Administration and Community Services

Apologies

Cr Michael Sabatino, Deputy Mayor

Observers

1 Press
12 Public

CARRIED

2.2 Leave of Absence (Previously Approved)

COUNCIL RESOLUTION

CR SALLY PALMER MOVED, CR SYLVAN ALBERT SECONDED that the following Leave of Absence (Previously Approved) is accepted:

Cr Mike Anderton from 13 July 2009 - 16 July 2009 inclusive.

CARRIED

3 PUBLIC QUESTION TIME

In accordance with Section 5.24 of the *Local Government Act 1995*, time is allocated for questions to be raised by members of the public.

Preamble and personal statements are placed on file, but do not form part of the minutes. Only public questions are included.

**Public Question Time commenced at 6:05pm.
The following questions were submitted both in writing and verbally:**

1. Mr Tony Green, Bayswater City Residents Association (Inc), PO Box 1639, Morley WA 6943

Question 1: (Item 12.6)

Are we correct in assuming Councillors have a requirement to declare the details of all Maylands properties and businesses that they own, personally or via Family Trusts, as 'vested interests', as defined under the Local Government Act, before allocating money to be spent in Maylands?

The Chief Executive Officer advised that under the Local Government Act 1995, that Councillors are required to declare financial, proximity and impartial interest, however they are not required to declare 'in common' interests.

Question 2:

How many Maylands properties and or businesses are owned or part-owned by serving City of Bayswater Councillors?

His Worship the Mayor, Cr Lou Magro advised that there is a requirement under the Local Government Act 1995, to once a year disclose properties owned by Councillors and that he most certainly fulfils this requirement and that he believes all other City of Bayswater Councillors also fulfil this requirement.

The Chief Executive Officer further advised that the annual and primary returns are required to be completed by all Councillors and certain Officers. She stated that this information is a public document and is contained within the City, however it is not available on the City's website.

2. Mr Reg Cream, President Morley-Bedford RSL, 18 Mallion Street, Embleton

Question 1:

I would like to thank Mayor Cr Lou Magro for changing the date of the Early Settler's Luncheon. The Beford-Morley RSL sub branch appreciates the Mayor's recognition of 11-11 as Armistice Poppy Day.

His Worship the Mayor, Cr Lou Magro acknowledged these remarks.

3. Mr Tony Green, Bayswater City Residents Association (Inc), PO Box 1639, Morley WA 6943

Question 1:

Are we correct in assuming that absolutely no money has been placed in the 2009/10 Budget for the upgrades to the Les Hansman Community Centre that we submitted to the City of Bayswater, in writing, on 10 February 2009?

The Director of Finance advised that there had been some funds carried forward from last years budget in regards to the Les Hansman Community Centre.

4. Mrs Pat Lim, 1 Johnson Road, Maylands

Question 1:

I refer to my request at the meeting held on 14 October 2008 about the dismal and disgraceful garden setting on 8th Avenue Maylands outside the Venville Centre, when I asked if something could be done about the rocks and few trees when your Motto is supposed to be 'The Garden City and Quality of Life' I question both of those statements. Cr magro you agreed the garden looked bad at the time and said something would be done. My question is when? I hope we don't have to wait for the elections to come for statements to be made by those it matters most to.

His Worship the Mayor, Cr Lou Magro advised that an amount of \$2,000,000 (million) has been placed on the budget for Street Beautification, which has never been included on the City's budget before to this amount and most certainly the Council is keen to uplift the gardens and streetscape within the City of Bayswater.

Question 2:

What year did you become a Councillor of the City of Bayswater Mr Mayor?

His Worship the Mayor, Cr Lou Magro advised that he first became a Councillor at the City of Baywater in 1991.

Question 3:

What year did you move into the South Ward from Dianella as a Councillor?

His Worship the Mayor, Cr Lou Magro advised that he could not recall the year that he moved from Dianella.

Question 4:

What was the date of the first time you became a Mayor of the City of Bayswater, Cr Magro?

His Worship the Mayor, Cr Lou Magro advised that he became Mayor of the City of Bayswater the first time in 2001.

Question 5:

Now Cr Magro, your answers surprise me that you can remember all these dates of years ago get as you said in answer to my question at the meeting held on 9 June 2009 (1 month ago) about a statement you made to the Eastern Reporter newspaper (only six months ago) about a challenge to anyone to name a local government that serves spirits and alcohol at a meeting and I took up that challenge and proved you wrong but your answer to my question was and I quote in your own words “Your question refers to an item that appeared in the newspaper over six (6) months ago and given the considerable time has lapsed I cannot honestly recall if used those words.” This is a typical answer of politicians that don’t want to admit the truth for fear of incriminating themselves. However, I note your comments with grave concern and hope your memory gets ‘better’ as time requires it. I would suggest you write things down when you address the papers in future you may say something you regret later.

His Worship the Mayor, Cr Lou Magro advised that these comments are acknowledged although did form a question.

Public Question Time was closed at 6:15pm.

4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5 CONFIRMATION OF MINUTES

5.1 Special Meeting: 4 & 18 June 2009

CR IAN MCCLELLAND, JP MOVED, CR SONIA TURKINGTON SECONDED that the Minutes of the Special Meeting of Council held on Thursday, 4 & 18 June 2009 which have been distributed, are to be presented for confirmation as a true and correct record.

CARRIED

5.2 Ordinary Meeting: 23 June 2009

CR IAN MCCLELLAND, JP MOVED, CR SONIA TURKINGTON SECONDED that the Minutes of the Ordinary Meeting of Council held on Tuesday, 23 June 2009 which have been distributed, are to be presented for confirmation as a true and correct record.

CARRIED

5.3 Special Meeting: 1 July 2009

CR BARRY MCKENNA MOVED, CR SYLVAN ALBERT SECONDED that the Minutes of the Special Meeting of Council held on Wednesday, 1 July 2009 which have been distributed, are to be presented for confirmation as a true and correct record.

CARRIED

6 DISCLOSURE OF INTEREST SUMMARY**6.1 Disclosures At Briefing Session**

In accordance with Section 5.60A and 5.65 of the *Local Government Act 1995* the following disclosures of financial interest were made at the meeting:-
Nil.

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of proximity interest were made at the meeting:-
Nil.

In accordance with Clause 34C of the *Local Government (Administration) Regulations 1996* the following disclosure of interests affecting impartiality were made at the meeting:-

Date	Name	Item No.
7 July 2009	Cr Lou Magro	Item 11.4 - Campania Association Request – Strutt Way Facility Change of Usage Times

6.2 Disclosures At Council Meetings

In accordance with Section 5.60A and 5.65 of the *Local Government Act 1995* the following disclosures of financial interest were made at the meeting:-

Date	Name	Item No.
14 July 2009	Cr Barry McKenna	Item 13.1 – Proposed Verandah Additions – St Peters Primary School

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of proximity interest were made at the meeting:-

Nil.

In accordance with Clause 34C of the *Local Government (Administration) Regulations 1996* the following disclosure of interests affecting impartiality were made at the meeting:-

Date	Name	Item No.
14 July 2009	Cr Terry Blanchard	Item 12.8 – Tender No. 18-2009 – Supplemental Weed Control

7 URGENT BUSINESS

Nil.

8 PETITIONS

Nil.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

10 NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING

10.1 City of Bayswater 2009 Local Government Elections 2009

CR MARLENE ROBINSON MOVED, that:

The item for consideration be:

In the event of a full component of Councillors not being present at the Special Council Meeting on 27 July 2009 and to ensure full and open debate on the method of voting at the City of Bayswater 2009 Local Government Elections, ie; in person or postal, the matter be determined at the Ordinary Council Meeting on 28 July 2009 regardless of how many Councillors are present.

10.2 City of Bayswater 2009 Local Government Elections 2009 – Appointment of Returning Officer

CR MARLENE ROBINSON MOVED, that:

The item for consideration be:

Should a full component of councillors not attend the Special Council Meeting on 27 July 2009 and to ensure full and open debate on the appointment of a Returning Officer for the City's Biennial Local Government Election in October 2009, the following be discussed at the Ordinary Council Meeting on 28 July 2009, regardless of how many councillors are present:

- 1. The Western Australian Electoral Commissioner be appointed as an Independent Returning Officer to conduct the City's Biennial Local Government Election to be held in October 2009.**
- 2. That in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2009 ordinary elections together with any other elections or polls which may also be required.**

COUNCIL DECISION - EN BLOC RESOLUTION

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED to en bloc the Committee / Officer recommendations of Item 11.1 through to 11.3, Item 12.1 through to 12.6, Item 13.3 through to 13.4, Item 13.6, Item 14.1, Item 15.1 through to 15.2.

11 BUSINESS – ADMINISTRATION AND COMMUNITY SERVICES**11.1 Library Policy LB-P02: Libraries – Rules and Conditions of Membership**

Attachments: [1. Library Policy LB-P02](#)

Officer: A/Director of Administration and Community Services

Application

To consider the amendments to City of Bayswater Policy LB-P02 that clarifies and expands on the rules and conditions of library usage and membership.

Background

A review of all Library Services' policies conducted by the A/City Librarian in late 2008 concluded that a substantial redrafting of Library Services' policy LB-P02 was needed to clarify ambiguities. The submission to Council of the amended policy was delayed by the need to await the impact on conditions of use of the implementation of a computerised public PC reservations system. This system was implemented in early June 2009.

Comment

The majority of amendments recommended by the A/City Librarian provide guidance for library staff by rewording, merging and reordering sections of the policy. The Policy fundamentally remains unchanged and the amendments have not had a substantial impact on the policy's outcome. *(Refer to Attachment No. 1).*

Policy Implications

Alterations to LB-P02 (as per Attachment No. 1).

Financial Implications

Nil.

Voting Requirements

ABSOLUTE MAJORITY REQUIRED.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that Council adopts the amendments to Library Policy LB-P02, which has been reworded to clarify and expand on the rules and conditions of library usage and membership. *(Refer to Attachment No. 1).*

CARRIED EN BLOC WITH AN ABSOLUTE MAJORITY

11.2 Library Policy Review: LB-P03– Internet Usage**Attachments:** [1. Library Policy LB-P03](#)**Officer:** A/Director of Administration and Community ServicesApplication

To consider amendments to policy LB-P03 to bring the Policy in line for the application of the recently implemented computerised public PC booking system.

Background

The implementation in early June 2009 of a computerised public PC reservation system in all libraries has provided an opportunity for Library Services to increase the range of Internet protocols and software applications that can be offered to patrons. Due to security issues, the existing policy prohibits the use of the public PCs for anything but basic Internet browsing. The new reservation system incorporates features that enhance the effectiveness of existing security software installed on these PCs. Security is now at a level where patrons are able to access most Internet protocols and software applications without the risk of personal information theft or putting the local area network at risk from malicious software.

The new system also has the potential to significantly reduce the amount of time library staff spend assisting patrons with PC reservation issues. To take full advantage of this functionality, the majority of users need to be registered members. The current policy does not encourage users to become members. The amended policy stipulates that the use of Library Service's PCs is only free to registered members.

Comment

Policy LB-P03 (*refer to Attachment No. 1*) was adopted by Council in April 1996 and last amended in February 2006. Sections of the original policy have been deleted to allow the number of Internet protocols that can be accessed by patrons to be increased. The structure of the amended policy has also been prioritised to reflect government and community concerns regarding illegal use of the Internet and the risks of children accessing inappropriate Internet content. Areas of the existing policy that address these issues have been reworded, amalgamated and now appear at the head of the policy document.

Other alterations to the policy include deletions of sections of clauses two (2) and three (3) that define what can and cannot be accessed via the public PCs. The remaining points in these clauses have been reworded and merged into clause four (4) of the amended policy.

The title and purpose and objective of the policy have also been altered to reflect the broadening of services available from the public PC.

Policy Implications

Alterations to LB-P03 (as per Attachment No. 1).

Financial Implications

Nil.

Voting Requirements

ABSOLUTE MAJORITY REQUIRED.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that Council adopts the amendments to Library Policy LB-P03, to bring the Policy in line for the application of the recently implemented, computerised public PC booking system. *(Refer to Attachment No. 1)*.

CARRIED EN BLOC WITH AN ABSOLUTE MAJORITY

11.3 Sunday Trading – Centro Galleria – Sunday, 4 October 2009**Officer: A/Director of Administration and Community Services**Application

Correspondence has been received from Centro Galleria requesting Council comments on the proposal for additional retail trading hours on Sunday, 4 October 2009 from 10:00am to 6:00pm within the Morley Trading Area.

Centro Galleria is requesting the extended trading hours for the purpose of raising funds for the annual Telethon weekend.

Background

Retail trading hours are governed by the *Retail Trading Hours Act (1987)* which prevents retailers from trading on Sundays. Retailers are permitted to apply for one Sunday trading permit per annum.

Comment

1. The site contains the Morley Trading Area Centre and has been approved for retail purposes;
2. Retail trading hours are generally set by the Department of Consumer and Employment Protection; and
3. Council has previously supported similar annual one-off requests from Centro Galleria for charitable purposes.

Policy Implications

Nil.

Financial Implications

Nil.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that Cento Galleria be advised that the City of Bayswater has no objections to the request for additional trading hours for Morley Trading Area on Sunday, 4 October 2009 subject to the appropriate Sunday Trade applications being submitted.

