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 - (iii) WALGA Member – HAZMAT Coordinating Committee (Hazardous Materials)
 - (iv) WALGA Member – Air Quality Coordinating Committee (2 Members)

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13. URGENT BUSINESS 180

14. CLOSURE 195

Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 22 June 2004, commencing at 6.02pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.02pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Helen Doran-Wu North Ward

(b) Present:

Mayor Nick Catania, JP Presiding Member
Cr Simon Chester North Ward
Cr Caroline Cohen South Ward
Cr Steed Farrell North Ward
Cr Basil Franchina North Ward (until 7.50pm)
Cr Ian Ker (Deputy Mayor) South Ward
Cr Sally Lake South Ward
Cr Maddalena Torre South Ward (from 7.08pm)

John Giorgi, JP Chief Executive Officer
Rob Boardman Executive Manager, Environmental and
Development Services
Mike Rootsey Executive Manager, Corporate Services
Rick Lotznicher Executive Manager, Technical Services
Annie Smith Executive Assistant (Minutes Secretary)

Nicole Giblett Journalist – Guardian (until 7.50pm)
Mark Fletcher Journalist – Voice News (in Gallery) (until 7.50pm)
Katherine Fleming Journalist – The West Australian (until 7.50pm)

Approximately 23 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Ms Marie Slyth of 89 Carr Street, West Perth – Item 10.1.13 – Stated she believes that the proposed development will destroy the streetscape. Submitted some photos of the existing streetscape for Council's attention.
2. Mr Mark Greenshields of 15 Brookman Street, Perth – Item 10.1.1 – Stated that he cannot understand the officer's concerns with regards to the courtyard off the master bedroom. Believes that there is nothing in the Moir/Brookman Street Development Guidelines from a heritage perspective preventing this courtyard. Has also discussed with the Heritage Council and they do not seem to have a problem with it.

Requested that Council delete the condition associated with the removal of the courtyard.

3. Mr Michael Guardione of 39 George Street, Stirling – Item 10.1.13 – Stated that he has lived in the area for 25 years previously and that this development is for his family. Advised they have spent a lot of time and effort in plans and studies in the area to make sure the development complies with all the Council's requirements and privacy is ensured for all of the neighbours. Requested that Council approve the application.
4. Ms Rachel Shotch of 10 Moir Street, Perth - Item 10.1.1 – Concerned that she only received advice that the Item was being considered tonight at 5pm today. Requested that at a minimum the Item is deferred to allow her time to consider the issue in more detail. Concerned with overlooking from the proposed rooftop garden.
5. Mr Jim Richards of 12 Moir Street, Perth – Item 10.1.1 – Is concerned that the development is back before the Council with the rooftop garden included. Advised that he faxed/mailed Councillors with a number of his concerns. Stated one of the issues is non-compliance with the Building Codes of Australia in terms of the ground storey glazing. Believes that there are five non-compliance issues with the Development Guidelines for Moir and Brookman Streets, specifically in regards to the partial demolition of the dwelling to the rear. Requested that Council reject the proposal.
6. Ms Sue Wells of 198 Anzac Road, Mt Hawthorn – Item 10.1.16 – Believes that the block size is still too small for the proposed development. Does not believe that the house is being kept in tact with the demolition of the sleepout, vestibule, toilet and laundry. Stated that the plan view to the scale of her property is misrepresented by 8.5 metres in length. Believes that the owner was well aware that the land was too small for the development as he approached her two months prior to settlement and asked if they would be interested in selling part of their land. Stated that they are totally opposed to the development.
7. Mr Lee Robinson from Taylor Robinson Architect, 5 Saladin Street, Swanbourne – Item 10.1.9 – Explained the operation of the Bridge House facility and the importance of the height of the screen walls fronting Wright Street. Requested that the walls be left at their existing heights.
8. Mark Taylor of 6 Franklin Street, Leederville – Item 10.1.16 – Stated that the land sizes do meet minimum sizes. Requested that Council approves the development.
9. Ms Fiona Hogg from Troppo Architects, 97 Kimberley Street, West Leederville – Item 10.1.10 – Concerned with the conditions regarding the glazing to the south and east of the upper addition and requested permission to have an openable area above 1.6m. Also requested that the condition for obscure glazing on the north east window be removed.

10. Mr Cosi Schrippa of 66 Auckland Street, North Perth – Items 10.2.2 and 10.1.14.

Item 10.2.2 – Thanked the Executive Manager Technical Services and members of the LATM Advisory Group on behalf of the Precinct Group for allowing them to play an active role in the decision in terms of the wider street and traffic management of Hobart Street. Requested Council support the recommendations.

Item 10.1.14 – Advised that the North Perth Precinct Group previously wrote a letter of support for the proposal on condition that all conditions are met. Stated that that they were confused with the history of the proposal.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.22pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Sally Lake - 29 June to 7 July 2004 inclusive - on leave.
4.2 Cr Caroline Cohen - for Council Meeting 13 July 2004 - will be on leave from 12 - 16 July inclusive.

Moved Cr Chester, Seconded Cr Ker

That Council APPROVES Leave of Absence for;

- (i) *Cr Caroline Cohen for the Ordinary Meeting of Council to be held on 13 July 2004 as she will be on leave; and*
(ii) *Cr Sally Lake for the period 29 June to 7 July 2004 as she will be on leave.*

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 8 June 2004

Moved Cr Lake, Seconded Cr Cohen

That the Minutes of the Ordinary Meeting of Council held on 8 June 2004 be confirmed as a true and correct record subject to the voting in Item 10.2.2 be amended from (8-0) to (7-0).

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATION OF INTERESTS

8.1 Cr Franchina declared a proximity interest in Item 10.4.4 – Members Equity Stadium – Legal Documentation and Outstanding Matters – Progress Report No 9. The nature of his interest being that his daughter owns property in close proximity.

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

Nil.

10. REPORTS

Cr Chester departed the Chamber at 6.25pm.

The Agenda Items were categorised as follows:

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

Items 10.1.13, 10.1.1, 10.1.16, 10.1.9, 10.1.10, 10.2.2 and 10.1.14

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

Items 10.1.3 and 10.3.2

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

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

Cr Ker	Items 10.1.6, 10.1.18 and 10.4.5
Cr Lake	Items 10.1.8, 10.1.12 and 10.2.10
Cr Chester	Nil
Cr Torre	Nil (absent from the meeting until 7.08pm)
Cr Farrell	Nil
Cr Cohen	10.1.7
Cr Franchina	Nil

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

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

Item 10.4.4

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

Items 10.1.2, 10.1.4, 10.1.5, 10.1.11, 10.1.15, 10.1.17, 10.2.1, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.2.9, 10.2.11, 10.2.12, 10.2.13, 10.3.1, 10.3.3, 10.4.1, 10.4.2 and 10.4.3

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

Item 10.4.4

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

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

Items 10.1.2, 10.1.4, 10.1.5, 10.1.11, 10.1.15, 10.1.17, 10.2.1, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.2.9, 10.2.11, 10.2.12, 10.2.13, 10.3.1, 10.3.3, 10.4.1, 10.4.2 and 10.4.3

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

Items 10.1.13, 10.1.1, 10.1.16, 10.1.9, 10.1.10, 10.2.2 and 10.1.14

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

Cr Chester returned to the Chamber at 6.27pm.

Moved Cr Ker, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.4, 10.1.5, 10.1.11, 10.1.15, 10.1.17, 10.2.1, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.2.9, 10.2.11, 10.2.12, 10.2.13, 10.3.1, 10.3.3, 10.4.1, 10.4.2 and 10.4.3

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

10.1.2 Further Report-No. 241 (Lot 66, Strata Lot 1) Walcott Street, North Perth – Outbuilding and Alterations to Existing Single House (Application for Retrospective Planning Approval)

Ward:	South	Date:	15 June 2004
Precinct:	Norfolk, P10	File Ref:	PRO2757; 00/33/2157
Attachments:	001		
Reporting Officer(s):	M Bonini, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner L Clasby for alterations to existing single house (application for retrospective Planning Approval) at No.241 (Lot 66, Strata Lot 1) Walcott Street, North Perth, and as shown on the plans stamp dated 25 March 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
 - (b) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town’s Technical Services Division;*
- to the satisfaction of the Chief Executive Officer;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner L Clasby for shed/outbuilding to existing single house (application for retrospective Planning Approval) at No. 241 (Lot 66, Strata Lot 1) Walcott Street, North Perth, and as shown on the plans stamp dated 25 March 2004, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *unreasonable stormwater overflow from the shed/outbuilding into the adjoining lot to the west; and*
 - (c) *consideration of the objection received; and*
- (iii) *the Council ADVISES the owner of No. 241 (Lot 66, Strata Lot 1) Walcott Street, North Perth that the unauthorised shed/outbuilding at No. 241 (Lot 66, Strata Lot 1) Walcott Street, North Perth shall be removed within twenty eight (28) days of notification, and the Council AUTHORISES the Chief Executive Officer to initiate legal proceedings to remove the unauthorised shed/outbuilding should the shed/outbuilding remain.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

FURTHER REPORT:

Further investigation into the tenure of the site indicates that the site has no common property, and as such can be treated as a single house. The remaining two (2) houses which have been strata titled, have separate frontage to Little Walcott Street. Under the provisions of the current Residential Design Codes, there is no requirement for a store for a single house. The owner has verbally advised the Planning Officers that they are either able to move the shed on the western boundary at least one (1) metre away from that boundary, or remove the shed.

It is recommended that the shed on the western boundary be removed in this instance as it does cause a stormwater problem, in that the stormwater discharges into the adjoining lot at No. 243 Walcott Street, as there is no provision made to contain all stormwater on-site, and moreover it is an unauthorised structure.

The remaining additions are however considered acceptable, subject to standard and appropriate conditions to address the above matters.

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 8 June 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner L Clasby for outbuilding and alterations to existing grouped dwelling (application for retrospective Planning Approval) at No.241 (Lot 66, strata lot 1) Walcott Street, North Perth, and as shown on the plans stamp dated 25 March 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. The shed/outbuilding shall comply with this requirement within 28 days from the date of this Planning Approval notification;*
- (iii) no plumbing or sanitary facilities or fixtures shall be provided to or within the outbuilding structure without the prior approval of such by the Town; and*
- (iv) the outbuilding structure shall not be used for industrial, commercial or habitable purposes and is for the sole personal use of the inhabitants of the dwelling only;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be DEFERRED for further investigation and information.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

LANDOWNER: L Clasby

APPLICANT: As above

ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R60

EXISTING LAND USE: Grouped Dwelling

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	958 square metres

Requirements	Required	Proposed
Setbacks - South setback	1 metre	0 metre
West setback	1 metre	0 metre
Boundary Wall - South	3 metres average with maximum of 3.5 metres to one side boundary.	3.3 metres average and maximum
Plot Ratio	0.65 (215.8 square metres)	0.59 (197.95 square metres)

SITE HISTORY:

The subject site is currently occupied by three grouped dwellings. The unauthorised structures are located on strata Lot 1. Lot 1 has frontage to Walcott Street.