CARRIED BY EN BLOC RESOLUTION

11.4 Campania Association Request – Strutt Way Facility Change of Usage Times

Attachments: 1. Policy No.RC-P06
2. Item 11.3 OCM : 14.04.09
3. Correspondence - Residents of Strutt Way (Confidential)
4. Ariel Photograph (Confidential)

Officer: Acting Director of Administration and Community Services
Refer: Item 11.3 : OMC : 14.04.09

ADDENDUM – ORDINARY COUNCIL MEETING – 14 JULY 2009Update:

The Campania association has notified the City that it wishes this Item to be withdrawn for tonight's Council Meeting. Officer's have contacted local resident (Mr Alex Sheridan) and notified him of the Campania Associations request.

As a result, the finishing times for the Campania Association at Strutt Reserve will remain in accordance with previous Council resolutions.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED that this Item be withdrawn at the request of the applicant.

CARRIED

12 BUSINESS – TECHNICAL SERVICES**12.1 Objection to Notice - Hubcaps Stored at 2/2 Strutt Way Noranda**

Attachments: 1. Confidential Attachment Objection by Owner
2. Confidential Attachment Photographs of Rear Yard

Officer: Manager Environmental Health

CONFIDENTIAL ITEM

Application

The owner of Unit 2/2 Strutt Way, Noranda has lodged an objection under Section 9.5 of the *Local Government Act 1995* to a Notice served upon him to remove hubcaps from his property.

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting is closed to members of the public for this item as the following sub-section applied:

- (b) The personal affairs of any person.
- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that in consideration of the objection raised under Section 9.6 by Mr Robert Tana of Unit 2/2 Strutt Way, Noranda to the Notice issued under Section 3.25 of the *Local Government Act* requiring the removal of hubcaps within thirty (30) days from 11 May 2009, a variation to the Notice be approved by Council under the following terms:

- a. **Approximately 80 % of the hubcaps are to be removed along with all other disused material within 3 months of the date of the letter of notification following Council's decision; and**
- b. **Should Mr Tana not comply with the variation to the Notice outlined above to the satisfaction of the Manager Environmental Health, the matter be referred to Council's solicitors for legal action and a contractor be engaged by the City of Bayswater to remove the excess hubcaps and other disused material.**

CARRIED BY EN BLOC RESOLUTION

12.2 EMRC Council Meeting - 21 May 2009

Attachments: [1. City of Bayswater Delegates Report](#)
[2. EMRC Abridged Minutes OMC 21 May 2009](#)

Officer: Director of Technical Services

Application

To allow Council consideration of the recent Minutes from the East Metropolitan Regional Council (EMRC).

Background

A Council Meeting of the EMRC was held on 21 May 2009. Cr Lou Magro, Cr Sylvan Albert and the Director of Technical Services were in attendance.

A delegates report listing items with implications for the City of Bayswater and the Abridged Minutes are included in this report (*refer to Attachment No's 1 & 2*).

A full copy of the minutes can be obtained by contacting the Director of Technical Services or the EMRC directly.

Should any Councillor wish to view the entire Minutes of the meeting, they should contact the Director of Technical Services for a copy.

Policy Implications

Nil.

Financial Implications

As detailed in the delegates report.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that the Director of Technical Services report on the EMRC Council Meeting of 21 May 2009 be received.

CARRIED BY EN BLOC RESOLUTION

12.3 Parking Restrictions - Clavering Road, Bayswater**Attachments:** [1. Drawing No. 24/09](#)**Officer:** **Director of Technical Services**Application

For Council to consider implementing parking restrictions in Clavering Road, Bayswater as depicted in Drawing No. 24/09 (*refer to Attachment No. 1*).

Background

Durham Road School has recently written to the City requesting that parking restrictions be implemented to address issues of safety around the school's crossovers in Clavering Road. They state that vehicles from the adjoining businesses are parking on either side of the school crossovers which limits their bus turning movements and causes a visibility problem for exiting vehicles. They have requested that Council implement no stopping restrictions on their side of the road and verge between 8.00am and 3.30pm, Monday to Friday, from the crest of the hill to the nearest crossover to Bassendean Road.

Current access/egress arrangements at the school are as follows:

- Clavering Road – one entry crossover (nearest to Bassendean Road) and a separate exit crossover further west; and
- Durham Road – one entry only crossover.

The section of the road adjoining the school is quite undulating with the crest of a hill approximately 70 metres northwest of the exit crossover.

Currently, the City has an existing no stopping restriction on the crest of the hill on the opposite side of the road to the school.

Comment

A number of site visits were undertaken to the school which showed that parking was congested on both sides of Clavering Road adjoining the entry/exit points. Overflow from the adjoining businesses was the primary cause with parking demand high at the location.

Vehicles parked on the school side are causing visibility problems for exiting vehicles from the school and the City is obliged to resolve the safety issue.

An onsite meeting was convened with the school Principal with the view of retaining the existing parking arrangement in Clavering Road by reconfiguring the school's access in Durham Road to both entry and exit. This was clearly rejected by the Principal, citing inadequate width of the crossover to accommodate buses and cars, as well as, interference with existing school parking arrangements. Despite being advised to the contrary, the school Principal was not in favour of the proposal.

Therefore, the only option available for Council is to resolve the issue of poor visibility for the existing arrangement in Clavering Road by implementing no stopping restrictions as depicted in Drawing No. 24/09.

Further correspondence in relation to this matter has been received, expressing concern in relation to vehicle speeds and the lack of a footpath.

These issues were not previously raised by the school or the complainant, however a review of a recent traffic survey indicates that vehicle speed is not a problem. The request for a footpath will require separate budget consideration.

Policy Implications

Disability Access Inclusion Plan (DAIP) – Whilst the issue of parking restrictions has limited implication in relation to the DAIP, the lack of a footpath in the area is a matter that will require further consideration. The inclusion of a footpath will be incorporated into the favoured plan for a new footpath.

Financial Implications

Nil.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that Council implement no stopping restrictions in Clavering Road, Bayswater as depicted in Drawing No. 24/09.

CARRIED BY EN BLOC RESOLUTION

12.4 Traffic Management - Clement Street, Bedford

Attachments: [1. Drawing No. 23/09](#)
Applicant: Mr N Becroft - 194 Salisbury Street, Bedford
Officer: Director of Technical Services

Application

For Council to consider implementing parking restrictions (as depicted in Drawing No. 23/09) and construction of a new footpath in Clement Street, Bedford.

Background

At the Ordinary Meeting of Council on 12 May 2009, a question was raised by the applicant regarding the safety of pedestrians in Clement Street, Bedford during the school drop off/pickup times.

The applicant stated:

“What can be done to stop parents of children at St Peters Primary School, from walking down the middle of Clement Street, between Rosebery St and Salisbury St, during school pick-up and drop-off times.

It is usual to see mums/dads with prams and children in tow negotiating this narrow and busy street (at this time), to the T intersection at Salisbury Street when it is very congested with cars with either side of the road.

Currently there is free parking anywhere, no parking bays or restrictions, or footpaths.”

Comment

The issue of pedestrian safety and parking in Clement Street has been investigated by Technical Services staff. A recent visit to the location has confirmed vehicles parking on both sides of the road between Salisbury Street and Rosebery Street. The congested parking has resulted in the traffic flow being restricted to one way in the central corridor. Considering this, it is recommended that Council implement “No Standing” restrictions on one side of the road (preferably the southern side). This will maintain two-way traffic flow in the street and parking on the opposite side.

The 2009/2010 Council budget lists a provision for a new footpath in the street and this will address any pedestrian safety issues.

The City’s proposal of implementing no stopping restrictions and construction of the new footpath in a section of road between Salisbury Street and Rosebery Street was communicated to the two owners on the southern side. Their response is noted as follows:

- (i) Not in favour with all day parking ban and would like to see the restriction being only applied during the peak periods in the morning and afternoon; and
- (ii) One owner was not in favour of the footpath for privacy reasons and the other owner had no objection.

Considering all of the above, it is recommended that Council implement no stopping restrictions on the southern side of Clement Street (between Salisbury Street and Rosebery Street during the morning and afternoon drop off /pick up periods as depicted in Drawing No. 23/09 (*refer to Attachment No. 1*)).

In regards to the privacy concern by one of the owners from the impact of the new footpath, this is not considered significant based on the house being set back more than four metres from the side fence.

To alleviate their concerns, the City has the option of constructing the footpath on the kerbline. In any case, it appears on the ground that significant vegetation at the other property near Salisbury Street and the building's close proximity to the side fence will require the construction of the footpath away from the side boundary.

Policy Implications

Nil.

Financial Implications

Nil.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that Council:

- 1. Implement 'No Stopping' restrictions in Clement Street between Salisbury Street and Rosebery Street during school days, Monday to Friday 7.45am to 9.00am and 2.15pm to 3.30pm as depicted in Drawing No. 23/09.**
- 2. Constructs a new 2.0 metre wide footpath on the kerbline on the southern side of Clement Street between Salisbury Street and Grand Promenade.**

CARRIED BY EN BLOC RESOLUTION

12.5 Gobba Lake Rehabilitation Project

Location: Wyatt Crescent
Attachments: [1. Original Concept Plan](#)
[2. Proposed Changes to Original Concept](#)
Officer: Director of Technical Services

Application

To provide an update on the status of the Gobba Lake project, and to seek Council consideration of proposed amendments to the concept plan.

Background

The Project involves converting Gobba Lake from a water body with poor environmental values to a wetland with environmental and social amenities for the community.

In 2005, the Council approved the concept plan (*refer to Attachment No. 1*) for the rehabilitation of the lake and this was costed at \$150,000 and ultimately paid for with cash-in-lieu funds.

Since the adoption of the concept plan, the following improvements have been implemented:

1. Nutrient Stripping Basin - On the eastern side of the lake the excavation and vegetation of a nutrient stripping basin, removal of weed rushes and replacement with native rushes has occurred.
2. Bird Habitat Creation - Weeds were removed and replaced with native sedges, trees and bushes. A pair of breeding black swans has nested here for the first time since 1993. This was reported in the Eastern Suburbs reporter.
3. Fauna Breeding Island - On the south western side of the lake, an island was created. This area is now being rehabilitated and will help protect breeding birds and long neck tortoises.
4. Native Plant Garden - Landscaping was undertaken using native Perth plants to develop a garden style landscape. In spring a spectacular flower display occurs at the lake which is held in special regards by the local residents of the area.
5. Installation of Playground – A small playground has been installed which is frequently used by the young families of the area.
6. Installation of a Footpath – An important part of the project was to create an environmental area which could be used for passive recreation by the local community. The footpath creates walking access around the entire lake
7. Installation of Fencing (1/3 of lake area) – The fencing helps to deter foxes, cats and dogs entering into the bird breeding area of the lake.

The following components of the project are outstanding:

1. Installation of a Boardwalk or Lookout

The original concept plan proposed a boardwalk/lookout to be erected over the eastern nutrient stripping basin. After rehabilitation of the area, a better location for the lookout was identified. This is due to the fact that the original location is located where the black swans are breeding; additionally the boardwalk is located over sedges where community members have indicated that they would prefer to be able to look out over water.

A preferred location has been identified by the community and over looks the lake and bird breeding habitat in front of the playground (*refer to Attachment No. 2*).

2. Installation of seating

The location of seating was not indicated on the original plan. Included in attachment 2 is a suggested seating plan that was developed with the Friends of Gobba Lake president.

3. Planting of Remaining Landscaping

The original concept plan identified areas for rehabilitation via landscaping. The plan also detailed areas where planting would be limited to maintain permeable views to the lake from adjacent residences. In consultation with the community group, it was agreed not to plant the trees identified on the plan until the project had been implemented and the vegetation on the ground had time to develop.

A resident who lives in the new development to the north of the lake has requested that trees be planted in the proposed landscaped area which was previously unplanted.

In a second issue the resident has raised suspicions that adjacent residents have removed trees from the bird breeding area (Area B, on *Attachment No. 2*) to retain a view from their property. It is unclear whether trees were removed from the area or whether the area was missed during initial planting.

The Friends Group have indicated that they do not want trees planted in the landscaped area and as detailed in the concept plan, the preservation of permeable views was supported by Council.

4. Consider Installation of a Shade Sail for Playground

The local community have requested that a shade sail be installed at this playground. This was not originally budgeted for however savings made in the construction of the project could be used to install the requested shade sail.

Comment

To date the restoration of Gobba Lake has been a successful project and Council officers now require council direction to complete the remaining phases of the project, as detailed above.

With respect to the remaining landscaped areas, whether the area of plants has had plants purposely removed or missed in planting it seems as though the gap should be planted to complete the bird habitat planting.

It is suggested that further settling and growth period is required for the site to determine whether any more trees would be suitable for the site. Accordingly it is suggested that the landscape garden area is not planted with any trees for a two year period when at that point the community should be consulted as to the need for trees in the area or not.