DETAILS:

The applicants/owners are seeking retrospective Planning Approval for an outbuilding and alterations to the existing grouped dwelling.

The applicant has provided the following comments in support of the application:

"Retrospective Approval is sought on the following alteration not in accordance with previous Building Licence for property at 241 Walcott Street, North Perth.

Re: Extended Room

- 1. Weatherboard and plasterboard wall removed to widen enclosed verandah / sleepout to create room as per structural report provided.*
- 2. Roof extended out to parapet wall to create room. Constructed in steel beams and zincalume sheets as per structural report provided.*
- 3. Timber floors constructed on brick piers.*

Re: Approved Verandah

1. *Exterior wall (outer only) taken down and rebuilt as brick tiles were corroded making wall unstable and dangerous. New brick tiles installed to stabilise.*
2. *Provisions made in outer brick wall for future plans for double doors from lounge room - see floor plan and structural report.*
3. *Stairs moved from position on previous approved verandah to the end of verandah.*

Re: Front Verandah

Brick balustrade removed and replaced with 125x125 timber posts.

Re: Garden Shed

A 3 x 4.5 metre zincalume shed has been added to the property for which I seek approval."

A Structural Engineer has provided the following comments upon inspection of the structures:

1. *I have inspected these structures and checked their structural design.*
2. *The strength and stability properties of the structural elements comply with the requirements of the Building Codes of Australia and all relevant SAA Codes.*
3. *This Certificate applies to the attached drawings in A3 format signed by me.*
4. *Statement / Conditions:
The previous brick balustrade to the front verandah has been removed and the posts have been replaced. A lintel has been installed in the side wall to the lounge room to allow for the future fitting of a double door to the side verandah".*

CONSULTATION/ADVERTISING:

The proposal has been advertised and one written submission has been received by the Town. The main points raised in the submission are as follows:

"I object to the shed on 241 Walcott Street being placed right against the side fence on the west boundary for the following reasons:

- (i) *water runs off the shed roof directly into our property.*
- (ii) *the very narrow gap between the shed and fence allows rubbish to collect which cannot be cleared (eg leaf litter - which may be a fire hazard)*
- (iii) *the shed is a typical 'backyard' shed constructed of zincalume or some similar metal which is aesthetically inappropriate for a front garden.*
- (iv) *the activities which can be carried out in a shed could produce the noise which would affect our quality of life...*

The modifications made to the buildings have impinged on our privacy and have proved a detriment to the peaceful enjoyment of our home."

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The subject application was submitted to the Town subsequent to the unauthorised works being completed. The applicant has undertaken the works without a Planning Approval and as such retrospective Planning Approval is sought. The applicant proposes an outbuilding and alterations to an existing grouped dwelling.

The applicant is seeking a variation in relation to the abovementioned non-compliances relating to setbacks and boundary wall development.

The setback variations relate to the shed and also to the rear modifications of the existing dwelling. The rear modifications extend the internal floorspace of the residence to the common boundary. The boundary development is adjoining two stores that are located on strata Lots 2 and 3. It is considered that the modification does not cause undue negative impact to the amenity of the adjoining lots.

The setback relating to the outbuilding does not comply with the required setback distance from the west boundary. The adjoining affected lot experiences storm water run off from the outbuilding. The outbuilding is considered acceptable in its present location, however, it is necessary that the stormwater runoff be rectified as reflected in the condition of the 'Officer Recommendation'. The outbuilding also involves a boundary wall on the west boundary. The boundary wall is considered to be acceptable due to its height being a little more than a standard 1.8 metres high fence, that is 1.825 metres.

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height of the boundary wall. In this instance, the development involves boundary wall for the rear alterations of the residence on the south boundary. Whilst it is a deviation from the requirements of the R Codes, such a provision can be varied. The boundary wall is not considered to be over imposing, and adjoins boundary development on strata Lots 2 and 3. The boundary wall is considered acceptable and therefore supported in this instance.

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

10.1.4 No. 176 (Lot(s) Pt 11,12,Y232,Y233 and Y234) Fitzgerald Street, Corner Randell Street, Perth - Proposed Alterations and Additions to Existing Recreational Facility (Existing Tennis Pavilion and New Pro Shop)

Ward:	South	Date:	15 June 2004
Precinct:	Hyde Park, P12	File Ref:	PRO2013; 00/33/2273
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Beilby Design on behalf of the owner, Town of Vincent for Proposed Alterations and Additions to Existing Recreational Facility (Existing Tennis Pavilion and New Pro-Shop), at No. 176 (Lot(s) Pt 11, 12, Y232, Y233 and Y234) Fitzgerald Street, corner Randell Street, Perth, and as shown on plans stamp-dated 26 May 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) prior to the commencement of any pre-urban ground disturbance works a suitably qualified archaeologist shall obtain the necessary authorisation for the ground disturbance works from the Department of Indigenous Affairs and/or Minister for Aboriginal Affairs, and undertake on-site monitoring as required. Arrangement of the archaeologist, obtaining the authorisation, compliance with the conditions of the authorisation and payment of all costs associated with this condition, is the responsibility of the applicant;*
- (vi) the approval/support of the Heritage Council of Western Australia being obtained prior to the issue of the Building Licence, and compliance with all conditions of the Heritage Council;*
- (vii) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence or Building Licence, whichever occurs first; and*

(viii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

Landowner:	Town of Vincent
Applicant:	Beilby Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Parks & Recreation (Restricted)
Existing Land Use:	Recreational facilities
Use Class:	Recreational Facility
Use Classification:	" Not applicable"
Lot Area:	23,391 square metres

COMPLIANCE:

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

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

SITE HISTORY:

25 June 2002 At its Ordinary Meeting, the Council conditionally approved the Planning Application for proposed two storey additions to the existing tennis pavilion.

9 September 2003 At its Ordinary Meeting, the Council conditionally approved the Planning Application for proposed alterations and additions to existing tennis pavilion and new pro shop.

DETAILS:

The applicant seeks approval for the alterations of the existing Planning Approval considered by Council on 9 September 2003. The amendments include a 6 x 6.95 metres gardener's shed and storeroom for the pro shop, and the Water Corporation WA requirement that the function room be moved by 1.5 metres north of a sewer line from the current approved location.

The previous approved floor areas are as follows:

- function room area is 145.1 square metres; and
- new pro shop is 87.5 square metres.

Additional floor space to the above approved areas is 5 square metres to the function room and 41.7 square metres to the pro shop building, which is the attached storage area.

CONSULTATION/ADVERTISING:

No advertising was required as the application is being presented to an Ordinary Meeting of Council for its consideration and determination.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The subject building is located within Robertson Park. The Park is included on the Town's Municipal Heritage Inventory, is listed on the Register of Aboriginal Heritage Sites and has been included in the Heritage Council of Western Australia (HCWA) assessment program for consideration for inclusion on the State Register of Heritage Places.

Previous conditional approval was received from HCWA for the proposed works to the Tennis Pavilion buildings. Given the nature of the current proposal, it is considered appropriate the same conditions from the Heritage Council, as well as the Department of Indigenous Affairs as they relate to Robertson Park, should again be placed on the recommended approval.

The subject building lies on land registered by the Department of Indigenous Affairs as an Aboriginal Site. As with other development proposals within the Park, all ground disturbing works are required to comply with the conditions of the Minister for Aboriginal Affairs letter dated 2 January 2001. This requires the Town to obtain a Section 16 permit under the Aboriginal Heritage Act 1972 (issued to a qualified archaeologist), to monitor ground disturbance associated with any portions of the Park with the potential for sub-surface material or burials.

While the likelihood of revealing sub-surface material or burials is less than in other areas of the Park, due to previous development and the location of the tennis pavilion in relation to the former wetland, the nature of the proposed works and the existing conditions by the Minister require the appropriate monitoring to be put in place.

Costs associated with the archaeologist would be limited to on-site monitoring during ground disturbance (such as the preparation of footings) and the administration for obtaining the permit. Only if material was discovered during works would additional costs be incurred. It is recommended that the costs for the arrangement of the permit and monitoring be met by the applicant, with advisory assistance and support by the Town as necessary.

Engineering, Parks, Building and Environmental Health Services

The Town's Engineering Services have advised that the proposal is generally supported subject to standard conditions.

The Town's Building Services have advised that the proposal will have to comply with the relevant requirements of the Building Code of Australia, particularly in terms of fire protection and access for people with disabilities.

The Town's Health Services have advised that the proposal generally complies with all relevant health requirements.

The Town's Parks Services have advised that the installation of a new bore water supply mainline for the remaining grass tennis courts located north of the existing pavilion has been installed, outside the proposed revised foot print for the above development proposal.

Summary

The proposal is supported as the variation and increase in floor area will not unduly affect the streetscape and the amenity of the adjacent or surrounding properties. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.5 No. 130 (Lot 218) Coogee Street, Mount Hawthorn - Alterations and Additions to Previously Approved Alterations and Additions to Existing Single House (Application for Retrospective Planning Approval)

Ward:	North	Date:	15 June 2004
Precinct:	Mt Hawthorn, P1	File Ref:	PRO2316; 00/33/2241
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Luton Holdings Pty Ltd on behalf of the owner N Farrow for proposed Alterations and Additions to Previously Approved Alterations and Additions to Existing Single House (Approval for Retrospective Planning Approval), at No. 130 (Lot 218) Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 11 May 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 128 Coogee Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 128 Coogee Street in a good and clean condition, in consultation with the affected landowner; and*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

Landowner:	N Farrow
Applicant:	Luton Holdings Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	468 square metres

COMPLIANCE:

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

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

SITE HISTORY:

- 27 May 2003 Conditional Planning Approval was issued under delegated authority for the partial demolition of and alterations and additions and carport to existing single house at the subject property.
- 5 June 2003 The Town issued a Building Licence for the proposed additions and alterations to the existing dwelling.
- 25 November 2003 The Town received a complaint regarding non-compliance with the approved plans. It was alleged that the wall on the southern boundary is longer than shown on the approved plans. The builder verbally advised that amended plans would be submitted to address the non-compliance.
- 10 December 2003 The Town received plans to amend the Building Licence, however no application for retrospective Planning Approval was received in relation to the unauthorised brick parapet wall on the southern boundary.
- 5 February 2004 A Notice under the Local Government (Miscellaneous Provision) Act 1960 Section 401 (1) (b), and a written direction under Section 10 (3) of the Town Planning and Development Act 1928, was issued against the owner.
- 20 February 2004 The Builder was advised in writing of the Town's procedure of dealing with this matter.
- 23 February 2004 Letter received from the Builder raising concern with how they have been involved with the process.
- 5 March 2004 The Town's Officers responded to the Builders letter received 23 February 2004, and reiterated that the amended Building Licence can not be issued until retrospective Planning Approval is issued.
- 9 March 2004 The Department of Housing and Works advised that an appeal against the Town's Building Notice had been lodged regarding the structure.
- 11 May 2004 The Town received an application for retrospective Planning Approval for the structure.

DETAILS:

The application is for retrospective planning approval, primarily for the extension of the bedroom wall on boundary on the southern property boundary. The other alterations and additions conditionally approved in the Planning Approval issued 27 May 2003 are completed and finishes such as painting and paving and internal fit out are currently underway.

CONSULTATION/ADVERTISING:

The proposal originally advertised in May 2003, no comments were received during this consultation period. The majority of the works have now been completed on-site. The current application for retrospective Planning Approval is a result of a complaint from the affected neighbour. It is understood that the adjoining neighbour has concerns regarding the extent of the wall on the boundary and the fact that it was not built in accordance with the Planning Approval and the Building Licence. Concerns were also raised regarding the finish of the wall on the boundary, being untidy and unsightly, and concern that the landowner was not willing to finish off the wall properly.

In this instance, it was not considered necessary to readvertise the proposal to all neighbours, as the neighbour who is affected has already commented on the matter.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Walls on Boundary

The recently erected wall on the southern boundary, generally complies with the requirements of the Residential Design Codes (R Codes). Under the R Codes, a building on boundary in an R30 zone can be up to an average of 3 metres high for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary. Therefore, up to 22.7 metres of wall can be on the boundary. 11.8 metres of wall is proposed on the southern boundary, with an average height of 3 metres, and therefore complies with the R Codes.

Accordingly, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.11 No. 50 (Lot 100) Grosvenor Road (Corner Hutt Street), Mount Lawley - Roller Door Structure Additions to Carport of Existing Single House (Application for Retrospective Planning Approval)

Ward:	South	Date:	15 June 2004
Precinct:	Norfolk, P10	File Ref:	PRO2403; 00/33/2177
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R A M Johnston on behalf of the owner R A M Johnston for Roller Door Structure Additions to Carport of Existing Single House (Application for Retrospective Planning Approval), at No. 50 (Lot 100) Grosvenor Road (Corner Hutt Street), Mount Lawley, and as shown on plans stamp-dated 5 April 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

Landowner:	R A M Johnston
Applicant:	R A M Johnston
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	809 square metres

COMPLIANCE:

Requirements	Required	Proposed
Density	N/A	N/A
Plot Ratio	N/A	N/A
Acceptable Development Criteria: Carports/Garages setback from a Secondary Street	Setback at or behind the line of the front main building wall	Setback from Roller Door: 1.57 metres Setback from Steel Frame: 1.44 metres Setback in front of the line of the front main building wall

SITE HISTORY:

There is currently a single house at the above site. The existing carport fronts Hutt Street.

DETAILS:

The applicants/owners are seeking retrospective Planning Approval for a roller door addition to the carport of the existing single house. The retrospective application is for the roller door and steel frame only and does not include an actual roof structure.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The subject application was submitted to the Town subsequent to the unauthorised works being completed. The applicant has undertaken the works without a Planning Approval and as such retrospective Planning Approval is sought.

The applicant proposes a single roller door and frame of brick and zincalume construction with orientation and main access to be provided from Hutt Street. Hutt Street is considered to be the secondary street for the subject dwelling, and the dwelling is required to be setback a minimum of 1.5 metres from that street. In assessing the setback from the subject dwelling, two measurements were taken. The first measurement was taken from the roller door and was found to be 1.57 metres; the second was taken from the steel frame on the side which protrudes from the garage and was found to be 1.44 metres. In this instance, and considering the variation between the figures is minor and the roller door is setback behind the building line of the carport and dwelling on adjoining corner strata Lot 1, the 1.57 metres setback from the roller door is supportable.

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

10.1.15 No(s). 518 (Lot(s) 4) Fitzgerald Street, North Perth - Proposed Demolition of Existing Single House

Ward:	North	Date:	14 June 2004
Precinct:	Norfolk P10	File Ref:	PRO2807; 00/33/2251
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by R Ly on behalf of the owner RS & SM Ly for Proposed Demolition of Existing Single House, at No(s). 518 (Lot(s) 4) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 18 May 2004, for the following reasons:

- (i) *the proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing single house; and*
- (ii) *the existing place has cultural heritage significance in terms of its aesthetic and historic values.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

Landowner:	RS & SM Ly
Applicant:	R Ly
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	630 square metres

SITE HISTORY:

The site has an existing circa 1910 dwelling. The property is within the Knutsford Locality.

DETAILS:

The subject proposal involves the demolition of the existing house.

CONSULTATION/ADVERTISING:

Applications for the proposed demolition of existing dwellings are not required to be advertised.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

The existing house at No.518 (Lot 4) Fitzgerald Street, North Perth is a brick and tile dwelling built c1910. The dwelling is one of many Federation era homes constructed along this part of Fitzgerald Street prior to the First World War.

The place has been assessed in accordance with the Town's Policy relating to Heritage Management - Municipal Heritage Inventory. The place has been found to have local cultural significance for the following reasons:

No.518 (Lot 4) Fitzgerald Street, North Perth has some aesthetic value because of its ability to contribute to the suburban residential landscape of its immediate environs. Its compliance with scale, massing, street setbacks and building materials with other residential dwellings in the immediate vicinity, has some aesthetic significance. The place also has some historic significance as it makes a contribution to the evolution and pattern of the history of the Town of Vincent, and in particular to North Perth.

The place is within the Knutsford Locality. Policy 3.3.18 for this Locality states that *"Intact streetscapes are strongly encouraged to be maintained. As such, applications for demolitions are generally not supported in areas that have intact streetscapes."*

On the basis of this information, it is recommended that the application for demolition of the existing dwelling be refused.

10.1.17 No. 20 (Lots 609 and 611) Lindsay Street, Northbridge - Proposed Upgrading of Existing House and Conversion of "Flour Mill" to Offices - Land within the East Perth Redevelopment Authority (EPRA) Area

Ward:	Not Applicable	Date:	15 June 2004
Precinct:	Not Applicable	File Ref:	PRO1409
Attachments:	001		
Reporting Officer(s):	R Rasiah, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADVISES the East Perth Redevelopment Authority that it has NO OBJECTION to the Proposed Upgrading of Existing House and Conversion of the "Flour Mill" to Offices at No. 20 (Lots 609 and 611) Lindsay Street, Northbridge, and as shown on plans stamp dated 6 May 2004, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *the Town of Vincent's Technical Services is to be notified if any stormwater is to be discharged onto Lindsay Street;*
- (iii) *any traffic impact studies undertaken for the above development is to referred to the Town of Vincent's Technical Services for consideration and comments;*
- (iv) *provision of a car parking bay and facilities for people with disabilities;*
- (v) *provision of adequate bicycle and car parking bays for occupiers, staff and clients/customers;*
- (vi) *the rear right of way to be sealed to relevant standards; and*
- (vii) *the Lindsay Street verge to be landscaped, reticulated and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the East Perth Redevelopment Authority.

COUNCIL DECISION ITEM 10.1.17

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

The subject site at No. 20 Lindsay Street, Northbridge, accommodates an existing house and a "Flour Mill" which has ceased operating, and under the jurisdiction of East Perth Redevelopment Authority (EPRA).

DETAILS:

Being the adjoining local authority, EPRA has referred a development application to the Town of Vincent for comment for the proposed upgrading of an existing house and conversion of the "Flour Mill" at No. 20 (Lots 609 and 611) Lindsay Street to accommodate EPRA's offices, Northbridge.

Details of the above proposal (attached), prepared by Considine and Griffiths Architects Pty Ltd and details provided by EPRA's staff, have been summarised as follows:

- The proposed works involve the conservation, adaptation and improvements of the existing Floor Mill to be used as EPRA's offices, and also upgrading works to the existing house on-site, which is commonly referred to as "Moore's House".
- The conservation plan suggest access using the old cart way. However, vehicular access is proposed via a new rear access (Elovalis Lane). Pedestrian access is via Lindsay Street.
- The conservation work includes roof and windows replacement, retention of steel tile floors, removal of intrusive material of little significance, toilet and showers additions, provision of access for people with disabilities, new staircase acoustic attenuation and other works as detailed in the attached document.
- Both the above two sites which contain the Floor Mill and Moore's House will be retained by EPRA in the short and medium term.
- The work to be undertaken for Moore's House has not been yet defined. The works are likely to include conservation and adaptation works.
- A total of 11 car bays are being provided on-site. The staff numbers would eventually reach 57 in total. The approximate time EPRA would be moving to the refurbished offices is December 2004/January 2005.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

East Perth Redevelopment Act.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The above proposal seeks upgrading, conservation and adaptation works to the "Flour Mill" and including future works to Moore's House, which falls within the authority of EPRA, including use of the "Flour Mill" building as EPRA's offices.

The Town's Heritage Officers have advised that the proposal is well explained in the report prepared by Considine and Griffiths Architects and in keeping with EPRA's Planning Policy 1.14 relating to Heritage and the principle of the ICOMOS Burra Charter. The proposed works respect the cultural heritage values of the place, and is therefore generally supported.

The Town's Engineering Services have advised that there is no objection to the proposed vehicular access off Little Parry Street and onto a rear right of way (Elovalis Lane), which is unsealed, subject to matters relating to stormwater and a traffic impact study if prepared to be referred to the Town's Engineering Services for comments.

The land on the north side of Little Parry Street within the boundary of the Town of Vincent is zoned Residential/Commercial and Commercial. The proposed conservation, adaptation works and the use as EPRA's offices is considered acceptable in terms of use and works proposed. The proposal is unlikely to unduly affect the amenity of the surrounding area and in particular the developments on the northern side of Little Parry Street, within the Town of Vincent. In terms of carparking, it is recommended that EPRA provide adequate car and bicycle parking for its staff, occupiers and clients/customer needs.

On the above basis, the Council should advise EPRA it has no objection to the proposed development, subject to standard and appropriate conditions to address the above matters.

10.2.1 Proposed Additional Motorcycle Parking - Oxford Centre Precinct

Ward:	South	Date:	15 June 2004
Precinct:	Oxford Centre, P4	File Ref:	TES0089 & PKG0015
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed additional motorcycle parking to be introduced in the Oxford Centre Precinct, and*
- (ii) *APPROVES the introduction of new motorcycle parking spaces as shown on attached drawing 2276-PP-1.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

The increasing popularity of the Oxford Street café strip is in part characterised by the diverse range of transport modes used by the customers it attracts. It is a mix of pedestrian, public transport, taxi, private vehicle, motorcycle and bicycle.