Policy Implications

Gobba Lake Concept Plan Approved by Council in 2005

Financial Implications

The actions recommended in this report are fully funded with cash in lieu funds.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that:

- 1. The City installs a lookout at Gobba Lake in the new location as per attachment 2.**
- 2. The City installs the seating in at Gobba Lake in the new location as per attachment 2.**
- 3. The City infill planting the area of missing plants in the Bird Habitat Area (Area B) as per the attachment.**
- 4. The City not plant trees in the landscaped garden area (Area A) for two years.**
- 5. Council officers in two years consult the community for the need to plant trees in the landscaped garden area.**
- 6. The City installs a shade sale over the children's playground funding the project from the saving made in other areas of the project.**

CARRIED BY EN BLOC RESOLUTION

12.6 Tranby Foreshore**Officer: Director of Technical Services**Application

To advise Council of the status of phase two of the Tranby Foreshore Restoration Project.

Background

On the 18 April 2006, Council resolved to adopt restoration plans for the Tranby Foreshore with an estimated cost of \$340,000. These were to be completed as follows:

- Phase 1 – 2008
- Phase 2 – 2009
- Phase 3 - 2010

The plan targets the areas of erosion that would be categorised as the most severe areas of erosion at the Tranby site. The underlying principle behind the plan was to use rip rap (rock boulders with geotextile underlay) to reinforce sections of the bank that are structurally unstable or are subjected to severe erosion. The areas where erosion is less severe will be revegetated to reduce loss of sediment.

Due to the large number of capital works projects undertaken this year, the installation of the rock was delayed until May 2009. Two opportunities of low tide were identified to undertake the construction works however, on the day of the planned operations; the tide of the river was higher than what would have been expected from tidal predictions.

The rock and concrete installation could have taken place under these conditions however, even with the use of sediment and oil floating barriers, it would have been impossible to avoid plumes of sediment and concrete pollution from floating into and down the river. It is a condition of the Swan River Trust development approval that this does not occur. As such, the officers had to make the decision not to undertake the works on the day as planned based on the conditions set by the Swan River Trust (as well as good environmental operating practice for works by Council). This decision however means that the City has lost its window of opportunity for rock installation until the following summer.

In addition it should be noted that half of the site works involves the installation of coir logs and revegetation. These works can still proceed in areas where rock installation is not required.

Comment

It is considered that the correct decision was made by the officers to stop works to ensure that the City did not cause any environmental harm to the river both on environmental and legal grounds. There is likely however to be some concern by the community that some of the works have been put on hold until the following summer. The main stakeholders who are interested are the residents of Tranby on Swan, the Maylands Ratepayers Association and the Swan River Trust.

It is recommended that the City write to the Maylands Ratepayers, Swan River Trust and resident of Tranby on Swan to advise them that the rock installation had to be delayed on the day of planned construction to ensure that the works did not cause any environmental harm to the river. As a result, it is necessary to postpone works until the next opportune tide in summer.

Policy Implications

Any level of prosecution could have occurred if officers had decided to install the rocks and caused sedimentation or pollution of the river.

Financial Implications

The mobilisation and demobilisation costs of the excavator will be borne by the City. This will however have little impact on the bottom line for the project.

The City can store the materials ordered for the project until the following tidal opportunity at its depot at no cost.

Should works have continued, the City may have faced prosecution and incurred further financial costs as the installation of the rocks would have caused sedimentation of the river.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that:

- 1. The Council receive the information regarding the delay of phase two of the Tranby Foreshore restoration project to ensure that site works had no impact on the Swan River.**
- 2. The City writes to the Maylands Ratepayers, Swan River Trust and residents of Tranby on Swan advising them of the delay on the rock installation and the environmental reasoning behind it.**
- 3. The installation of the rock as part of phase two be made a priority at the most appropriate low tides of Summer.**

CARRIED BY EN BLOC RESOLUTION

12.7 12th International Riversymposium, Brisbane**Attachments:** [12th International Riversymposium](#)**Officer:** Director of Technical ServicesApplication

To advise Councillors of the upcoming International Riversymposium in Brisbane. The conference will be held from 21 - 24 September 2009 with an additional optional training session on 25 September, at the Brisbane Convention and Exhibition Centre.

Background

The riversymposium is the most respected river conference in Australia. The Conference theme is 'from sea to source'. The focus will be on the interactions between catchments and the activities that take place within them.

Themes will examine strategies for coping with changing conditions, uses and policies for catchments and their management now and in the future. A copy of the conference brochure is *(attached)*. The topics will cover areas such as water quality, governance and institutional arrangements, climate change and upstream effects on downstream communities.

Comment

The City of Bayswater has a long history of river management in the areas of water quality and catchment management, river and riverbank restoration and river precinct planning.

The Senior Management Group has approved for the Environmental Coordinator to attend the Riversymposium and it is recommended that Council gives consideration to nominating an Elected Member to attend.

Policy Implications

Council Policy EO-PO5 Travel and Accommodation, provides the arrangements for the reimbursements of conference travel and accommodation expenses for elected member/s and Officers in accordance with the *Local Government Act 1995*.

Financial Implications

The cost associated with attendance of an elected Member and the Environmental Coordinator is in the order of \$3,500 per attendee and would be funded through the respective conference accounts.

Voting Requirements

Simple Majority Required

Council Discussion:

Council nominated Cr Mike Anderton, JP to attend the 12th International Riversymposium to be held in Brisbane, QLD.

Officer's Recommendation

That approval be granted for the attendance and associated cost of Cr _____ at the 12th International Riversymposium to be held in Brisbane, Queensland from 21-24 September 2009.

COUNCIL RESOLUTION

CR TERRY BLANCHARD MOVED, CR IAN MCCLELLAND, JP SECONDED that approval be granted for the attendance and associated cost of Cr Mike Anderton, JP at the 12th International Riversymposium to be held in Brisbane, Queensland from 21-24 September 2009.

CARRIED

12.8 Tender No. 18-2009 - Supplemental Weed Control**Officer: Director of Technical Services*****CR TERRY BLANCHARD DECLARED AN IMPARTIAL INTEREST***

In accordance with Section 5.65 of the Local Government Act 1995, Cr Terry Blanchard declared an impartial interest in this item as he knows one of the Directors of Turfmaster, who have submitted a tender on this Item. Cr Blanchard remained present during discussion and voting of this Item.

Application

To assess and award Tender No. 18-2009, Supplemental Weed Control, the supply and application of herbicides as a single activity and on a large scale, to supplement the weed control activities carried out the City of Bayswater's day labour for a two year period.

Background

The City undertakes an annual weed spraying programme to control the various weed species that proliferate if left unchecked. The effect of these undesirable weed species varies from bindii prickles or unsightly clover detracting from the amenity of a park, weed infestations damaging the ecology of environmentally sensitive and areas compromising the structural integrity of Councils assets such as its asphalt road surfaces and footpath network. Others are controlled because they are a declared pest species by the Department of Agriculture or increase the local fire risk.

At present, the City employs staff dedicated to controlling weeds. Generally for most of the year this capacity is adequate, although this not the case at peak times such as spring and for seasonal large scale broad acre works. In instances such as these, contractors are required to enhance the City's day labour. There is not generally enough work all year round to warrant engaging permanent full time staff for this specialised seasonal work.

Tenders were advertised on 16 May 2009 in the 'West Australian' newspaper and closed on 3 June 2009. At the close of tenders, six (6) submissions were received from:

- Website Weed and Pest;
- Weed Technics;
- Weed Technics (Alternative Tender);
- Turfmaster Facility Management;
- Maxwell Robinson and Phelps (MRP); and
- Ghems Holdings

Comment

The assessment of the tender has been undertaken in accordance with the Compliance Criteria and Price.

Compliance Criteria

COMPLIANCE CRITERIA	
The specification checklists have been completed	Yes/No
All operators have appropriate licences	Yes/No
Submission is in accordance with the Conditions of Tendering.	Yes/No
Price schedules have been completed	Yes/No

Further details relating to the above table are included in the Tender specification.

Tenderers were required to detail information confirming their compliance with all the above requirements within their submissions. Only one company, Turfmaster, submitted all of the required information down to the necessary detail.

Only two line items in the tender document were able to be quantified reasonably accurately. These were Crabgrass Control and Spearhead Selective Weed Control. The other items are unlikely to be used in any great amount, if at all.

The lowest price for these two items was submitted by Website Weed and Pest Control as follows:

Tenderer	Website Weed + Pest Control	Turfmaster	MRP	Weedtechnics	Ghems
Location	Wellard	Bayswater	Osborne Park	NSW	Bassendean
Crabgrass Control (80 ha's)	\$528/ha (\$42,240)	\$550/ha (\$44,000)	\$737.99/ha (\$59,039.20)	\$843.73/ha (\$67,498.40)	\$653.93/ha (\$52,314.40)
Spearhead – Selective Weed Control (260 ha's)	\$176/ha (\$45,760)	\$220/ha (\$57,200)	\$253/ha (\$65,780)	\$264.13/ha (\$68,673.80)	\$376.48/ha (\$97,884.80)
TOTAL	\$88,000	\$101,200	\$124,819.20	\$136,172.20	\$150,199.20
Annual Price Increase	CPI	CPI	CPI	CPI	CPI
Prompt Payment Discount	Yes, not quantified	No	No	Yes, 1% if paid within 10 days	No

* All prices are inclusive of GST

Assessment Criteria

The tenders were based on the following weighted criteria:

Criteria	Weighting
Experience and Position in Industry	10%
Plant and Equipment	10%
Occupational Health and Safety Management	10%
Price	70%

Company	Position		Timeframes		OSH		Price		Total
	Score	Weight	Score	Weight	Score	Weight	Score	Weight	
Website Weed + Pest Control	5	10	5	10	5	10	10	70.0	85.0
Turfmaster	10	50	10	50	10	50	8	59.5	89.5
MRP	8	40	8	40	8	40	6	40.7	64.7
Weedtechnics	6	30	6	30	6	30	4	31.7	49.7
Ghems	6	20	6	20	6	20	2	20.5	38.5

Website Weed and Pest

Website Weed and Pest Control operate from a residence in Wellard. Although Website Weed and Pest Control's prices were the cheapest, the evaluation committee had concerns relating to their capacity to complete the scope of works within the timeframes required and also the experience and professionalism of the company when using hazardous chemicals operating in high profile public open spaces. These concerns are as follows:

- Website operates a fleet of three modern vehicles and two small motorbike type support vehicles. This may be sufficient if weather conditions are ideal but will not be should one of the vehicles be incapacitated or required to service Websites other contracts.
- None of the vehicles are fitted with sufficiently wide tyres for driving on soft turf. It is of concern as the weight of the vehicle with a chemical tank full of herbicide will likely cause wheel ruts on the parks.
- None of the vehicles are fitted with variable pressure spray pumps. These devices vary the volume of herbicide spraying out of the spray nozzles as the vehicle speeds up or slows down, ensuring an even coverage of herbicide.
- None of Websites spray operators were registered by the Western Australian Health Department, to spray all of the chemicals required by this contract.
- Website had no purpose built chemical storage facility on site. They relied on an employee allowing chemicals to be stored at a local farm.
- The company has no chemical washdown facility for vehicles or emergency washdown for staff in the event of an accident. These concerns were relayed to Website's Management team at an onsite inspection meeting and Website gave an undertaking to have these deficiencies rectified if offered the contract, prior to commencement.

The evaluation committee also contacted Websites referee at the Town of Victoria Park who attested to Website's ability to do the work however, the Town of Victoria Park has less than half of the Parks the City of Bayswater has.

Turfmaster Facility Management

The next lowest price was submitted by Turfmaster Facility Management. Turfmaster is a quality assured company and the current contractor for this work. Throughout the three (3) year term of the current contract, Turfmaster has performed all requests for work to the satisfaction of the City. No legitimate complaints regarding the service have been received by the City throughout the contract period. Turfmaster is a local company, operating out of its specifically designed works depot on Collier Road, Bayswater. The submission by Turfmaster was the only one received that detailed all requirements of the contract, indicating clear understanding of the requirements of the City of Bayswater and the Health Department of Western Australia.

MRP (Maxwell, Robinson and Phelps)

MRP operate out of Osborne Park. MRP are a long established company and have a good reputation within the industry. Although the evaluation committee were of the opinion that MRP could perform the requirements of the tender, MRP's tendered prices were higher than both Website and Turfmaster and did not offer anything to represent better value to the City of Bayswater.

Weedtechnics – Conforming Tender

Weedtechnics is a national company specialising in non-chemical total weed control, although they also offer more conventional weed control services if required. The majority of contracts in Perth are for the hot water weed control.

The prices submitted by Weedtechnics for the City of Bayswater tender were higher than other contractors and their capacity and experience less, it was therefore the opinion of the evaluation panel that other contractors offered better value to the City of Bayswater for this work.

Weedtechnics – Alternative Tender

In addition to the previous conforming tender, Weedtechnics offered an alternative tender submission, for non-chemical weed control. Currently the work covered by this method is carried out by the City of Bayswater day labour force using appropriate chemicals licenced for the use by the National Registration Authority and at present there are no plans to change this methodology. The non-chemical alternative is also significantly more expensive.

Ghems

Ghems are a local specialist project management revegetation company operating out of Bassendean. They maintain a large fleet of modern vehicles as well as accessing subcontractors as required. Ghems most likely have the capacity and expertise to perform the contract but are the most expensive without any significant value adding benefits and so therefore do not represent the best value option to the City.

Summary

As shown in the assessment tables, although Website Weed submitted the lowest price for the contract, they did not rate as high as Turfmaster in the other selection criteria areas. Turfmaster submitted the second lowest overall price and rated highest in all other selection criteria areas. Although price was recognised to be the most important criterion, representing 70% of the overall evaluation once the other selection criteria were factored into the equation, Turfmaster received top scoring overall.