In recognition of the number of cyclists visiting the area, some five (5) years ago the Town installed a series of bicycle parking rails in the locality, which have proved very successful.

While motorcycles have always been a popular mode of transport, especially for recreational purposes, it has not, until recently, been embraced by the wider community. However, the recent surge in 'scooter' numbers is changing the dynamics of the café strip and creating a demand for increased motorcycle parking.

DETAILS:

The Royal Automobile Club of WA, in a recent article in its Road Patrol Magazine, described Perth as going "scooter crazy" (June/July 2004).

The article discusses the resurgence in scooter popularity and reasons behind it. Essentially it is related to price and accessibility. A new 50cc scooter can be purchased for under \$2,000 and requires only a car licence. One local scooter distributor has sold several thousand scooters over the past twelve months.

The scooter is seen primarily as recreational transport rather than commuter transport, although this segment of the market is also growing. On fine weekends many scooter riders are looking for social interaction and are congregating at 'popular' destinations, such as the Oxford Street cafés and restaurants.

The end result is that many of these visitors are deterred by not being able to park within the entertainment precinct and are reluctant to leave their scooters in the public car parks out of sight. The Town regularly receives requests via its website for additional motorcycle parking in the Oxford Centre Precinct.

However, the demand varies significantly, dependent upon time and day, and it is therefore impractical to install large scale motorcycle parking in the vicinity to the detriment of other users.

In an endeavour to address this shortfall, without compromising existing parking, it is proposed to rationalise and better utilise the existing available space as shown on attached Plan No. 2276-PP-1.

The three (3) existing motorcycle bays outside Café Villa and Café 130 would be resurfaced and line marked to reinforce the motorcycle parking. On the opposite road there is space to install a further three motorcycle bays at the southern end of the existing restrictions outside Cosmos Kebabs at 129 Oxford Street.

Around the corner in Newcastle Street, outside the 747 Newsagency, the Town has in the past year installed a loading zone in what was previously an excessively long *No Standing Zone* approaching Oxford Street. The loading zone is longer than the required standard and being 'open' at one end is easily accessible for delivery vehicles. Therefore, it is proposed to install a further three (3) motorcycle bays at the eastern end of the loading zone abutting the existing car parking spaces.

CONSULTATION/ADVERTISING:

The businesses outside which the new motorcycle parking is to be installed will be invited to comment.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the 2002-2008 Strategic Plan – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(p) Develop a strategy for parking management in business, residential and mixed use precincts - parking facilities that are appropriate to public needs.”*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the installation of new parking restriction signage and road line marking would be approximately \$600.00.

COMMENTS:

The demand for motorcycle parking in the Oxford Centre Precinct varies significantly dependent upon the day of the week and environmental factors and is therefore hard to predict. However, what has become apparent is that on fine weekends and evenings that, like bicycles, the number of motorcycles and scooters parked in and around Oxford Street has increased dramatically.

The 'scooter' craze has added to the cosmopolitan feel or ambiance of the precinct and accessible parking will potentially attract even more patrons.

While the proposed additional parking spaces will not satisfy peak demand, it will cater for an additional six (6) motorcycles in the 'centre' of the action.

10.2.3 Tender for the Supply and Delivery of Drainage and Associated Products – Tender No: 297/04

Ward:	-	Date:	16 June 2004
Precinct:	-	File Ref:	TEN0306
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	M Rootsey	Amended by:	-

RECOMMENDATION:

That the Council ACCEPTS the tenders as submitted by Wembley Cement, Rocla Pipeline Products and Icon Industries for the Supply and Delivery of Drainage and Associated Products in accordance with the specifications as detailed in Tender No. 297/04 as follows:

- *Rocla Pipeline Products* *Concrete pipes*
 Manhole well liners
- *CSR Wembley Cement* *Grated covers*
 Manhole covers
 Gully bases
 Soakwell Lines
- *Icon Industries* *Side entry gullys*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Tenders for the supply of Delivery and Associated Products for a three (3) year period closed at 2.00pm on 9 June 2004 and three (3) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received are listed below:

Spigot & Socket Rubber Ring Joint Pipes (incl. frc pipe) - per metre

SIZE	<i>Icon Industries</i>			<i>Rocla Pipeline Products</i>			<i>Wembley Cement</i>		
	CLASS 2 (SOLID)	CLASS 3 (SOLID)	CLASS 4 (SOLID)	CLASS 2 (SOLID)	CLASS 3 (SOLID)	CLASS 4 (SOLID)	CLASS 2 (SOLID)	CLASS 3 (SOLID)	CLASS 4 (SOLID)
225mm	-	-	-	23.19	27.51	33.98	-	-	-
300mm	-	-	-	25.92	30.76	38.33	-	-	-
375mm	-	-	-	36.68	43.92	54.28	-	-	-
450mm	-	-	-	51.62	61.32	76.28	-	-	-

Manhole Well Liners

(Inter Flush Joint)	<i>Icon Industries</i>	<i>Rocla Pipeline Products</i>	<i>Wembley Cement</i>
	Price \$ / Each	Price \$ / Each	Price \$ / Each Ex-GST
1092 (ID) x 310mm long (nom. Diameter)	58.80	44.70	-
x 610mm long	116.60	89.40	-
x 910mm long	172.00	134.10	-
x 1220mm long	231.00	178.85	-

Soakwell Liners

(Inter Flush Joint)	<i>Icon Industries</i>	<i>Rocla Pipeline Products</i>	<i>Wembley Cement</i>
	Price \$ / Each	Price \$ / Each	Price \$ / Each Ex-GST
1092 (ID) x 310mm long (nom. Diameter)	-	-	60.00 x 600mm long
x 610mm long	-	-	77.00 x 900mm long
x 910mm long	-	-	120.00 x 600mm long
x 1220mm long	-	-	165.00 x 1200mm long

Grated Covers Raised And Flush

	<i>Icon Industries</i>		<i>Rocla Pipeline Products</i>		<i>Wembley Cement</i>	
	Price \$ Raised Each	Price \$ Raised Each	Price \$ Raised Each	Price \$ Raised Each	Price \$ Raised Each Ex-GST	Price \$ Raised Each Ex-GST
1050mm x 1050mm x 150m	242.00	242.00	285.00	285.00	230.00	230.00
1200mm x 1200mm x 150mm	264.00	264.00	298.00	298.00	243.00	243.00
1350mm x 1350mm x 150mm	332.00	332.00	394.00	394.00	265.00	265.00
1050x120mm w/450x450mm grate (Wembley Cement only)					165.00	165.00
1400x120mm w/450x450mm grate (Wembley Cement only)					187.00	187.00
Products are in accordance with AS3996 1992	Not Stated	Not Stated	Yes	Yes	Yes	Yes

Concrete Manhole Covers (Square) With Inserts

	<i>Icon Industries</i>	<i>Rocla Pipeline Products</i>	<i>Wembley Cement</i>
	Price \$ / Each	Price \$ / Each	Price \$ / Each Ex-GST
1050mm x 1050 x 150mm	99.00	133.00	91.30
1200mm x 1200mm x 150mm	120.00	178.00	107.00
1350mm x 1350mm x 150mm	154.00	226.00	134.00

Concrete Manhole Covers (Circular) With Inserts

	<i>Icon Industries</i>	<i>Rocla Pipeline Products</i>	<i>Wembley Cement</i>
	Price \$ / Each	Price \$ / Each	Price \$ / Each Ex-GST
1050mm x 150mm (nom. diameter)	85.00	110.00	89.00
1200mm x 150mm	94.00	136.00	111.00
1400mm x 150mm	135.00	155.00	129.00

Gully Bases

	<i>Icon Industries</i>	<i>Rocla Pipeline Products</i>	<i>Wembley Cement</i>
	Price \$ / Each	Price \$ / Each	Price \$ / Each Ex-GST
1050mm x 150mm (nom. diameter)	56.00	62.00	58.00
1200mm x 150mm	62.00	67.00	60.00
1300mm x 150mm	69.00	92.00	72.00

Side Entry Gully Pits (Universal Type)

	<i>Icon Industries</i>	<i>Rocla Pipeline Products</i>	<i>Wembley Cement</i>
	Price \$ / Each	Price \$ / Each	Price \$ / Each Ex-GST
Lid	132.00	199.60	154.00
Frame	79.00	99.80	98.00
Deflection Slab	179.00	293.00	208.00

Side Entry Gully Pits

	<i>Icon Industries</i>	<i>Rocla Pipeline Products</i>	<i>Wembley Cement</i>
	Price \$ / Each	Price \$ / Each	Price \$ / Each Ex-GST
Lid	132.00	199.60	-
Frame	79.00	99.80	-
Deflection Slab	179.00	293.00	-

The tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows:

- Contract price 65%
 - Past performance 15%
 - Adequate resources available 10%
 - References 5%
 - Overfall compliance with tender specification and requirements _____ 5%
- 100%**

1. Spigot and Socket Concrete Pipes

Only one (1) price submitted (Rocla Pipeline Products)

2. Soakwell liners

Only one (1) price submitted by Wembley Cement

Therefore, these two (2) products were not assessed in accordance with the selection criteria.

3. Manhole Liners

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Rocla Pipeline Products	65	15	10	5	5	100
Icon Industries	50	15	10	5	4	84

4. Grated Covers / Manhole Covers / Gully Bases

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Wembley Cement	65	15	10	5	5	100
Icon Industries	63	15	10	5	4	99
Rocla Pipeline Products	49	15	10	5	4	83

5. Side Entry Gully

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Icon Industries	65	15	10	5	4	99
Rocla Pipeline Products	43	15	10	5	5	78

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Town’s infrastructure during the 2004/05 - 2006/07 financial years.

COMMENTS:

The prices submitted by both tenderers are competitive, with only Rocla, submitting prices for concrete pipes.

Therefore upon assessing the prices received it is recommended that Council accept the tender for the Supply and Delivery of Drainage and Associated Products as submitted by Rocla Pipeline Products and CSR Wembley Cement as follows in accordance with the specifications as detailed in Tender No. 209/01:

- Rocla Pipeline Products Concrete pipes
 Manhole well liners
- CSR Wembley Cement Grated covers
 Manhole covers
 Gully bases
- Icon Industries Side entry pits

10.2.4 Tender for the Supply and Delivery of Concrete - Tender No. 292/04

Ward:	-	Date:	15 June 2004
Precinct:	-	File Ref:	TEN0301
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Multimix Pty Ltd for the Supply and Delivery of Concrete in accordance with the specifications as detailed in Tender No. 292/04.

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Tenders for the Supply and Delivery of Concrete for a three (3) year period closed at 2.00 pm on 9 June 2004 and two (2) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 292/04 are as follows:

DESCRIPTION	UNIT	Readymix Holdings Pty Ltd		Multimix Concrete Pty Ltd	
		Delivered greater than or equal to 3.4m ³	Delivered less than 3.4m ³	Delivered greater than or equal to 3.4m ³	Delivered less than 3.4m ³
1. Schedule of Prices					
20 Mpa/10mm Max. aggregate size	m ³	144.10	Refer below No: 1	126.50	159.50
20 Mpa/14mm Max. aggregate size	m ³	141.35		125.40	158.40
20 Mpa/20mm Max. aggregate size	m ³	138.60		123.20	156.20
25 Mpa/10mm Max. aggregate size	m ³	147.40		132.00	165.00
25 Mpa/20mm Max. aggregate size	m ³	141.90		128.70	161.70
2. Extra cost for rapid hardening	\$/m ³	4.62		7.70	
3. Waiting time	Item	1.32		1.21	per minute
4. Minimum charge	Item	Refer below No: 1		176.00	

DESCRIPTION		UNIT	Readymix Holdings Pty Ltd		Multimix Concrete Pty Ltd	
			Delivered greater than or equal to 3.4m ³	Delivered less than 3.4m ³	Delivered greater than or equal to 3.4m ³	Delivered less than 3.4m ³
5.	Surcharges – Monday to Friday	Item	Refer below No: 2		4.40	3pm to 6am
6.	Outside <u>Normal</u> Working hours Saturday AM Saturday PM Sunday & Pub.Hols	Item	Refer below No: 3		8.80 13.20 13.20	3.4m ³ minimum \$330.00 opening fee
7.	Plant operating times & normal supply times		Mon - Fri 6am to 3pm Saturday 6am to 12pm		6am - 3pm Saturday 6am - 12pm	

Readymix Holdings

No. 1 - Loads of less than 3.43m³ supplied will incur a charge of \$33.00 per undelivered m³.

No. 2 - *Outside Normal Opening Hours* Minimum Charge 3.4m³

After Hours Surcharge 1	3.00pm - 6.00pm	Monday to Friday	\$7.59/m ³
After Hours Surcharge 2	6.00pm - 6.00am	Monday to Friday	\$13.20/m ³

No. 3 - After Hours Surcharge 3	6.00am - 12.00pm	Saturday	\$8.80/m ³
After Hours Surcharge 4	12.00pm - 4.00pm	Saturday	\$17.325/m ³
After Hours Surcharge 5	After 4.00pm	Saturday	\$21.67/m ³
	Public Holidays	Sundays	\$21.67/m ³

A charge of \$396.00 will apply if the plant is required to open on weekdays after 6.00pm, Saturdays after 4.00pm, Sundays and Public Holidays. Minimum truck hire is \$110.00 per hour, minimum 4 hours

The two (2) tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows:

- Contract price 65%
 - Past performance in similar project 15%
 - Adequate resources available to carry out works 10%
 - References 5%
 - Overall compliance with tender specification and requirements 5%
- 100%**

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Readymix Holdings Pty Ltd	58	14	10	5	4	91
Multimix Concrete Pty Ltd	65	14	10	5	4	98

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Town's infrastructure during the 2004/05 - 2006/07 financial years.

COMMENTS:

The Town's Engineering Services uses between 50 and 100m² of concrete per annum. Multimix Concrete Pty Ltd has previously provided a good service to the Town in the past and has submitted a competitive price. It is therefore recommended that the Council accept the tender for the Supply and Delivery of Concrete as submitted by Multimix Concrete Pty Ltd in accordance with the specifications as detailed in Tender No. 292/04.

10.2.5 Tender for the Construction of Concrete Crossovers - Tender No. 295/04

Ward:	-	Date:	15 June 2004
Precinct:	-	File Ref:	TEN0304
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Cobblestone Concrete for the Construction of Cast Insitu Concrete Crossovers in accordance with the specifications as detailed in Tender No. 295/04.

COUNCIL DECISION ITEM 10.2.5

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Tenders for the Construction of Concrete Crossovers for a three (3) year period closed at 2.00 pm on 9 June 2004 and four (4) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 295/04 are as follows:

	100mm thick \$/ m ²	150mm thick \$/ m ²	Concrete cutting \$/ lin. metre	Cost/wing per Crossover \$
Cobblestone Concrete	26.62	-	3.52	50.60
G&G Di Martino	31.90	41.80	7.15	55.00
Techsand Pty Ltd	32.45	38.50	11.00	77.00
Westside Concrete Contractors	38.00	45.00	15.00	20.00

The two (2) tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows:

- Contract price 60%
 - Past performance in similar project 15%
 - Adequate resources available to carry out works 10%
 - Adequate on-job supervision 5%
 - References 5%
 - Overall compliance with tender specification and requirements 5%
- 100%**

	Contract Price	Past Performance	Resources	Supervision	Reference	Compliance	Total
Cobblestone Concrete	60	14	10	4	5	5	98
G&G Di Martino	51.5	14	9	4	5	5	88.5
Techsand Pty Ltd	48.9	14	10	4	5	5	86.9
Westside Concrete Contractors	44.8	9	10	2	5	5	75.8

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area this would fall into the general category in the Town's Strategic Plan 2003-2008 Key Result Area One: Maintain and enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Towns infrastructure during the 2004/05 - 2006/07 financial years.

COMMENTS:

The number of concrete crossovers to be constructed in any financial year is difficult to determine as numbers are dependant upon building approvals granted, however, numbers range from between 50 and 70 per annum.

In assessing the submissions received, Cobblestone Concrete, the Town's current crossover contractor, has submitted the lowest price for 100mm thick crossovers, which comprises the majority of crossovers constructed in the Town.

It is therefore recommended that the Council accept the tender for the Construction of Concrete Crossovers as submitted by Cobblestone Concrete in accordance with the specifications as detailed in Tender No. 295/04.

10.2.6 Tender for Laying of Brick Pavers - Tender No. 290/04

Ward:	-	Date:	15 June 2004
Precinct:	-	File Ref:	TEN0299
Attachments:			
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by A-Line Brickpaving as first preference and ACCESS Brickpaving as second preference for Laying of Brick Pavers in accordance with the specifications as detailed in Tender No. 290/04.

COUNCIL DECISION ITEM 10.2.6

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Tenders for the Laying of Brick Pavers for a three (3) year period closed at 2.00 pm on 9 June 2004 and three (3) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 290/04 are as follows:

	Laying Pattern		Cutting pavers to match		Edge bricks on mortar	Reinstatement
	Herringbone		Building line	Public utility services		
	90°	45°			\$ / m ²	\$ / m ²
A-Line Brickpaving	8.80	9.90	8.80	8.80	11.00	16.50
Access Brickpaving*	9.80	10.10	3.50	3.50	7.20	19.00
Endeavour Paving**	12.00	12.50	4.40	4.40	3.50	**

* Earth Works \$8.80/m². Rates do not include median strips and round-a-bouts.

** Work Saturday on necessity. Reinstatement work subject to job size. Traffic Management extra to each job.

The three (3) tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows:

- Contract price 65%
 - Past performance in similar project 15%
 - Adequate resources available to carry out works 10%
 - References 5%
 - Overall compliance with tender specification and requirements 5%
- 100%**

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
A-Line Brickpaving	64	15	10	5	5	99
Access Brickpaving	65	14	9	5	5	98
Endeavour Paving*	0	14	6	5	0	25

- * Endeavour Paving did not submit a fixed price for reinstatement and therefore it was difficult to compare prices with the other two tenders.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area this would fall into the general category in the Town's Strategic Plan 2003-2008 Key Result Area One: Maintain and enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Towns infrastructure during the 2004/05 - 2006/07 financial years.

COMMENTS:

A-Line Brickpaving is Council's current brickpaving Contractor and have provided a high level of service in all the projects they have been involved with.

The majority of the Town's works involves straight laying of brick pavers and some reinstatement works.

The prices submitted by A-Line Brickpaving and ACCESS Brickpaving are very competitive however when assessing the costs of an actual project it is considered that A-Line is the preferred contractor for the following reasons: -

- No restrictions on weekend works
- No additional cost for Traffic Control, earth works,
- Included round-a-bouts and median strips in their price
- Lower laying and reinstatement costs
- High quality workmanship provided in the past
- Ability to lay large quantities in a single day

It is therefore recommended, Notwithstanding due to the often large quantity of paving required some times at short notice it is recommended that the Council accept the tender for the Laying of Brick Pavers as submitted by A-Line Brickpaving as first preference and ACCESS Brickpaving as a second preference in accordance with the specifications as detailed in Tender No. 290/04.

10.2.7 Tender for the Hire of Trucks - Tender No. 294/04

Ward:	-	Date:	15 June 2004
Precinct:	-	File Ref:	TEN0303
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS both tenders submitted for the Hire of Trucks as outlined in the report in accordance with the specifications as detailed in Tender No. 294/04, with Caversham Truck Hire for the hire of ~~8-wheel tippers~~ single axle and Mayday Earthmoving for the hire of all other trucks.

COUNCIL DECISION ITEM 10.2.6

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Tenders for the Hire of Trucks for a three (3) year period closed at 2.00 pm on 9 June 2004 and two (2) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 294/04 are as follows:

	Single Axle Tipper	6 Wheel Tipper	8 Wheel Tipper	Semi Tipper		Dry Hire Single Axle
				18m ³	20m ³	
Mayday Earthmoving	54.0	57.0	65.0	89.0	92.0	N/A
Caversham Truck Hire	<u>42.0</u>	-	42.0	-	-	20.0

The two (2) tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows:

- Contract price 65%
- Past performance in similar project 15%
- Adequate resources available to carry out works 10%
- References 5%
- Overall compliance with tender specification and requirements 5%
100%

Note: As Caversham Truck Hire only submitted a price for single axle tipper the tender was evaluated in two parts as follows:

1. Single Axle Tipper

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Caversham Truck Hire	65	15	10	5	5	100
Mayday Earthmoving	42	15	10	5	5	77

2. Others

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Mayday Earthmoving	65	15	10	5	5	100

Caversham Truck Hire has submitted the lowest tender for single axle tipper. Mayday has submitted the only price for all other trucks.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area this would fall into the general category in the Town's Strategic Plan 2003-2008 Key Result Area One: Maintain and enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Towns infrastructure during the 2004/05 - 2006/07 financial years.

COMMENTS:

It is therefore recommended that the Council accepts the tenders as submitted by Caversham Truck Hire for 8 wheel tippers, and Mayday Earthmoving for the hire of other trucks in accordance with the specifications as detailed in Tender No. 294/04.

10.2.8 Tender for the Construction of Cast Insitu Concrete Shared Paths/Footpaths - Tender No. 296/04

Ward:	-	Date:	16 June 2004
Precinct:	-	File Ref:	TEN0305
Attachments:			
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Cobblestone Concrete for the Construction of Cast Insitu Concrete Shared Paths/Footpaths in accordance with the specifications as detailed in Tender No. 296/04.