Policy Implications

Nil.

Financial Implications

The estimated expenditure in Council's Parks and Gardens for weed control as applicable to this contract is in the order of \$101,000 each financial year, should the submission by Turfmaster be accepted. This amount is budgeted for in the operational budgets of each asset.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR IAN MCCLELLAND, JP MOVED, CR TERRY BLANCHARD SECONDED the Officer recommendation that Tender No. 18-2009 – Supplemental Weed Control be awarded to Turfmaster Facility Management as a conforming tender for a two year period with annual CPI increases in accordance with the specification.

CARRIED

Cr Terry Kenyon, JP and Cr Marlene Robinson requested that their vote against the resolution be recorded.

13 BUSINESS – PLANNING AND DEVELOPMENT SERVICES**13.1 Proposed Verandah Additions – St Peters Primary School**

Location: Lot 59, No. 169 Salisbury Street, Bedford
Attachments: [1. Location Plan and Site Photo](#)
[2. Detailed Plans](#)
File No: DA09-0244
Applicant: Santelli Architects
Owner: The Roman Catholic Archbishop of Perth
Officer: Director of Planning and Development Services

CR BARRY MCKENNA DECLARED A FINANCIAL INTEREST

In accordance with Section 5.60A and 5.65 of the Local Government Act 1995, Cr Barry McKenna declared a financial interest in this item as his wife is a relief teacher at St Peters Primary School.

At 6:50pm, Cr Barry McKenna withdrew from the meeting.

Application

MRS Form1 and plans dated 22 May 2009 have been received for verandah additions to St Peters Primary School at Lot 59, No.169 Salisbury Street, Bedford.

1. The proposal comprises the following components:
 - a) Two verandah additions to existing buildings on the site; and
 - b) Upgrade of the underside of an existing verandah.
2. Council consideration is required:
 - a) To consider the application within context with the City's Town Planning Policy *TP – 1.4 Development Applications for Educational Facilities.*
 - b) To determine the application.

Background

Town Planning Scheme No. 24 Zoning:	Local Scheme Reserve – Public Purposes
Use Class:	Primary School
Lot Area:	16,510m ²
Existing Land Use:	Primary School
Surrounding Land Use:	Residential
Size/Nature of Proposed Development:	Proposed Verandah Additions

SCHEME PROVISIONS		REQUIRED	PROVIDED
Setbacks	Front	13.5 metres	23 metres
	Side	6 metres	11 metres

1. As a result of the Federal Government's 'Building the Education Revolution' economic stimulus package, additional funding has been made available for school facilities provided certain timeframes are met to enable construction to commence in the 2009/2010 financial year.
2. As a result of this funding initiative, development applications for private schools are processed with approval required from the local government authority. These private school applications are required to be determined by the City, and the City can still require these applications to be advertised.
3. Council's Town Planning Policy *TP P 1.4 Development Applications for Educational Facilities* states that applications are required to be advertised to the community where certain criteria apply.

Comment

Compliance with Scheme Provisions

1. The application has been assessed against the provisions of the Town Planning Scheme and Council policies and complies with all requirements with the exception of the requirement to undertake public advertising of the proposal.

Advertising of Proposal

2. The proposal has not yet been advertised to the community for comment. Given the emphasis on expediting development approvals that fall under the category of the Federal Government's 'Building the Education Revolution' programme, and the nature of the current application before Council, it is considered warranted that Council consider the determination of the proposal, potentially without advertising.
3. The City's Town Planning Policy *TP-P 1.4 Development Applications for Educational Facilities* stipulates that advertising of proposals for educational facilities is required where the following is proposed:
 - a) Buildings with a height in excess of one storey (3 metres).
 - b) Setback variations.
 - c) Reconfiguration of parking, traffic and manoeuvring areas.
 - d) Any increase in the population of the educational establishment.
 - e) Proposal has impact on the streetscape.
4. The proposal involves the construction of two verandahs and to upgrade the underside of an existing verandah. Verandah 1 (refer Attachment No.2) is proposed to provide a cover over an existing walkway that extends between two existing buildings, which are internal to the site. The underside lining of Verandah 2 is proposed to be upgraded, which is an existing structure and is also internal to the site. Verandah 3 is an extension of an existing verandah structure to cover a current walkway and will be located 11 metres from the side boundary and 23 metres from Salisbury Street. A portion of the existing verandah structure measures 3.9 metres in height.
5. When considered against the provisions of the City's Town Planning Policy *TP P 1.4 Development Applications for Educational Facilities*, the structures are all single storey, do not propose any setback variations, does not involve the reconfiguration of parking traffic or manoeuvring areas or result in any increase in the school's population. Verandahs 1 and 2 are in essence not visible from the street and therefore will not unduly impact the streetscape. Whilst Verandah 3 will be visible from the street, it is an extension of the existing verandah structure, which is currently 3.9 metres in height, and complies with the setback requirements under Town Planning Scheme No.24. The verandah extension is not considered to unduly affect the streetscape and is setback 23 metres from the street.

6. Given the minor nature of the proposal, which is not considered to unduly affect the existing streetscape and will not impact on the amenity of the adjoining neighbours, community consultation is not considered warranted in this instance.

Summary

1. The application for verandah additions at St Peters Primary School proposes two internal structures (Verandah 1 and Verandah 2) that are essentially not visible from the street, are internal to the site and are not considered to unduly impact on the amenity of the surrounding properties.
2. Verandah 3 will be visible from the street, however is considered to be a minor extension to the existing verandah structure, and complies with relevant setbacks. The verandah extension is not considered to unduly affect the streetscape.
3. The need for advertising of the proposal is not considered to be required, as the application proposes development that is internal to the site (Verandah's 1 and 2), and the structure that is visible from the street (Verandah 3) is an extension of an existing structure and is considered to not impact unduly on the streetscape. No increase in student numbers is proposed from the additions outlined in this report. The proposal is recommended for approval.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION (OFFICER'S RECOMMENDATION)

CR SALLY PALMER MOVED, CR SONIA TURKINGTON SECONDED the Officer recommendation that:

1. **Planning Approval be granted for the proposed verandah additions at St Peters Primary School at Lot 59, No.169 Salisbury Street, Bedford in accordance with the application DA09-0244 dated 22 May 2009 subject to the following planning conditions:**
 - a) **This approval is valid for a period of two (2) years from the date of this letter. If the development/use, the subject of this approval, is not SUBSTANTIALLY COMMENCED within two years, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.**
 - b) **The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.**
 - c) **The development complying with any details marked in red on the approved plans.**
 - d) **In accordance with the *Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989*, a building licence application must be obtained prior to the commencement of any building works.**
 - e) **This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.**

- f) **On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition.**
- 2. **The City write to the adjacent landowners informing them of Council's approval for the proposed verandah additions at St Peters Primary School.**

CARRIED

At 6:52pm, Cr Barry McKenna returned to the meeting.

13.2 Proposed Roof Deck and Outdoor Living Platform Additions

Location: Lot 32 No. 3 Riverslea Avenue and Lot 31 No. 5 Riverslea Avenue, Maylands

Attachments: [1. Location Plan and Site Photo](#)
[2. Detailed Plans](#)

Applicant: SJB Town Planning

Owner: Anthony Pillinger

Officer: Director of Planning and Development Services

Refer: Item 12.3.9 : OMC : 24.07.07
Item 12.3.6 : OMC : 20.11.07

Application

1. A MRS Form 1 and plans dated 31 January 2008 and revised plans dated 9 February 2009, 6 April 2009, 22 April 2009 and 9 June 2009 have been received for the construction of a roof deck and lower ground floor deck additions to the dwellings under construction at No.3 Riverslea Avenue, Maylands and No.5 Riverslea Avenue, Maylands.
2. No. 3 Riverslea Avenue, Maylands proposes a third storey roof deck which has a wall height of 7.4 metres from natural ground level and extends 4.13 metres from the rear of the first floor. The proposed lower ground floor deck is on the lower ground level and extends 2.5 metres from the rear of the existing retaining wall facing the rear of the property.
3. No. 5 Riverslea Avenue, Maylands proposes a third storey roof deck which has a wall height of 8 metres from natural ground level and extends 7.5 metres from the rear of the first floor. The proposed lower ground floor deck is on the lower ground level and extends 2.5 metres from the existing retaining wall facing the rear of the property.
4. Council consideration is required for the following matters:
 - a) Variation to wall height;
 - b) Variation to boundary setbacks;
 - c) Variation to privacy requirements;
 - d) Variation to the two storey height limit under Town Planning Scheme No. 24; and
 - e) Four (4) neighbour objections have been received.

Background

Town Planning Scheme No. 24 Zoning:	Medium Density Residential R50
Use Class:	Single House
Lot 32 No. 3 Riverslea Avenue Lot Area:	325 m ²
Lot 31 No. 5 Riverslea Avenue Lot Area:	334 m ²
Existing Land Use:	Dwellings under construction
Surrounding Land Use:	Built strata, single residential dwellings
Size/Nature of Proposed Development:	Third storey roof deck and lower ground floor deck

SCHEME PROVISIONS		REQUIRED	PROVIDED
No. 3 Riverslea Avenue			
Roof Deck -	Side (SW)	1.5m	1.8m
Setbacks	Side (SE)	1.5m	11.9m
	Side (NE)	1.5m	3m
Roof Deck -		6m	7.4m
Height			
Roof Deck -	Side (SW)	7.5m	4.4m*
Privacy	Side (SE)	7.5m	5.8m
	Side (NE)	7.5m	12.2m
Lower Ground	Side (SW)	1m	0m*
Floor Deck –	Rear (SE)	1m	0.6m**
Setbacks	Side (NE)	1m	0m
Lower Ground	Side (SW)	7.5m	0m
Floor Deck –	Side (NE)	7.5m	0m*
Privacy	Rear (SE)	7.5m	Screened
No. 5 Riverslea Avenue			
Roof Deck -	Side(SW)	1.5m	1.8m
Setbacks	Rear(SE)	1.5m	2.8m
	Side (NE)	1.5m	12.8m
Roof Deck -		6m	8m
Height			
Roof Deck -	Side (SW)	7.5m	4.1m
Privacy	Side (NE)	7.5m	6m*
	Rear (SE)	7.5m	14m
Lower Ground	Side (SW)	1m	0m
Floor Deck –	Rear (SE)	1m	1.2m
Setback	Side (NE)	1m	0m*
Lower Ground	Side (SW)	7.5m	0m
Floor Deck –	Side (NE)	7.5m	0m*
Privacy	Rear (SE)	7.5m	Screened

* Denotes same owner of adjoining lot

** Abutting Water Corporation easement

1. The subject site is constrained by a number of factors including a significant slope from the primary street towards the rear of the property and a Water Corporation sewer easement extends across the rear of the site and limits development within the easement area. A significant fall exists over the site from front to rear of approximately 7 metres.
2. The applicant has advised that the wall height and two storey height limit have resulted from the existing slope of the natural ground level. The applicant has also advised the proposals are to enhance the outdoor living areas due to the limited areas constrained by the Water Corporation sewer easement.

3. The subject site comprises two similar dwellings under construction, with each dwelling consisting of 2 sections as follows:
 - a) Section 1 – facing Riverslea Avenue (primary street) – three storeys (ground floor, upper floor and loft space)
 - b) Section 2 – at the rear of the dwellings – two storeys (ground floor and lower floor).
4. On 11 October 2006 development application was lodged for two dwellings. The dwellings consisted of a three storey component in Section 1 and a two storey component in Section 2 which both exceeded the height limit and two storey height limits under Town Planning Scheme No. 24 (TPS24) and the Residential Design Codes of Western Australia (R-Codes).
5. The development application was referred to Council due to variations with the relevant legislation. Council granted approval for two three storey dwellings on 24 July 2007 and at the request of the applicant the planning approval included a condition which reduced the total height of both dwellings by 1 metre.
6. The condition read as follows:

“The applicant to submit revised plans including site plans, floor plans and elevations demonstrating a reduction in height by 1 metre on finished floor levels and wall heights relative to natural ground level to the satisfaction of the Manager of Planning Services.”
7. Subsequent to the planning approval, the applicant appealed this condition at the State Administrative Tribunal (SAT). At the initial Directions Hearing the applicant agreed to defer the issue on the basis that the City considered new information relating to a proposed roof deck on the third floor.
8. On 28 September 2007 the applicant submitted plans for the proposed deck in facsimile format and the submitted plans were inadequate and lacked clarity. The new information was referred to Council for consideration, however due to insufficient information provided by the applicant, Council recommended to SAT that it was unable to make an informed decision.
9. As a result of this the applicant withdrew the SAT appeal.
10. On 26 November 2008 the applicant submitted revised plans demonstrating the reduction in height by 1 metre in accordance with Council’s resolution and those plans were endorsed on 9 December 2008.
11. On 31 January 2008 the applicant lodged a development application for two dormer windows on the loft, two roof decks and two lower ground floor decks which extend from Section 2 of the existing dwellings. The dormer windows were subsequently deleted from the proposal. The roof decks proposed have been reduced in size with greater setbacks from the plans received on 28 September 2007. The application is not for retrospective approval; the dwellings are currently under construction and conform with the terms of the planning approval granted on 24 July 2007.

Submissions

12. In accordance with the provisions of Town Planning Scheme No. 24, the proposal was advertised to the adjacent landowners as the applicant sought variations of Clause 8.3.1 *Height Restrictions* of TPS24 and *Table 3 – Maximum building heights Category B* of the R-Codes.
13. Four (4) submissions were received at the completion of the advertising process from the owners of:
 - a) Unit 21, No. 7 Riverslea Avenue, Maylands;
 - b) No. 2 Riverslea Avenue, Maylands;
 - c) No. 4 Riverslea Avenue, Maylands; and
 - d) No. 24 Fourth Avenue East, Maylands.
14. The submissions received raised the following issues:
 - a) The proposed decks do not complement the surrounding neighbourhood;
 - b) The proposed decks facilitate overlooking onto lower neighbouring properties;
 - c) The proposed roof deck facilitates outdoor entertainment and will create excessive noise and pollution.
 - d) The proposed roof deck will disturb the immediate area and cause detriment to the general amenity of surrounding neighbours;
 - e) The proposed development will create traffic congestion;
 - f) The proposed roof deck is three storeys and does not complement the existing streetscape; and
 - g) The proposed development is unsightly.

CommentCompliance with Scheme and R-Codes Requirements

1. Assessment of the application indicates that the proposal complies with the provisions of the Scheme, the R-Codes and TPS24 and Council Policy with the exception of the two storey height limit, wall height, boundary setbacks and visual privacy.

Nos. 3 and 5 Riverslea Avenue - Proposed Roof DecksWall Height

2. The approved wall height for No.3 and No. 5 Riverslea Avenue, Maylands from natural ground level was 6.5 metres.
 3. The applicant has proposed variations to the height limits outlined in the R-Codes Category B of *Table 3 – Maximum building heights*. The applicant has proposed wall heights of 7.4 metres and 8.15 metres respectively from natural ground level for No. 3 Riverslea Avenue and No. 5 Riverslea Avenue Maylands.
 4. The site is constrained by the 7 metre slope from the front to the rear of the site. The applicant has advised the increase in wall height is due to the addition of screen walls which are setback 1.8 metres and 3 metres respectively from No. 7 Riverslea Avenue, Maylands and No. 26 Fourth Avenue East, Maylands to reduce the visual impact on the adjoining properties.
 5. Given the height does not meet the acceptable development provisions of the R-Codes, exceeds the maximum wall height of 6 metres and has received neighbour objection, consideration is required under the Performance Criteria of the R-Codes.
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6. The performance criteria of Clause 6.7.1 – *Building Height* of the R-Codes states the following:
“Building Height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:
 - *adequate direct sun to buildings and appurtenant open spaces;*
 - *adequate daylight to major openings to habitable rooms, and*
 - *access to view of significance.*
 7. The R-Codes have specified wall height limits in residential areas, which are designed to preserve the unique character of the area; that all owners have access to amenity outcomes by ensuring the relativity to site and topographical conditions are maintained.
 8. The proposals are located on “benched sites” which follow the natural slope of the land. In this respect the approved development generally followed the natural contours and the approved maximum roof height of No. 3 and No. 5 Riverslea Avenue, Maylands was 10 metres and 10.1 metres respectively. Furthermore, the portion of both dwellings facing Riverslea Avenue, were previously approved with three storey components when viewed from the street.
 9. The proposed roof decks do not exceed the overall maximum height of 9 metres as indicated in Category B of the R-Codes.
 10. The proposed roof decks are located directly behind and are no higher than the approved dwellings. Therefore the proposed roof decks are not considered to unduly affect-access to views of significance, and adequate direct sun and daylight to buildings and appurtenant open spaces and habitable rooms.
 11. The proposed roof decks for No. 3 and No. 5 Riverslea Avenue, Maylands comply with the side setback requirements and are set in 0.5 metre and 0.4 metre respectively from the edge of the existing building. This staggering of setbacks is considered to reduce the effect of building bulk on the adjoining properties.
 12. It is also considered that the building bulk of the decks’ elevations could be further reduced through modification of the proposed materials, from timber to obscure glass. This modification has due regard to the surrounding local amenity and would further reduce the visual impact on the adjoining properties.
 13. The resultant wall height of the roof decks is considered to satisfy the Performance Criteria relative to building wall height under the R-Codes and is not considered to contribute to building bulk or unduly affect the general amenity of the local area.
- Two Storey Height Limit
14. The applicant has proposed a third storey outdoor habitable space. The provisions of Clause 8.3.1 of TPS 24 limit development to a maximum of two storeys in height unless the Council considers the building will not disrupt the amenity of the area.

15. Due to the nature of the existing natural ground level of the site, the impact of the roof decks do not significantly impact upon the surrounding locality. The proposed roof decks are softened by the existing dwellings, are largely obscured from Riverslea Avenue and the visual impact of building bulk is reduced through appropriate setbacks.
16. The proposed roof decks also complement and integrate with the existing dwellings, whilst not significantly modifying the existing appearance of the dwellings when viewed from the river.

Roof Decks - Privacy

17. The applicant has proposed variations to the visual privacy requirements outlined in the R-Codes. The roof decks present a cone of vision of 1 metre into a backyard of No. 26 Fourth Avenue East, Maylands and 1.2metres into a drying court of No. 7 Riverslea Avenue, Maylands.
18. As the proposed roof decks do not meet Acceptable Development clause 6.8.1 *Visual Privacy* and has received neighbour objection the application is required to be assessed against the performance criteria for visual privacy under the R-Codes.

The Performance Criteria of *Clause 6.8.1 Visual Privacy* states:

“Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.

Where these are used, they should be integrated with the building design and have minimal impact on residents’ or neighbours’ amenity.

Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.”

19. To ensure that the proposed roof deck at No. 3 Riverslea Avenue does not unduly affect the amenity of the rear neighbour at No 26 Fourth Avenue East, Maylands, (who has raised objection to the decks), it is proposed to impose a condition for screening to be provided to a height of 1.65 metres to remove any visual privacy concerns for the neighbour.
20. An objection has been received from an adjoining owner in relation to overlooking from the proposed roof deck at No. 5 Riverslea Avenue, Maylands. To ensure that the amenity for the adjoining property is maintained, a condition has been included in the recommendation requiring this roof deck to be provided with screening to a height of 1.65 metres to remove any privacy concerns for the neighbour.

No. 3 and No. 5 Riverslea Avenue - Proposed Lower Ground Floor Decks

Building Setbacks

21. The applicant has proposed lower ground floor decks which extend 2.5 metres from the existing rear retaining walls at No.3 and No. 5 Riverslea Avenue, Maylands and have a 1.8 metre high fence facing the rear for both dwellings. The lower ground floor decks are proposed with a nil setback towards the north-eastern and south-western side boundaries (No. 26 Fourth Avenue East, Maylands and No. 7 Riverslea Avenue, Maylands) in lieu of the 1 metre requirement under the Acceptable Development standards.
22. The proposed lower ground floor deck at No. 3 Riverslea Avenue, Maylands is raised by a maximum of 0.8 metre above the original (pre-excavated) natural ground level and abuts No. 26 Fourth Avenue East, Maylands on the north-eastern side boundary. In addition the deck proposes a 0.6 metre setback to the rear of the boundary which abuts a Water Corporation easement. The proposed lower ground floor deck for No. 5 Riverslea Avenue, Maylands has a rear setback of 1.2 metres, is raised at a maximum of 0.6 metre above the original natural ground level.
23. The lower ground floor decks are proposed over the existing rear ground level outdoor areas for both dwellings. The plans provided represent the original natural ground level prior to construction and building works. Due to construction of the dwellings, the original natural ground level for No. 3 and No. 5 Riverslea Avenue, Maylands was altered and the area behind the retaining wall of Section 2 was excavated by a depth of approximately 2.4 metres below the natural ground level.
24. Given the development application does not meet the Acceptable Development Standards and has received neighbour objection the application is required to be assessed under the Performance Criteria of the R-Codes.

The Performance Criteria of *Clause 6.2.1 Setback of Buildings* generally states:

“Buildings setback from street boundaries an appropriate distance to ensure they:
 - *contribute to the desired streetscape;*
 - *provide adequate privacy and open space for dwellings; and*
 - *allow safety clearances for easements for essential service corridors.”*
25. The rear setback of the lower ground floor decks are considered to unduly impact on the amenity of the adjoining neighbour, who has objected to the proposal on the grounds of privacy. The reduced setback is also considered to reduce safety clearances given the proximity of the sewer easement along the rear boundary.
26. To ensure the proposed lower ground floor decks comply in accordance with the Acceptable Development Standards of the R-Codes it is recommended that the proposed lower ground floor decks be setback a minimum of 1 metre from all boundaries to satisfy the boundary setback requirements.

Privacy

27. The lower ground floor decks as presented do not comply with the Acceptable Development standards of the R Codes, given that the proposed floor levels are raised greater than 0.5 metres above the natural ground level. When this situation occurs, the deck area is required to be assessed as if it were a balcony, thus requiring a privacy setback of 7.5 metres from the boundary or to be screened in accordance with the Acceptable Development standards.
28. As the proposed lower ground floor decks do not comply with the Acceptable Development standards of Clause 6.8.1 *Visual Privacy*, and neighbour objection has been received, the application is required to be assessed against the performance criteria of the R-Codes.
29. The lower ground floor decks for No.3 Riverslea Avenue and No.5 Riverslea Avenue are raised 0.8 metres and 0.6 metres respectively from the current natural ground level. It is worth noting that objections have been received regarding overlooking from the decks. The lower ground floor decks are considered to have the potential to overlook into the adjoining properties, which is considered to unduly impact on the amenity of these properties. To ensure that the decks comply with the Acceptable Development standards of the R-Codes in regard to visual privacy, an appropriate condition has been included requiring the provision of screen walls to 1.65 metres from the finished floor level.

Summary

1. The height and privacy provisions outlined in the R-Codes seek to preserve an appropriate amenity for all landowners on a consistent basis. Although the proposed roof decks of No. 3 and No. 5 Riverslea Avenue, Maylands exceed the required wall height of the R-Codes, the development is considered to be effectively integrated into the building design.
2. The proposed roof decks for both dwellings are adequately setback in accordance with the R-Codes and do not unduly impact on the local streetscape.
3. Furthermore the proposed roof deck screens have been conditioned to ensure screening is provided to a height of 1.65 metres in accordance with the Acceptable Development Standards relating to visual privacy.
4. The proposed lower ground floor decks have been conditioned to be screened on all sides, provide trapdoors and be setback 1 metre to meet the Acceptable Development provisions of the R-Codes.
5. As a result of the conditions imposed for boundary setbacks and increased screening, the proposed lower ground floor decks are not considered to unduly affect the amenity of the area.
6. On the above basis, the proposed roof decks and lower ground floor decks are conditionally supported.

Voting Requirements

Simple Majority required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR SYLVAN ALBERT MOVED, CR TERRY BLANCHARD SECONDED the Officer recommendation that Planning Approval be granted for the proposed roof decks and lower ground floor decks at Lot 32, No. 3 Riverslea Avenue, Maylands and Lot 31 No.5 Riverslea Avenue, Maylands in accordance with the revised plans dated 9 February 2009 subject to the following planning conditions:

- 1. This approval is valid for a period of two (2) years from the date of this letter. If the development/use, the subject of this approval, is not SUBSTANTIALLY COMMENCED within two years, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.**
 - 2. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.**
 - 3. The development complying with any details marked in red on the approved plans.**
 - 4. In accordance with the *Local Government (Miscellaneous Provisions) Act 1960* and Building Regulations 1989, a building licence application must be obtained prior to the commencement of any building works.**
 - 5. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.**
 - 6. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition.**
 - 7. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the subdivision/development. Where the Water Corporation reticulated sewer is not available the premises are to be connected to an approved wastewater treatment system which complies with the requirements of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and the Government Sewerage Policy Perth Metropolitan Region.**
 - 8. Any existing septic system is to be decommissioned to the satisfaction of the City of Bayswater and in accordance with the Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No.2) 1997.**
 - 9. All stormwater and drainage runoff produced onsite is to be disposed of onsite via the use of soakwells. The size of the soakwells are to be calculated by use of the formula $VOL(m^3) = AREA(m^2) \times 0.0125$, where VOL is total storage volume of soakwells and AREA is total roofed and paved areas. Connection to the City's stormwater system, where available, may be permitted as an overflow only if to the satisfaction of the City of Bayswater.**
 - 10. The proposed screen walls of the roof decks at Lot 32 No. 3 and Lot 31 No. 5 Riverslea Avenue, Maylands to be constructed of obscured glass to a height of 1.65 metres above the respective finished floor level.**
 - 11. Obscure glass screen walls to be provided on the roof decks at Lot 32 No. 3 and Lot 31 No. 5 Riverslea Avenue Maylands where the cone of vision encroaches into the adjoining property to a height of 1.65 metres above the respective finished floor level, in accordance with Clause 6.8.1 A1 (ii) of the Residential Design Codes.**
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12. The proposed lower ground floor decks at Lot 32 No. 3 and Lot 31 No. 5 Riverslea Avenue, Maylands to be setback a minimum of one (1) metre from the side and rear boundaries.
 13. The proposed lower ground floor decks at Lot 32 No. 3 and Lot 31 No. 5 Riverslea Avenue, Maylands to be provided with a trap door to allow safe maintenance.
 14. The proposed lower ground floor decks for Lot 32 No. 3 and Lot 31 No. 5 Riverslea Avenue, Maylands to be provided with screen walls with a wall height of 1.65 metres above the respective finished floor levels on all elevations.
 15. The proposed roof decks and lower ground floor decks for Lot 32 No. 3 and Lot 31 No. 5 Riverslea Avenue, Maylands are to remain un-enclosed and without any form of roof cover/material at all times.