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Tenders for the Construction of Cast Insitu Concrete Shared Paths/Footpaths for a three (3) year period closed at 2.00 pm on 9 June 2004 and four (4) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 296/04 are as follows:

	100mm thick concrete path (\$)	Construction/Repairs < 30m² (\$)	Cutting (\$)	Cost of salvaged precast slabs to TOV residents (\$)
Cobblestone Concrete	25.24	25.24	3.41	1.50
Techsand Pty Ltd	31.90	40.70	11.00	2.20
Westside Concrete Contractors	30.00	38.00	15.00	\$3.00 plus delivery
G & G DiMartino Concrete	30.80	-	7.15	2.00

The four (4) tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows:

- Contract price 60%
- Past performance in similar project 15%
- Adequate resources available to carry out works 10%
- Adequate on-job supervision 5%
- References 5%
- Overall compliance with tender specification and requirements 5%
100%

Contractor	Contract Price	Past Performance	Resources	Supervision	Reference	Compliance	Total
Cobblestone Concrete	60	14	10	4	5	5	98
G & G DiMartino Concrete	53.4	14	9	4	5	5	90.4
Techsand Pty Ltd	38.7	14	10	4	5	5	81.7
Westside Concrete Contractors	38.6	9	10	2	5	5	69.6

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area this would fall into the general category in the Town's Strategic Plan 2003-2008 Key Result Area One: Maintain and enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Towns infrastructure during the 2004/05 - 2006/07 financial years.

COMMENTS:

The Town's current contractor is Cobblestone Concrete Contractors, and they also previously held the Town's Footpath and Crossover tenders during 1996-1998. Cobblestone Concrete has submitted the best price and has scored highest in the selection criteria.

It is therefore recommended that the Tender for the Construction of Cast Insitu Concrete Shared Paths/Footpaths, Tender No. 296/04, be awarded to Cobblestone Concrete.

10.2.9 Tender for Pavement Profiling – Tender No. 293/04

Ward:	Both	Date:	15 June 2004
Precinct:	All	File Ref:	TEN0302
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the Tender submitted by Works Pavement Technology for Pavement Profiling in accordance with the specifications as detailed in Tender No. 293/04.

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Tenders for Pavement Profiling for a three (3) year period closed at 2.00 pm on 9 June 2004 and four (4) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of the submissions received are listed below:

	Description	Unit	Hot Mix		Hot Mix (Alternative)		Brierty Contractors		Works Pavement Technology	
			Rate \$ * Incl. GST (A)	Rate \$ ** Incl. GST (B)	Rate \$ * Incl. GST (A)	Rate \$ ** Incl. GST (B)	Rate \$ * Incl. GST (A)	Rate \$ ** Incl. GST (B)	Rate \$ * (A)	Rate \$ ** (B)
1.	Profiling 25mm depth	m ²	1.47	1.47 +\$83/hr truck hire	1.42	1.42 +\$83/hr truck hire	1.10	1.89	1.40	Hourly rates apply for trucking as listed
	50mm depth	m ²	1.69	1.69 +\$83/hr truck hire	1.64	1.64 +\$83/hr truck hire	1.32	2.11	1.44	6 wheel tipper \$65.00/hr min 4 hours
	100mm depth	m ²	2.09	2.09 +\$108/hr truck hire	2.04	2.04 +\$83/hr truck hire	1.54	3.12	1.58	8 wheel tipper \$75.00/hr min 4 hours
	150mm depth	m ²	2.37	2.37 +\$108/hr truck hire	2.31	2.31 +\$83/hr truck hire	1.98	4.36	1.86	Bogie semi \$80.00/hr min 4 hours
2.	Sweeping Rate	m ²	93.50	93.50	93.50	93.50	0.33	0.33	Skid steer 80.00/hr Suction 100.00/ hr	Tri axle semi \$90.00/hr min 4 hours

Description	Unit	Hot Mix		Hot Mix (Alternative)		Brierty Contractors		Works Pavement Technology	
		Rate \$ * Incl. GST (A)	Rate \$ ** Incl. GST (B)	Rate \$ * Incl. GST (A)	Rate \$ ** Incl. GST (B)	Rate \$ * Incl. GST (A)	Rate \$ ** Incl. GST (B)	Rate \$ * (A)	Rate \$ ** (B)
3. Mobilisation Fee	Items	303.00	303.00	303.00	303.00	495.00	495.00	0.5m skid steer \$120.00 1.0m profiler \$400.00 2.00m profiler \$500.00	
4. Weekend Penalty	Item	402.00	402.00	402.00	402.00	550.00	825.00	\$25.00/hr per man on site - depot - depot	
5. Traffic Control	hour	105.00	105.00	105.00	105.00	110.00	110.00	1 man crew \$50.00/hr 2 man crew \$80.00/hr 3 man crew \$115.00/hr	

RATE \$ A = Profile only

RATE \$ B = Profile/convey onto truck including cartage (max. distance 5km)

The four (4) tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows:

- Contract Price 65%
 - Past performance in similar projects 15%
 - Adequate resources available to carry out works 10%
 - References 5%
 - Overall compliance with tender specification and requirements 5%
- 100%**

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Works Pavement Technology	65	15	10	5	5	100
Hotmix	61	15	10	5	5	96
Hotmix (alternative)	59	15	10	5	5	94
Brierty Contractors	57	15	10	5	5	92

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Town’s infrastructure during the 2004/05 - 2006/07 financial years.

COMMENTS:

In assessing the tenders, it has been determined that for the most common profiling depth ie. 50mm and for an average size job say 1,000m², two (2) of the tenderers have submitted competitive prices.

In assessing the total cost of a typical project, it is considered that Works Pavement Technology will provide the best value.

Therefore, it is recommended that the Tender for Pavement Profiling be awarded to Works Pavement Technology in accordance with the specifications as detailed in Tender 293/04 for reasons of project efficiency which will alternatively result in lower overall project costs.

10.2.11 Tender No. 299/04 – Supply and Delivery of UPVC Pressure Pipes

Ward:	-	Date:	16 June 2004
Precinct:	-	File Ref:	TEN0308
Attachments:			
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher, M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Hugall and Hoile for the Supply and Delivery of UPVC Pressure Pipes in accordance with the specifications as detailed in Tender number 299/04.

COUNCIL DECISION ITEM 10.2.11

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Tenders closed at 2.00pm on Wednesday 9 June 2004, for the Supply and Delivery of UPVC Pressure Pipe and two (2) tenders were received.

DETAILS:

Details of all submissions received for Tender 299/04 are as follows (inclusive GST): -

UPVC Pressure Pipes to AS1477

Pipe Nominal Dia	Hugall and Hoile			Total Eden		
	Cost (\$) Incl. GST			Cost (\$) Incl. GST		
	Class 9	Class 12	Class 18	Class 9	Class 12	Class 18
15mm	N/A	N/A	6.89	N/A	N/A	6.25
20 mm	4.43	4.66	7.19	N/A	4.72	8.89
25 mm	5.57	7.33	13.62	6.46	9.08	13.02
32 mm	10.08	12.43	22.34	11.80	14.41	23.49
40 mm	11.43	16.06	28.81	11.64	17.05	24.53
50 mm	17.35	24.50	41.91	17.18	24.94	43.66
65 mm	35.96	53.96	N/A	36.73	47.40	N/A
80 mm	34.25	51.37	90.45	36.03	51.98	90.64
100 mm	45.73	70.52	200.65	52.66	82.38	119.89

Pipe Nominal Dia	Hugall and Hoile			Total Eden		
	Cost (\$) Incl. GST			Cost (\$) Incl. GST		
	Class 9	Class 12	Class 18	Class 9	Class 12	Class 18
125 mm	92.05	N/A	N/A	91.47	105.33	N/A
150 mm	104.01	134.37	N/A	117.82	148.36	244.13
175 mm	N/A	N/A	N/A	N/A	N/A	N/A
225 mm	N/A	571.10	N/A	N/A	N/A	N/A
300 mm	N/A	615.96	N/A	N/A	N/A	N/A
Discount on fittings %						

Note: Cost per 6m length

Pressure Pipes as AS2977-1988

Pipe Nominal Dia	Hugall and Hoile		Total Eden	
	Rubber Ring PVC	Cost Class 12 12 months	Rubber Ring PVC Class 9	Cost Class 12 12 months
80 mm	No Charge	57.38	38.12	55.44
100 mm	No Charge	77.70	61.08	69.43
150 mm	No Charge	145.84	98.02	133.12
200 mm	No Charge	257.02	159.39	250.47
Discount on fittings %	See note below		See note below	

Note: Both companies have provided a comprehensive list of UPVC fittings with individual prices.

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

- Contract price 65%
 - Past experience in similar projects/works 15%
 - Adequate resources available to carry out works 10%
 - References 5%
 - Overall compliance with tender specification and requirements 5%
- 100%

Tenderers were requested to address all of the above criteria, separately comprehensively and in the order listed in the above table.

Selection Criteria

Selection Criteria	Weighting (%)	Hugall & Hoile (%)	Total Eden (%)
Contract price	65	65	62
Past experience in similar projects/works	15	15	15
Adequate resources available to carry out works	10	10	10
References	5	5	5
Overall compliance with tender specification and requirements	5	5	3
TOTAL	100	100	95

The majority of UPVC Pipe used in reticulation projects and repairs as specified by the Town of Vincent, is Class 12 which refers to the thickness of the pipe and the maximum pressure rating ie.

Class	9	Maximum	Pressure	900 kPa
Class	12	Maximum	Pressure	1200 kPa
Class	18	Maximum	Pressure	1800 kPa

Class 9 pipe is generally used for conduits and Class 18 pipe used only where scheme water is the source.

Hugall and Hoile have provided competitive prices for pipe in the 20mm to 80mm range. These sizes are the most commonly purchased by the Town.

Both companies have provided a comprehensive list of UPVC fittings ranging in price from 20 cents to \$300.00. Whilst prices vary considerable Hugall and Hoile have again provided the lowest prices in the majority of items (see attachment).

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area this would fall into the general category in the Town's Strategic Plan 2003-2008 Key Result Area One: Maintain and enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment "1.4 h) continue to design and implement infrastructure improvements for public open space."

FINANCIAL/BUDGET IMPLICATIONS:

Funding for the Supply of these items is sourced from specific capital works projects or the respective parks and sportsgrounds grounds maintenance accounts

COMMENTS:

It is therefore recommended that the tender submitted by Hugall and Hoile for the Supply and Delivery of UPVC Pressure Pipe in accordance with the specifications as detailed in Tender number 299/04 be approved.