CARRIED

Cr Terry Kenyon, JP and Cr Marlene Robinson requested that their vote against the resolution be recorded.

13.3 Proposed Garage and Front Fence Addition to Single House

Location: Lot 93, No. 16 Hampton Square East, Morley
Attachments: [1. Location Plan and Site Photo](#)
[2. Detailed Plans](#)
Applicant: Jacob Rakitic
Owner: Jacob Rakitic
Officer: Director of Planning and Development Services

Application

1. An MRS Form 1, plans dated 14 May 2009 and revised plans dated 15 June 2009 have been received for the retrospective planning approval of a garage addition and front fence within the primary street setback of a single house at Lot 93, No.16 Hampton Square East, Morley. The fence has been fully constructed and the garage has been partially constructed.
2. The proposal comprises the following installations:
 - a) a double garage addition to the existing single house located within the primary street setback. The garage proposal includes a nil setback parapet/boundary wall abutting the northern lot boundary; and
 - b) a 1.8m high front fence to be constructed from brick. The fence as constructed does not meet the vehicle sightlines requirements of the R-Codes as it has not been truncated or made visually permeable above 0.75m where it abuts the proposed access way.
3. Council consideration is required as:
 - a) the proposal does not comply with the minimum primary street garage setback of 4.5 metres; and
 - b) the City has also received an objection from the neighbouring landowner with regard to the proposed nil setback wall on the northern lot boundary.

Background

1. The context of the subject property is that of:
 - a) an existing single house; and
 - b) an existing ancillary ‘granny flat’ accommodation located at the rear of the property.

Town Planning Scheme No. 24 Zoning:	Residential – R20/25
Use Class:	Single House
Lot Area:	954m ²
Existing Land Use:	Single House with Ancillary Accommodation
Surrounding Land Use:	Residential and Reserve
Size/Nature of Proposed Development:	Garage and Front Fence Addition to Single House

SCHEME PROVISIONS	REQUIRED	PROVIDED
Street Setbacks Minimum	4.5m	3.0m
Minimum Open Space	50%	62.5%

R-CODES PROVISIONS	REQUIRED	NORTHERN BOUNDARY WALL
Maximum Wall Height	3.0m	2.8m
Maximum Average Wall Height	2.7m	2.8m
Maximum Wall Length	9.0m	6.4m

Submission

1. As the application incorporates a garage boundary wall comment was sought from the adjoining landowner at Lot 92, No. 18 Hampton Square East, Morley. The landowner subsequently submitted a written objection to the proposal.
2. The submitter objects to the application proposal as there is currently a dispute between the occupant of 18 Hampton Square East and the owner of the subject property at 16 Hampton Square East. The City has been advised that the two parties involved are relatives and the dispute specifically relates to a conflict over the deceased estate ownership of the property at 18 Hampton Square East.

Comment

1. Assessment of the application indicates that the garage and front fence complies with the acceptable development standards of the Residential Design Codes, the City's Town Planning Scheme No. 24 and Council Policies with the exception of the street setback to the garage and the average height of the parapet/boundary wall.

Parapet/Boundary Wall

2. Clause 6.3.2 of the R-Codes "Buildings on Boundary" requires boundary walls to comply with the provisions except where otherwise provided for in a local planning policy. The City's policy for boundary walls states that any wall within 1.0m of a boundary requires neighbours' comments. Where an objection is received the development is required to be determined under the Performance Criteria by Council.
3. The Performance Criteria of the R-Codes states:

"Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

 - *make effective use of space; or*
 - *enhance privacy; or*
 - *otherwise enhance the amenity of the development;*
 - *not have any significant adverse effect on the amenity of the adjoining property; and*
 - *ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted."*

4. It is considered that the placement of the subject garage will enable the applicant to improve the privacy of the property as it will prevent direct views and unwanted access into the outdoor living area of the existing house.
5. It is not considered that the subject garage parapet/boundary wall will cause an undue impact upon the amenity of the neighbouring property as it does not abut the outdoor living area of the dwelling. Furthermore, Condition 6 of the recommendation requires that the proposed wall is finished to a professional standard to the satisfaction of the City.

Setback of Garage

6. The proposed garage has a setback of 3.0m from the primary street. Clause 6.2.3 of the Residential Design Codes states that a garage must achieve a minimum setback of 4.5m from the primary street unless the garage is setback at least 0.5m behind the dwelling alignment in which case the compliant setback is reduced to 3.0m. As the proposed garage is not setback behind the existing dwelling the 4.5m minimum setback requirement applies. Given the above, the proposal has been assessed under the Performance Criteria of the R-Codes.
7. The Performance Criteria of the Residential Design Codes states with regard to the setback of garages:

“The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street or vice versa.”
8. It is not considered that the proposed garage will obstruct views or sightlines for reversing vehicles either within the subject property or in adjacent properties.
9. The prevailing context of the streetscape is that of existing dwellings with 6.0 - 8.0m setbacks. Recent infill development displaying generally decreased setbacks to carports and dwellings is present within the Hampton Square East streetscape is as follows:
 - a) At No. 12 Hampton Square East an existing carport has a setback of 3.0m from the front property boundary.
 - b) At No. 10A Hampton Square an additional grouped dwelling has an enclosed garage setback at 4.7m from the front property boundary.
10. The subject garage is to be of a pitched roof design that is generally consistent with the architectural style of the existing dwelling and streetscape. The garage being setback 3.0m from the primary street is not considered to unduly impact upon the streetscape or neighbouring properties.

Other

11. As the proposed development has been partially constructed without prior authorisation from the City the applicant is required to have the existing structures certified by a structural engineer prior to the issuing of a building licence for the balance of the works.

12. The existing front fence has not been constructed in accordance with the Acceptable Development Standards of the R-Codes with regard to providing a truncation or increased visual permeability within 1.5m of where it adjoins the proposed access way.
13. Accordingly the applicant must amend the existing structure to make it visually permeable above 0.75m within 1.5m of where it abuts the accessway. An appropriate condition has been included in the recommendation to require the applicant to modify the wall in accordance with the Acceptable Development Standards of the R-Codes (refer to Condition No.8 of the recommendation).

Summary

It is considered that the setback variation to the proposed garage is in accordance with the Performance Criteria of the R-Codes. With regard to the proposed garage wall although an objection has been received from the adjoining landowner it is considered that the proposed wall does not unduly affect the amenity of the neighbouring property. To ensure appropriate sightlines are maintained a condition has been included requiring the wall to be modified to comply. The applicant must also undertake the necessary steps to ensure that any structures built without authorisation are retrospectively approved prior to the commencement of further works. In light of the above the application is recommended for conditional approval.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION (OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that Planning Approval be granted for a garage addition and front fence to a single house at Lot 93, No. 16 Hampton Square East, Morley in accordance with the plans dated 14 May 2009 and revised plans dated 15 June 2009 subject to the following planning conditions:

1. **This approval is valid for a period of two (2) years from the date of this letter. If the development/use, the subject of this approval, is not SUBSTANTIALLY COMMENCED within two years, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.**
2. **The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.**
3. **The development complying with any details marked in red on the approved plans.**
4. **The applicant to obtain the appropriate building certificate from the City indicating that the proposal complies with the provisions of the Building Code of Australia, to the satisfaction of the Manager of Building Services.**
5. **This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.**

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- 6. The approved garage parapet/boundary wall and footings abutting the northern lot boundary must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall shall be finished to a professional standard to complement the dwelling on the adjoining lot, to the satisfaction of the City of Bayswater.**
 - 7. All stormwater and drainage runoff produced onsite is to be disposed of onsite via the use of soakwells. The size of the soakwells are to be calculated by use of the formula $VOL(m^3) = AREA (m^2) \times 0.0125$, where VOL is total storage volume of soakwells and AREA is total roofed and paved areas. Connection to the City's stormwater system, where available, may be permitted as an overflow only if to the satisfaction of the City of Bayswater.**
 - 8. The front fence to be modified to be visually permeable above 0.75m within 1.5m of the proposed vehicle access way within 28 days of notification of approval.**
 - 9. All vehicle crossings being upgraded, designed, and constructed to the satisfaction of the City of Bayswater.**
 - 10. The existing and/or proposed driveways being constructed with brick paving or concrete to the satisfaction of the City of Bayswater.**

CARRIED BY EN BLOC RESOLUTION

13.4 Lease - Robert Thompson Reserve Building

Location: Robert Thompson Reserve, 1 Weatherill Way, Noranda
Attachments: [1. Correspondence - Scale Modellers Club of WA](#)
Applicant: Scale Modellers Club of WA
Owner: Crown Land Vested in the City of Bayswater
Officer: Director of Planning and Development Services
Refer: Item 11.5.4 : OMC : 24.06.2008
 Item 11.8.5 : OMC : 22.07.2008
 Item 14.38 : OMC: 26.08.2008
 Item 14.24 : OMC : 23.09.2008

Application

To consider a request from the Scale Modellers Club of WA to renew its usage agreement for a further twelve (12) month period and its intention to enter into a formal lease agreement for the Robert Thompson Reserve building and to consider the Club's proposed building modification works.

Summary of Proposed Lease:

Property:	Robert Thompson Reserve, 1 Weatherill Way, Noranda
Uses:	Club purposes including ancillary recreational and social activities relating to the club
Leased Area:	Entire building including verandahs
Term:	Ten (10) years
Rent:	Peppercorn
Outgoings:	Local government services and other charges, rubbish collection charges, water usage, and telephone, electricity, gas and other power and light charges

Background

1. Council resolved at its meeting held on 24 June 2008:

“that

1. *Council develop a short term usage agreement with the Scale Modellers Club WA for the Robert Thompson Reserve Facility including the following terms:*
 - *No lease be given, due to the future modifications planned for the facility.*
 - *A short term usage arrangement (12 months) be offered that highlights the responsibilities of the community group including cleaning, minor maintenance, bonds, keys and payments similar to those identified in the standard lease agreement.*

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- *Community group be notified that usage is only committed until the refurbishment of the facility takes place.*
 - *No guarantee that use of the facility by the group will continue once the refurbishment is completed.*
 - *A monthly usage fee be charged to the community group and included in the annual fees and charges for budget adoption.*
2. *The Robert Thompson Advisory Committee be advised of the above.”*
2. The Robert Thompson Advisory Committee was advised of the above resolution and supported the Club’s application.
 3. A short term usage agreement of twelve (12) months was offered only to the Scale Modellers Club of WA, whilst Council was considering the 3 options for refurbishment of the building for community use.
 4. The Scale Modellers Club of WA (SMCWA) accepted the terms of the usage agreement for the period 26 June 2008 to 25 June 2009. The Club took possession of the keys to the facility on 1 August 2008.
 5. A report was presented to Council on 26 August 2008 seeking the direction on the preferred option for the building modifications / refurbishments to the facility. The City explored three (3) options for refurbishment of the building for community use. Council resolved at this meeting:

“that Council defer this item until the next Ordinary Meeting of Council pending further information on the options and costings.”
 6. At the Council meeting held on 23 September 2008 preliminary costs were provided for the three (3) original options for refurbishment of the building for community use. It was noted that regardless of the building option pursued, it will only be necessary to undertake minor works to ensure compliance with the BCA and public building standards as the building is being occupied by a club. Council resolved:

“that

 1. *The Club Rooms at Robert Thompson Reserve be upgraded to the required health standards costing approximately \$21,500, and that options 1, 2 and 3 not be pursued.*
 2. *Any funds remaining from those already allocated to the building upgrade be put towards the improvement of the Reserve as discussed at the recent Robert Thompson Reserve Working Party meeting.*
 3. *The Robert Thompson Reserve Working Party be advised of this decision.”*
 7. A letter was received from the SMCWA on 4 June 2009 wishing to renew the usage agreement for another twelve (12) months or to be considered for a long term (ten year) lease agreement for the facility (*refer to Attachment No. 1*).
-

8. Furthermore, the SMCWA would like the building to be modified to improve its functional practicality and to accommodate the club's increasing membership. The SMCWA has offered to minimise the costs by providing the following:
 - Labour to demolish and remove material;
 - The disposal of materials from site;
 - Paint walls and floors;
 - Fit cupboards to kitchen area;
 - Remove benches in changerooms; and
 - Supply labour to minimise costs to Council.
9. The building is structurally sound and in good condition. Minor works have been conducted at the facility to ensure compliance with the BCA and public building standards. These works include installation of the following:
 - A new stove and hot water system;
 - Emergency EXIT lights and door furniture to EXIT doors;
 - Additional internal lighting;
 - Appropriate fire fighting equipment; and
 - The required ventilation (air conditioning).