10.2.12 Tender No. 300/04 – Hire of Temporary Labour

Ward:	-	Date:	16 June 2004
Precinct:	-	File Ref:	TEN0309
Attachments:			
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher, M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders submitted by Lo-Go Appointments and Flexi-Staff Pty Ltd for the Hire of Temporary Labour in accordance with the specifications as detailed in Tender No. 300/04.

COUNCIL DECISION ITEM 10.2.12

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Tenders closed at 2.00pm on Wednesday 9 June 2004, for the Hire of Temporary Labour and four (4) tenders were received.

DETAILS:

Details of all submissions received for Tender No. 300/04 are as follows (inclusive GST): -

	WorkPac Perth (Industrial) Pty Ltd	Flexi Staff Pty Ltd	Lo-Go Appointments	Select Australasia Pty Ltd
Level	Normal Time \$ / Hour			
1	21.01	24.59	22.35	20.41
2	21.88	26.57	23.25	21.29
3	22.74	27.67	24.14	22.09
4	23.62	28.43	25.03	22.66
4a		29.43		23.38
5	24.14	30.03	25.56	23.78
6	25.02	31.57	26.46	24.99
7	25.89		27.35	
8	26.66		28.15	

	WorkPac Perth (Industrial) Pty Ltd	Flexi Staff Pty Ltd	Lo-Go Appointments	Select Australasia Pty Ltd
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Level	Time and One Half \$/ Hour			
1	28.64	34.91	30.18	27.16
2	29.82	37.73	31.38	28.37
3	31.01	39.28	32.59	29.48
4	32.21	40.38	33.80	30.27
4a		41.79		31.26
5	32.92	42.65	34.51	31.80
6	34.12	44.83	35.72	33.48
7	35.31		36.92	
8	36.36		38.00	

	WorkPac Perth (Industrial) Pty Ltd	Flexi Staff Pty Ltd	Lo-Go Appointments	Select Australasia Pty Ltd
Level	Double Time \$/ Hour			
1	37.26	46.22	38.00	35.38
2	38.82	29.94	39.52	37.00
3	40.39	52.01	41.04	38.47
4	41.98	53.46	42.56	39.53
4a		55.32		40.85
5	42.92	56.45	43.46	41.57
6	44.51	59.36	44.97	43.81
7	46.08		46.49	
8	47.48		47.85	

	WorkPac Perth (Industrial) Pty Ltd	Flexi Staff Pty Ltd	Lo-Go Appointments	Select Australasia Pty Ltd
Level	Double Time and One Half \$/ Hour			
1	37.34	58.03	45.82	43.60
2	39.00	62.69	47.65	45.62
3	40.66	65.29	49.49	47.47
4	42.35	67.11	51.32	48.78
4a		69.44		50.44
5	43.34	70.87	52.40	51.33
6	45.03	74.50	54.23	54.13
7	46.69		56.07	
8	48.17		57.70	

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

- Contract price 65%
 - Past experience in similar projects/works 15%
 - Adequate resources available to carry out works 10%
 - References 5%
 - Overall compliance with tender specification and requirements 5%
- 100%

Tenderers were requested to address all of the above criteria, separately, comprehensively and in the order listed in the above table.

Selection Criteria

<i>Selection Criteria</i>	<i>Weighting (%)</i>	<i>Workpac Perth (Industrial) Pty Ltd (%)</i>	<i>Flexi-Staff Pty Ltd (%)</i>	<i>Lo-Go Appointments (%)</i>	<i>Select Australasia Pty Ltd (%)</i>
Contract price	65	63.4	54	60	65
Past experience in similar projects/works	15	0	13.5	15	4.5
Adequate resources available to carry out works	10	4	10	10	5
References	5	0	5	5	2.5
Overall compliance with tender specification and requirements	5	0	4	5	0
TOTAL	100	67.4	86.5	95	77

Lo-Go Appointments specialise in providing Local Government employees and they have been contracted to the Town for the past six (6) years, providing a satisfactory service. Flexi-Staff are the only other company who have considerable past experience in providing employees for the positions required in the outside workforce such as gardeners, rubbish assistants and machinery operators.

WorkPac Perth (Industrial) Pty Ltd have not provided employees to Local Governments in the past and whilst Select Australasia Pty Ltd have recently provided footpath contractors to the City of Joondalup their submission is lacking information.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area this would fall into the general category in the Town's Strategic Plan 2003-2008 Key Result Area Four: *Maintain and enhance a positive safe work environment that motivates and encourages employees to give their best.*

FINANCIAL/BUDGET IMPLICATIONS:

Funding for the Hire of Temporary Labour is sourced from specific capital works projects or the respective parks and engineering maintenance accounts as required, dependant on work requirements.

COMMENTS:

It is therefore recommended that the tenders submitted by Lo-Go Appointments and Flexi-Staff Pty Ltd for the Hire of Temporary Labour in accordance with the specifications as detailed in Tender No. 300/04 be approved.

10.2.13 Tender No. 298/04 – Supply and Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment

Ward:	-	Date:	14 June 2004
Precinct:	-	File Ref:	TEN0307
Attachments:			
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Hugall and Hoile for the Supply and Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment, in accordance with the specifications as detailed in Tender No. 298/04.

COUNCIL DECISION ITEM 10.2.13

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Tenders closed at 2.00pm on Wednesday 9 June 2004, for the Supply and Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment, and two (2) tenders were received.

DETAILS:

Details of all submissions received for Tender No. 298/04 are as follows (inclusive GST): -

	Hugall and Hoile	Total Eden Watering Systems
SOLENOID VALVES	COST (\$) Incl. GST	COST (\$) Incl. GST
<u>RAINBIRD</u>		
100DV 25mm Non tested	* 17.04	* 18.36
100DV 25mm Tested	* 22.64	* 22.41
100PEP 25mm Non tested	* 77.39	* 73.37
150PEP 40mm Non tested	* 99.59	* 113.17
200PEP 50mm Non tested	* 125.82	* 139.17
UNIK Latching Coil	* 40.43	* 40.46
UNIK Module 1 Station	* 200.83	* 231.57
UNIK Module 2 Station	* 266.52	* 304.05
UNIK Module 4 Station	* 314.88	* 369.54

	Hugall and Hoile	Total Eden Watering Systems
	COST (\$) Incl. GST	COST (\$) Incl. GST
RETICULATION CONTROLLERS		
<u>RAINBIRD</u>		
ESP 6	* 225.23	* 248.13
ESP 8	* 282.98	* 257.83
ESP 12	* 288.98	* 311.78
ESP 16	* 360.36	* 365.72
ESP 24	* 427.35	* 462.81
ESP Modular Controller	* 130.52	* 133.32
E3	* 109.73	* 113.28
E6	* 122.43	* 128.38
E9	* 167.48	* 172.61
Max. delivery times for placement of order	48 hours	24 hours

Warranty Provisions for the above items: * = three years. # = five years

	Hugall and Hoile	Total Eden Watering Systems
SPRINKLERS	COST (\$) Incl. GST	COST (\$) Incl. GST
<u>RAINBIRD</u>		
1802 Body only	# 2.26	# 2.60
1804 Body only	# 3.04	# 3.35
1812 Body only	# 11.00	# 11.98
Standard Nozzle	1.24	* 1.35
VAN Nozzle	1.57	* 1.73
5004 Full circle	# 17.69	# 18.34
5004 Part circle	# 17.69	# 18.34
3504 Full circle	* 14.64	* 16.72
3504 Part circle	* 14.64	* 16.72
R50 Full/part circle with nozzle	* 18.34	# 24.68
Falcon 6504 Full circle with nozzle	# 37.96	# 41.00
Falcon R6504 Part circle with nozzle	# 37.96	# 41.00
<u>TORO</u>		
2001 full circle with nozzle	48.51	# 58.80 (s/s)
2001 part circle with nozzle	48.51	# 58.80 (s/s)
Eagle 700B	101.38	# 97.93
Eagle 700S	166.32	# 149.69
Eagle 900S	194.91	# 166.90
<u>HUNTER</u>		
PGH Pop-up with nozzles	+ 45.79	* 37.80
I 20	# 27.31	# 26.56 (s/s)
I 31	# 41.53	# 52.27 (s/s)
I 90	# 132.83	# 123.97
Max. delivery times for placement of order	48 hours	24 hours

Warranty Provisions for the above items: + = two years. * = three years. # = five years

		Hugall and Hoile		Total Eden Watering Systems	
ARTICULATED RISERS		COST (\$) Incl. GST		COST (\$) Incl. GST	
Size	Description				
15 mm	Artic. Risers 300mm	^	1.62	*	1.51
20 mm	Artic. Risers 300mm	^	1.88	*	1.93
25 mm	Artic. Risers 300mm	^	2.50	*	2.90
ARTICULATED RISERS		COST (\$) Incl. GST		COST (\$) Incl. GST	
VALVE BOXES					
1419 12vb Bolt Box (NDS)		^	33.96	*	22.99
1419 (Lid only)		^	12.99	*	12.70
1420 "Jumbo" Valve box (NDS)		^	60.36	*	75.02
1420 (Lid only)		^	30.72	*	33.88
Rainbird 9/10" Round		^	21.70	*	22.66
		Hugall and Hoile		Total Eden Watering Systems	
SOLVENT/PRIMER					
PVC Pipe Solvent 250mm Type P		^	4.37	^	4.42
PVC Pipe Solvent 500mm Type P		^	6.63	^	7.13
PVC Pipe Primer 250mm		^	2.56	^	2.50
PVC Pipe Primer 500mm		^	3.47	^	3.50
Max. delivery times for placement of order		48 hours		24 hours	

Warranty Provisions for the above items: ^ = one year. * = three years

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

- | | |
|---|-----------|
| • Contract price | 65% |
| • Past experience in similar projects/works | 15% |
| • Adequate resources available to carry out works | 10% |
| • References | 5% |
| • Overall compliance with tender specification and requirements | <u>5%</u> |
| | 100% |

Tenderers were required to address all of the above criteria separately, comprehensively and in the order listed in the above table.

Selection Criteria	Weighting (%)	Hugall & Hoile (%)	Total Eden (%)
Contract price	65	65	60
Past experience in similar projects/works	15	15	15
Adequate resources available to carry out works	10	10	10
References	5	5	5
Overall compliance with tender specification and requirements	5	5	2.5
TOTAL	100	100	92.5

Hugall and Hoile have held this contract with the Town of Vincent since our inception in 1995 and have provided excellent service and advice to the Town's staff.

They have provided the lowest prices in thirty-six (36), of the fifty-one (51) items listed. The Town has specialised mainly "RAINBIRD" sprinklers, valves and automatic controllers in the design and installation of reticulation projects and Hugall and Hoile has provided the lowest prices in the majority of "RAINBIRD" products.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area this would fall into the general category in the Town's Strategic Plan 2003-2008 Key Result Area One: Maintain and enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment "1.4 h) continue to design and implement infrastructure improvements for public open space."