Comment

1. On 25 June 2009, representatives of the SMCWA met and discussed SMCWA's proposal and intentions with the City's Chief Executive Officer, Director Planning and Development Services and Manager Building Services. The SMCWA's proposal and intentions is as follows:
 - a) Enter into a ten (10) year lease agreement for the Robert Thompson Reserve building;
 - b) If the lease agreement is approved by Council, renewal of the usage agreement is not necessary; and
 - c) The City in conjunction with the SMCWA modify the building at a later stage.
2. Over the past twelve (12) months property inspections have been conducted on a quarterly basis to ensure the building is being maintained by SMCWA to the City's satisfaction as per the terms of the usage agreement. The inspections revealed that the premises were clean and well presented.
3. The City has received one (1) verbal enquiry into the current use of the Robert Thompson Reserve facility in the past 12 months; however no further follow up from the enquiry was received. A letter from the Vauxhall Owners Club was received by the City on the 24 July 2008 and a formal response was given advising them that Council had already given approval for the short term use of the facilities to another organisation for a twelve (12) month period.
4. The issue of offering a formal lease for the Robert Thompson Reserve facility has been referred to the Robert Thompson Reserve Working Party whom are in support of the lease agreement and the SMCWA occupying the premises.

5. The City's records indicate that there have been no formal complaints received from residents since the SMCWA have been located at Robert Thompson Reserve.
6. Currently, the Club does not have access or exclusive use of the end changeroom, however in seeking future tenure, the Club have indicated that they would like this included as part of the leased area.
7. The SMCWA have been utilising the facility under a twelve (12) month usage agreement to conduct activities associated with the plastic model construction and presentation. The Club has taken an active role in keeping both the interior and exterior of the facility in a clean and tidy manner. The Club are continuously seeking to improve the appearance of the building and the increased activity generated by the Club has had a marked decrease on the anti-social behaviour reported.
8. The SMCWA was provided with a copy of the City's recently adopted standard lease agreement at the meeting with the City's Officers held on 25 June 2009.
9. On 30 June 2009, the President of the SMCWA verbally advised that SMCWA may require some clarification on specific provisions of the standard lease, however does not have any objection to the provisions of the lease.
10. At the 25 June 2009 meeting, it was agreed that the City in conjunction with the SMCWA will investigate the proposed building modification works to ascertain the actual extent of works required, costs, timeframe and who is responsible. This matter would then be reported to Council for its consideration.

Summary

1. The Scale Modellers Club of WA (SMCWA) is requesting a long term lease agreement for the use of the Robert Thompson Reserve facility. Furthermore, the SMCWA wish to seek approval to modify the facility at a later stage to accommodate the Club's increasing membership.
2. In light of Council resolution dated 24 June 2008 that no lease be given and the subsequent need for Council direction on whether a lease will be offered over the facility, the SMCWA have not yet been provided with a copy of the standard lease agreement.
3. Overall, the City has no fundamental objections to the SMCWA leasing the facility on peppercorn rent for a ten (10) year period, while the proposed building modification works should be subject to further investigations and then reported to Council for its consideration.

Policy Implications

Nil.

Financial Implications

No funds have been allocated for the subject proposed works in the 2009/2010 budget.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that Council:

- 1. Approve the lease agreement for the Scale Modellers Club of WA at Robert Thompson Reserve, 1 Weatherill Way, Morley in accordance with the recently adopted standard lease agreement.**
- 2. Authorise the Director Planning and Development Services to finalise the details of the lease agreement for the Scale Modellers Club of WA, and if the Scale Modellers Club of WA wishes to vary any of the provisions of the standard lease agreement, this matter is to be referred back to Council for consideration.**
- 3. Notes that the details of the proposed building modification works submitted by the Scale Modellers Club of WA will be further investigated and the outcome of the investigations will be reported to Council for its consideration.**

CARRIED BY EN BLOC RESOLUTION

13.5 ABCB Conference - Building Australia's Future

Location: RACV Royal Pines Resort, Gold Coast, Queensland
Attachments: [1. Conference Brochure](#)
Officer: Director of Planning and Development Services

Application

Council is requested to consider attendance of a councillor at the Australian Building Codes Board (ABCB) Conference to be held at the RACV Royal Pines resort on the Gold Coast, Queensland from Sunday 20 September 2009 to Wednesday 23 September 2009.

Background

This is the ABCB annual conference and aims to share in the professional development and networking opportunities at the “Building Australia’s Future 2009 Conference” that has a program featuring both plenary sessions and interactive workshops that will focus on a variety of topics and technical requirements relevant to all building professionals.

Comment

1. The conference program will include a range of presentations formats to maximise the opportunities for delegates to gain both new knowledge as well as exposure to techniques for the practical application of building regulatory requirements. The range of topics to be covered during the presentation format include:
 - a) Climate Change - A Moving Target;
 - b) Performance through Innovation - Meeting Objectives and Expectations; and
 - c) Energy efficiency - Future Directions.
2. A series of afternoon workshop sessions include:
 - a) Climate Change - Natural Disasters;
 - b) Common BCA Misinterpretations; and
 - c) Energy Efficiency Software.
3. The Senior Management Group has endorsed the attendance of the Manager Building Services at this conference. It is recommended that Council consider nominating an Elected Member to attend also.
4. Elected member attendance at the conference is in accordance with Council Policies. (Policy No. EO-P22- “Conference/Seminar Attendance - Elected Members”).

Policy Implications

Council Policy No. EO-P05 “Travel and Accommodation” provides the arrangements for the reimbursement of conference travel and accommodation expenses for Elected Members and Officers in accordance with the *Local Government Act 1995*.

Financial Implications

Estimated cost of attending the conference is \$3,000 per attendee and there are funds for this in the respective conference accounts.

Summary

1. This is the ABCB annual conference and aims to share in the professional development and networking opportunities at the “Building Australia’s Future 2009 Conference” that has a program featuring both plenary sessions and interactive workshops. The conference program will include a range of presentations formats to maximise the opportunities for delegates to gain both new knowledge as well as exposure to techniques for the practical application of building regulatory requirements.
2. A range of topics will include:
 - a) Climate Change - A Moving Target;
 - b) Performance through Innovation - Meeting Objectives & expectations; and
 - c) Energy efficiency - Future Directions.
5. The afternoon workshop sessions include:
 - a) Climate Change - Natural Disasters;
 - b) Common BCA Misinterpretations; and
 - c) Energy Efficiency Software.

Voting Requirements

Simple Majority Required.

Council Discussion:

Council nominated Cr Sylvan Albert to attend the ABCB ‘Building Australia’s Future 2009 Conference’ in QLD.

Officer's Recommendation

That Council consideration be given for the attendance and associated costs of Cr _____ at the ABCB “Building Australia’s Future 2009 Conference” to be held at the RACV Royal Pines Resort on the Gold Coast, Queensland between 20 and 23 September 2009 inclusive.

COUNCIL RESOLUTION

CR SYLVAN ALBERT MOVED, CR BARRY MCKENNA SECONDED that Council consideration be given for the attendance and associated costs of Cr Sylvan Albert at the ABCB “Building Australia’s Future 2009 Conference” to be held at the RACV Royal Pines Resort on the Gold Coast, Queensland between 20 and 23 September 2009 inclusive.

CARRIED

13.6 Review of Town Planning Regulations 1967 and Model Scheme Text – Structure Plans**Attachments:** [1. Review of Town Planning Regulations 1967 & Model Scheme Text – Structure Plans](#)**Officer:** Director of Planning and Development Services**Refer:** Item 13.2: OMC 23.6.2009Application

1. Correspondence has been received from the Department for Planning and Infrastructure (DPI) regarding the review of the Town Planning Regulations 1967 and the review of the Model Scheme Text. A report was presented to Council at its meeting of 23 June 2009 on the general matter. This report deals with an additional discussion paper connected with the review on proposed changes to Structure Plan provisions. Comments on the proposed changes to the legislation are required by Monday 27 July 2009.
2. Council consideration is required to receive the information in this report and consider a response to DPI.

Background

1. The Town Planning Regulations 1967 came into effect pursuant to the *Town Planning and Development Act 1928* and included the first version of the Model Scheme Text (MST). The MST sets out the structure and standard provisions to be used in local planning schemes in Western Australia. The purpose of the MST is to introduce greater consistency in the basic legal and administrative provisions to town planning schemes, and introduce effective measures to deal with land use management. It effectively works as a template for local governments when preparing/updating/amending town planning schemes.
2. The MST was last updated in 1999. Following the introduction of the *Planning and Development Act 2005*, the DPI has undertaken a review of the regulations and MST with a view to overcoming deficiencies in the system and to streamline processes.
3. Council considered the review of the Town Planning Regulations 1967 and the review of the Model Scheme Text at its meeting of 23 June, 2009 and resolved that:
 1. *“Council receive the information in this report on the Department for Planning and Infrastructure’s Review of the Town Planning Regulations 1967 and the Model Scheme Text Discussion Paper, May 2009.*
 2. *The City write to the Department for Planning and Infrastructure stating that it:*
 - a. *Generally supports the proposed changes to the Model Scheme Text and Town Planning Regulations as outlined in the Review of the Town Planning Regulations 1967 and the Model Scheme Text Discussion Paper, May 2009.*
 - b. *The Western Australian Planning Commission should continue to provide consent to advertise for major scheme amendment applications with State significance or those that require particular consideration against a State Planning Policy”.*

Comment

1. The review of the Town Planning Regulations 1967 and the review of the Model Scheme Text proposes to split the current provisions into two new sets of regulations.
 - a) One set of regulations will deal with the making and amending of schemes and would contain a revised MST (referred to as Local Planning Scheme (LPS) Regulations); and
 - b) The second set of regulations will provide general scheme provisions which will apply to all planning schemes in the State (referred to as General Scheme Provisions (GSP) Regulations).
2. Further detail and discussion on these changes was presented to Council at its meeting of 23 June, 2009. This report focuses on an additional discussion paper connected with the review on proposed changes to Structure Plan provisions.

New Structure Plan Provisions

3. The discussion paper on proposed changes to Structure Plan provisions would inform the new Part 7 of the GSP Regulations. The new provisions are intended to set out how structure plans are to be prepared and approved, so that a uniform process applies throughout the State. The new process is intended to reduce the complexity of the process.
4. Structure plans outline the future structure and layout of an area or centre, and often include the following key elements:
 - a) The proposed location, type and extent of land uses, including densities where appropriate;
 - b) Road network configurations; and
 - c) Infrastructure requirements.
5. The structure plan elements and level of detail differ from plan to plan, depending on the purpose of the plan. There are different levels of structure plans, including:
 - a) Sub Regional Structure Plans;
 - b) District Structure Plans;
 - c) Local Structure Plans; and
 - d) Activity Node Structure Plans.
6. Each of these plans could be a stand alone document or form a sub-set of the preceding higher order structure plan. There are many examples of structure plans in the Perth metropolitan area and they are more commonly located on green fields sites for proposed new urban areas.

7. There are no existing formal structure plans in the City of Bayswater, but the City does have Outline Development Plans (ODPs), which will essentially be superseded by the terminology 'structure plan'. The City generally only requires Structure Plans or ODPs for major proposals such as Coventry's Markets or CSBP in order to provide more detail to help assess major subdivision applications or scheme amendment proposals. Town Planning Scheme No. 23 (TPS 23) contains requirements for ODPs in certain circumstances; however, Council has indicated that it has concerns with these provisions in the past, mainly in relation to feasibility of one owner being responsible for coordinating other landowners and government agencies to prepare an ODP over multiple sites.
8. The structure plan approval process proposed in the GSP Regulations relates to structure plans prepared by a landowner and required by a local planning scheme as a precursor to subdivision or development taking place. Local governments or the Western Australian Planning Commission will not be fettered by the new proposed provisions. Accordingly, no current projects are affected. However, the new provisions may affect the City's Henley Brook land interest for the Albion Structure Plan in the City of Swan.
9. The discussion paper largely focuses on the new proposed approval process for structure plans. The main issues raised with the new process are as follows:
 - a) Point 2 of the paper states that local governments have twenty-one (21) days to assess the adequacy of the information provided to support a structure plan prior to the commencement of public advertising. The twenty-one (21) day timeframe means that local governments will have very limited opportunity to assess the substance of the proposed structure plan, refer applications to external agencies or refer the structure plan to Council prior to the commencement of public advertising.
 - b) The proposed timeframes may mean that major ODPs such as that for the Coventry's Markets or the CSBP site may be required to be publicly advertised without a full assessment of the substance and strategic implications of the plan being undertaken. This is not seen as a positive step and has the potential to create major issues for local communities. As previously mentioned, the new structure plan process would mainly be relevant in the City's case for major applications like the Coventry's Markets or the CSBP site. Major development proposals may have major issues (i.e. traffic) and there is the potential for plans to be publicly advertised with major flaws as the plans have not been properly assessed. This would delay the process and may mean that structure plans may be required to be publicly advertised again if they are substantially changed from the initial proposal following a full assessment.
 - c) The Western Australian Planning Commission (WAPC) will be required to approve all structure plans. At present, local structure plans or ODPs that do not trigger State Government policies can be dealt with at a local level. This may result in local governments having less control over areas like the Morley City Centre as structure plans will require WAPC approval.

-
- d) Point 10 of the paper states that local governments are to within sixty (60) days of the completion of public advertising, either:
- Adopt the structure plan with or without modifications; or
 - Refuse to adopt the structure plan.

This timeframe may not account for the applicant providing further information (if so requested by the local government) following an assessment of the plan in the context of the submissions received and places all the responsibility on to the local government. The premise seems to be that faster approvals are better approvals, which may not be the case.

10. In addition, the discussion paper does not discuss how existing structure plans or ODPs provisions in existing town planning schemes will be addressed. TPS 23 contains requirements in Clause 5.4.2 for ODPs in certain circumstances. The DPI needs to provide further information on how this would be addressed, and it is anticipated that this would need to be addressed as part of transitional policies.

Summary

1. There are a number of issues identified with the proposed new Structure Plan provisions:
 - a) Major Structure Plans or Outline Development Plans would be required to be publicly advertised without a full assessment of the substance and strategic implications of the plan being undertaken or referral of applications to external agencies.
 - b) Major development proposals may have major issues (i.e. traffic) and there is the potential for plans to be publicly advertised with major flaws as the plans have not been properly assessed.
 - c) The twenty-one (21) day timeframe means that local governments will have very limited opportunity to refer a structure plan to Council prior to the commencement of public advertising.
 - d) This may mean that structure plans are required to be publicly advertised again if they are substantially changed from the initial proposal following a full assessment and requested further information.
 - e) The sixty (60) day timeframes for final consideration following public advertising do not account for further requests for information, which may take the applicant some time to prepare. The strict timeframes place all the responsibility onto the local government.
 - f) The discussion paper needs to address how existing structure plan or ODP provisions in existing town planning schemes will be addressed.
2. It is recommended that the City write to the DPI outlining its concerns with the proposed changes.

Policy Implications

The discussion paper does not discuss how existing structure plan or ODP provisions in existing town planning schemes will be addressed. TPS 23 contains requirements in Clause 5.4.2 for ODPs in certain circumstances. The DPI needs to provide further information on how this clause would be affected by the proposed regulations and it is anticipated that this would need to be addressed as part of transitional policies.

Financial Implications

Nil.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that:

- 1. Council receive the information in this report on the Department for Planning and Infrastructure's Additional Discussion Paper – Structure Plans related to its Review of the Town Planning Regulations 1967 and the Model Scheme Text Discussion Paper, June 2009.**
- 2. The City write to the Department for Planning and Infrastructure stating that it has concerns with the following elements of the proposed changes:**
 - a) Major Structure Plans or Outline Development Plans would be required to be publicly advertised without a full assessment of the substance and strategic implications of the plans being undertaken or referral of applications to external agencies. Major development proposals may have major issues (i.e. traffic) and there is the potential for plans to be publicly advertised with major flaws as the plans have not been properly assessed.**
 - b) The twenty-one (21) day timeframe to assess the adequacy of the information provided to support a structure plan prior to the commencement of public advertising means that local governments will have very limited opportunity to refer a structure plan to Council prior to the commencement of public advertising. This may mean that Structure Plans or Outline Development Plans are required to be publicly advertised again if they are substantially changed from the initial proposal following a full assessment and requested further information.**
 - c) The sixty (60) day timeframes for final consideration of Structure Plans or Outline Development Plans following public advertising do not account for further requests for information, which may take the applicant some time to prepare. The strict timeframes place all the responsibility onto the local government and remove responsibility from the applicant.**
 - d) The discussion paper needs to address how existing Structure Plan or Outline Development Plan provisions in existing town planning schemes will be addressed by the proposed regulations.**

CARRIED BY EN BLOC RESOLUTION

14 BUSINESS – FINANCIAL SERVICES**14.1 Donation - Jamie Stewart - World Transplant Games**

Applicant: Jamie Stewart
Officer: Director of Finance

Application

To consider an application for financial assistance that has been received from Jamie Stewart towards his participation in the World Transplant Games being held on the Gold Coast in August 2009.

Background

Jamie is 32 years of age and a resident of the City. He is seeking financial assistance from Council towards travel costs to the Gold Coast where he will participate in the World Transplant Games being held in August 2009. Jamie had a successful double lung transplant in November 2007.

Whilst representing Australia in this event he will be able to meet transplant recipients from around the world and liaise with people who have had similar life experiences as himself.

Transplant Australia has confirmed Jamie's participation in this event. The organisation has advised that the World Transplant Games exists to visibly demonstrate the benefits of successful organ transplantation, works to increase public awareness of its success and thereby increase organ donation rates, as well as promotes the full rehabilitation and wellbeing of all participants.

The World Transplant Games consists of 12 sporting events. Each athlete must have received one of the following transplants: kidney, heart, lung, heart-lung, liver, pancreas, corneal or bone marrow.

The cost of the Games is \$1,600 for eight days of competition (including food, beverages and uniform), excluding travel to and from the Games.

Comment

Jamie Stewart has not sought financial assistance from Council in the past.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that Council grants a donation of \$150 to Jamie Stewart, a resident of the City, towards travel costs that he will incur when he represents Australia at the World Transplant Games being held on the Gold Coast in August 2009.

CARRIED BY EN BLOC RESOLUTION

15 REPORTS OF MANAGEMENT/ADVISORY COMMITTEES**15.1 Minutes of the Local Emergency Management Advisory Committee - 8 June 2009****Attachments:** [1. Minutes of the LEMC 08.06.09](#)**Officer:** Director of Technical ServicesApplication

To inform the Council of the minutes of the meeting of the Local Emergency Management Committee meeting held on 8 June 2009.

Background

Attached is a copy of the minutes of the meeting of the Local Emergency Management Committee, which was held on 8 June 2009.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION**(OFFICER'S RECOMMENDATION)**

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that the minutes of the meeting of the Local Emergency Management Committee (LEMC) which was held on 8 June 2009 be received, and the recommendations contained therein and listed hereunder be approved:

1.1 Australian Red Cross REDIplan

- 1. The Local Emergency Management Committee (LEMC) supports further investigation for the City of Bayswater to join the Australian Red Cross REDIplan Project which is a community information program to help people prepare for, respond to, and recover from emergencies.**
- 2. The Executive Officer to arrange a task group to meet with the Red Cross to investigate the project further.**
- 3. The Executive Officer to report back to the next Local Emergency Management Committee (LEMC) meeting in September 2009.**

1.2 Emergency Power to Welfare Centres Project

- 1. The Committee notes the progress report on the provision of emergency power generators to the City of Bayswater's designated welfare centres.**
- 2. A further progress report be submitted to the meeting of the Local Emergency Management Committee to be held in September 2009.**

1.3 Emergency Risk Management Project Update

- 1. The Committee notes the report by Council's Emergency Risk Management Project Officers on the progress achieved to date with the implementation of projects for the 2008/2009 financial year.**

-
2. A copy of the Emergency Risk Management Final Report for 2008/2009 will be submitted to the September 2009 meeting of the Local Emergency Management Committee.

1.4 LEMC Strategic Plan 2009/2010

1. Committee members be invited to comment on the proposed goals of the City of Bayswater Local Emergency Management Committee (LEMC) for 2009/2010.
2. The Executive Officer incorporate the agreed goals into the LEMC Annual Report for 2008/2009 and submit the final report to the District Emergency Management Committee by 30 June 2009.

1.5 Lightning Swamp Fire OSH Task Group Report

1. The Committee notes the report of the Lightning Swamp Fire Occupational Safety and Health Task group
2. The Executive Officer to provide a further report for the March 2010 meeting of the Local Emergency Management Committee.

1.6 Update on Community Information Forum

1. The Committee notes the report by Council's Emergency Risk Management Project Officer on the update of the Community Information Forum.
2. Consideration be given to holding future Community Information Forums in the evening to potentially increase attendance rates and to cater for people who may have commitments during the day.

CARRIED BY EN BLOC RESOLUTION

15.2 Minutes of the RoadWise Advisory Committee - 9 June 2009**Attachments:** [1. Minutes of the RoadWise Advisory Committee](#)**Officer:** Director of Technical ServicesApplication

To inform the Council of the minutes of the meeting of the RoadWise Advisory Committee meeting held on 9 June 2009.

Background

Attached is a copy of the minutes of the meeting of the RoadWise Advisory Committee, which was held on 9 June 2009 (*refer to Attachment No. 1*).

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY BLANCHARD MOVED, CR SALLY PALMER SECONDED the Officer recommendation that the minutes of the meeting of the RoadWise Advisory Committee which was held on 9 June 2009 be received, and the recommendations contained therein and listed hereunder be approved:

1.1 RoadWise Regional Round-Up

That the RoadWise Regional Round-Up newsletters for March, April and May 2009 be noted.

1.2 RoadWise Officer Report

That the RoadWise Officer Report for April 2009 be noted.

1.3 RoadWise Officer Report – Hoon Speed Cushion Program

That the report on the Hoon Speed Cushion program be noted.

1.4 Citywide Traffic Management Assessment

That the report on the Citywide Traffic Management Assessment be noted.

CARRIED BY EN BLOC RESOLUTION

16 MAYOR'S REPORT**NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT AND AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT PLENARY MEETING**

On behalf of the City of Bayswater I attended The National General Assembly in Canberra from 21 – 25 June 2009, which provided Local Governments with an opportunity to contribute to the development of the National Local Government Policy.

The three main themes discussed at the Assembly were:

- Efficient and sustainable Local Government including Revenue and Local, Government Financing;
- Transport and Infrastructure; and
- Climate Change.

Specifically, the message from the National General Assembly was:

- Recognition and inclusion of Local Government in the Australian Constitution;
- More ambitious targets for the Carbon Pollution Reduction Scheme;
- All levels of government to work together to develop and improve climate change strategies;
- National action to provide water supply certainty throughout Australia utilising ecologically sustainable measures;
- Implementation on an annual basis of the Community Infrastructure Program payments under the stimulus packages;
- An increase to the base funding for Financial Assistance Grants paid by the Federal Government to Local Government each year for recurrent expenditure; and
- A permanent framework to address cost-shifting between the three levels of government.

In summary, my attendance at this National General Assembly was an excellent opportunity for myself and Council to be appraised of issues relating to Local Government, to network with colleagues and to lobby politicians.

SCHOLARSHIPS AWARDS PRESENTATION EVENING - 8 JULY 2009

The City of Bayswater Scholarships Awards Presentation evening was once again a special night where the City had to opportunity to acknowledge the outstanding achievements of some of young people in the fields of Music, Sport, Education and Visual Art.

As has been the case in the past, the standard of scholarship entrants this year was outstanding, making the job of judging a very difficult task.

This evening is also an opportunity to thank the judges of the Scholarship Award Selection Committees for their dedication, commitment and the diligence they have shown during the extensive interview and audition processes they have been involved with and to those behind the scenes people such as school principals, parents, teachers, coaches and community groups.

I extend my congratulations to all participants and winners

BAYSWATER HISTORICAL SOCIETY - HANDOVER OF ARTWORK

Council was recently able to acquire a framed poster from a local antiques shop promoting land sales on the “Oakleigh Estate” between Maylands and Bayswater which is an historical record dating back around 100 years that shows how that part of our City came to look the way it did and why it was settled in the first place.

This morning I had the pleasure of visiting with members of the Bayswater Historical Society at Halliday House to handover this piece of artwork knowing that this record of our past will be in safe hands with the Society.

The society does great work in recording the history of our area and making it meaningful for our community. Conserving our heritage and recording our history tells a story about how our city grew to become what it is today and it helps us understand the character and sense of place that makes up the various localities within our city.

I would like to take this opportunity to thank my fellow Councillors for attending functions on behalf of the City of Bayswater.

17 AFFIXING OF COMMON SEAL**17.1 Authorisation for Affixing of the Common Seal****COUNCIL RESOLUTION**

CR TERRY BLANCHARD MOVED, CR IAN MCCLELLAND, JP SECONDED that approval be granted for affixing of the common seal to the following documents:

Document Details	No. of Documents	Council Resolution	For Approval or Ratification
Assessment – Tender 11-2009 Street Sweeping	1	N/A	Ratification
Assessment – Tender 10-2009 Supply & Delivery of Drainage Pipes	1	N/A	Ratification
Assessment – Tender 09-2009 Supply & Delivery of Street Signs	1	N/A	Ratification
Assessment – Tender 07-2009 Supply & Delivery of Precast Drainage Components	1	N/A	Ratification
Emergency Services Levy Administration – Option B Agreement	2	Item 14.17 OMC 24.03.09	Ratification
Funding Agreement between Department of Infrastructure, Transport, Regional Development and Local Government	4	N/A	Ratification
Contract Agreement Tender 06-2009 Supply & Delivery of Premixed Concrete	2	Item 12.10 OMC 09.06.09	Ratification
Withdrawal of Caveat	1	N/A	Ratification
Contract Agreement Tender 14-2009 Supply & Laying of Hotmix Asphalt	2	Item 12.12 OMC 09.06.09	Ratification
Contract Agreement Tender 13-2009 Supply & Laying of Coloured Patterned Stencil Concrete	2	Item 12.11 OMC 09.06.09	Ratification

CARRIED

18 DISCUSSION OF MATTERS BEHIND CLOSED DOORS

Nil.

19 ORDER OF BUSINESS

Nil.

20 CLOSURE

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE CHAIRPERSON,
HIS WORSHIP THE MAYOR, CR LOU MAGRO DECLARED THE MEETING
CLOSED AT 6:57PM.**