FINANCIAL/BUDGET IMPLICATIONS:

Funding for the Supply of these items is sourced from specific Capital Works Projects or the respective Parks and Sportsgrounds Grounds maintenance accounts.

COMMENTS:

It is therefore recommended that the Tender submitted by Hugall and Hoile for the Supply and Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment in accordance with the specifications as detailed in Tender No. 298/04 be approved.

10.3.1 Financial Statements as at 31 May 2004

Ward:	Both	Date:	9 June 2004
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	N Russell		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 31 May 2004 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 May 2004.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently showing 96% of the Budget received to date.

General Purpose Funding (Page 1)

General Purpose Funding is showing 99% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 101%. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 82% of the budget received to date. The distribution from the Mindarie Regional Council is yet to be received.

Other Property and Services (Page 13)

Economic Services is showing 109% of the budget received to date. Workers compensation claims have been higher than expected.

Operating Expenditure

Operating expenditure for the month is within budget (92%).

Other Property and Services (Page 13)

Salaries and other associated employee costs are higher than expected.

Capital Expenditure Summary (Pages 17 to 27)

The Capital Expenditure summary details projects included in the 2003/04 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$18,038,622 which is 64% of the budget.

Statement of Financial Position and Changes in Equity (Pages 28 & 29)

This statement is in essence the Balance Sheet of the Town as at 31 May 2004 and shows current assets of \$16,795,522 less current liabilities of \$2,311,936 for a current position of \$14,483,586. Total non-current assets amount to \$111,485,778 for total net assets of \$113,412,152.

Restricted Cash Reserves (Page 30)

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

Transfer of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 31st May 2004, interest of \$354,668 was transferred. Transfers to Reserves totalled \$989,211 and transfers from Reserves amounted to \$1,761,325. Restricted cash reserves total \$6,815,970 at the end of May 2004.

Debtors and Rates Financial Summary

General Debtors (Page 31)

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

Sundry Debtors of \$4,495,189 are outstanding at the end of May. Of this \$4,225,522 (94%) relates to debts outstanding for over 60 days. The majority of the debt is \$3,557,200 for WA Treasury Corporation which is the remainder of the loan that is to be received by the Town. The Debtor Report identifies significant balances that are well overdue.

The balance of the significant Debtors are either current or 1- 30 Days.

Rate Debtors (Page 32)

The notices for rates and charges levied for 2003/04 were issued on the 11 August 2003.

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

First Instalment	15 September 2003
Second Instalment	17 November 2003
Third Instalment	16 January 2004
Fourth Instalment	16 March 2004

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

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

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

Beatty Park – Financial Position Report (Page 33)

As at 31 May 2004 the operating deficit for the Centre was \$899,541 in comparison to the budgeted annual deficit of \$167,839.

The cash position showed a current cash deficit of \$503,488 in comparison to the annual budget estimate of a cash surplus of \$311,008. The cash position is calculated by adding back depreciation to the operating position.

The explanation for the variances is as follows:

Administration: This figure represents the unallocated depreciation figure and is currently running lower than budgeted estimates due to the deferred purchase of some major items, namely two pool blankets and the ultra violet unit for water treatment.

Swimming Pool Areas: There is a significant increase in the utility charges over budget estimates. In the early months of the year significant costs overruns were incurred maintaining the required water temperature due to repeated boiler breakdowns. This finally resulted in the replacement of the boiler. Furthermore, the budget estimates were made on the assumption that the pool blankets would be installed to the outside pool earlier in the year than has eventuated which would have resulted in an anticipated reduction in utility costs.

Salary costs, Superannuation and Workers Compensation Insurance Premiums: The actual costs are currently at 96% of budget. The Workers Compensation charge for the year has seen a 100% increase and together with the increased use of casual lifeguards to maintain the ratio of patrol members has contributed to the increase in labour costs for the year. The revenue for the pool area is currently operating at 18% below budgeted expectations; the particular items below budget expectations are in-term admission fees and lane hire charges with both of these areas running 68% and 62% below capacity.

Café: Café revenue reports for the last two days of the month are not included in the revenue figures for the month of May.

Retail Shop: Revenue for the retail shop is expected to achieve budget estimates for the year, this will be assisted by a major stock sale to be held on 19 June 2004. However, expenditure is over budget due to exclusions of estimates for stock movement in the Retail Stock Account.

10.3.3 Lease Renewal - Loton Park Tennis Club

Ward:	South Ward	Date:	11 June 2004
Precinct:	Beaufort Precinct	File Ref:	RES0013
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That;

- (i) *the Council APPROVES of a five (5) year lease, with a five (5) year option to renew, of Loton Park Tennis Club, corner Lord Street and Bulwer Street, Perth, using the same terms and conditions as the current lease; and*
- (ii) *AUTHORISES the Chief Executive Officer to finalise the lease and affix the Council's Common Seal.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND

The tennis facility at the corner of Lord Street and Bulwer Street has been leased by the Loton Park Tennis Club since 1 July 1994 and is due to expire on 30 June 2004. The Loton Park Tennis Club has expressed a strong desire to renew the lease for a further five (5) years with a five (5) year option to renew.

DETAILS:

A five (5) year lease period is requested, commencing on 1 July 2004 with a five (5) year option to renew. The Loton Park Tennis club has occupied the facility for over ninety (90) years and currently has over one hundred (100) members. The club has made significant improvements to the facility with its own funds.

An option of five (5) years is recommended for the following reasons:

- (a) the premises is listed on the State Register of Heritage Places and is therefore highly unlikely that it will be used for other purposes;
- (b) the longer tenure allows the Club to strategically plan over a longer period; and
- (c) to recognise the Club's contribution over the previous five years.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Result Area 2.1 (a) *"Seek community initiatives and involvement in the development of programs and provide facilities and other recreational resources appropriate to the Town's needs."*

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

FINANCIAL/BUDGET IMPLICATIONS:

The Town currently receives a peppercorn rent of \$1 per annum in this lease payment.

Consideration was given to introducing a more substantial lease payment in line with the Strategic Plan: KRA 3.2(a).

However, during the current tenancy period the Loton Park Tennis Club has made considerable efforts to upgrade and improve the facility at the corner of Lord Street and Bulwer Street, utilising their own funds and voluntary labour. It is also a community *"not for profit"* group.

COMMENTS:

It is therefore recommended that their request for a five (5) year lease be approved with a five (5) year option to renew with the same conditions.

10.4.1 Use of Common Seal

Ward:	-	Date:	14 June 2004
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

DETAILS:

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

Date	Document	No of copies	Details
28/05/04	Deed of Covenant (Where Lots to be Amalgamated)	4	Town of Vincent and Top Nominees Pty Ltd, Leesa Joy Spanos, Dakshakumari Daya, Managulaben Gowan, Bharti Morar, Pushpavati Parsotam Naran, Prasila Ranchod Natha, Niti Naran, Iain Mackenzie, Glenkarri Investments Pty Ltd, RG & SI Campbell Nominees Pty Ltd re: Nos. 595-599 (Lots 54 and 53) Beaufort Street, corner Chelmsford Road, Mount Lawley - Proposed Alterations, Additions, and Change of Use to the Existing Development to create a three-four storey mixed use development, comprising seven shops, one eating house and sixteen multiple dwellings.
02/06/04	Lease	3	Town of Vincent and Umberto Alfaro, Paul Carstairs, Frances Dennis, graham Hay and Carol Rowling re: Halverson Hall, 176 Fitzgerald Street, Perth
08/06/04	Master Lease Agreement Operating Lease	3	Town of Vincent and Commonwealth Fleet Lease, St Georges Terrace, Perth re: Motor Vehicle Lease - for use by Office of Crime Prevention. Town is fully reimbursed of all costs.

10.4.2 Independent Organisational Review - Progress Report No. 2

Ward:	Both	Date:	16 June 2004
Precinct:	All	File Ref:	ADM0061
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No 2 as at 16 June 2004 concerning the implementation of recommendations of the Independent Organisational Review; and*
- (ii) *includes an amount of \$10,000 in the 2004-2005 Budget for "Consultancy Fees", to prepare a Marketing Strategy for the Town.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

Progress Report No. 1 was submitted to the Ordinary Meeting of Council held on 23 March 2004.

At the Special Meeting of Council held on 14 October 2003 the Council considered the matter of the Organisational Review Key Areas and Priorities and resolved inter alia as follows:

"That the Council;

- (iii) *apportions the highest priority to:*
 - (a) *Customer Service (Recommendations 4(f), (g), (h) and 35);*
 - (b) *Delegations, Discretions, Compliance and Policy (Recommendations 6, 7, 11, 13, 41 and 46);*
 - (c) *followed by Parking Matters (Recommendations 48, 50 and 52); and*
 - (d) *the remainder of the recommendations to be implemented as detailed in the table 'IMPLEMENTATION OF THE IOR RECOMMENDATIONS'; and ..."*

The following are the IOR Recommendations, together with the CEO's Comments. Recommendations which have previously been completed have not been included in the report.

RECOMMENDATION 3

- (b) The Town of Vincent requests the East Perth Redevelopment Authority (EPRA) to provide advice on the essential elements of urban economic development and strategies for the Town of Vincent to pursue to achieve the objectives of Key Result Area 3 – Economic Development.

CEO's Comment

Actioned. A briefing session was held on 30 July 2003. A Marketing Strategy is to be prepared in 2004-2005. An on-going close working relationship with EPRA exists and will be maintained. No funds have been listed in the 2004-05 Budget for this matter, as it has not been sufficiently advanced enough to provide indicative funding levels. However, it is recommended that a nominal amount of \$10,000 be included. It is proposed to pursue this matter during 2004-2005, and in particular liaise with EPRA and other local governments.

RECOMMENDATION 4

- (f) The position Manager Customer Service Centre be created and the Customer Service Centre become a function of the Chief Executive Officer's Division.

CEO's Comment

The Customer Service Centre became a function of the CEO's Division on 1 January 2004. Refer to Customer Service Programme in this report for further details.

- (g) The responsibility for the customer information content of the Town's website and printed material be transferred to the Manager Customer Service.

CEO's Comment

Actioned. The Customer Service Coordinator has assumed responsibility for the content of the information on the webpage. The Town's Public Relations Officer will also have input from a communications aspect and the Manager Information Technology will have responsibility for actual software and hardware matters. The various Section Managers are responsible for the accuracy of the information, pertaining to their section.

GOVERNANCE

RECOMMENDATION 5

- (a) Council introduce a 12 month trial of three week cycles to Council decision making comprised of:
- **Week 1** Council briefing session on matters of a long term nature or are otherwise strategic in their nature and are in the early stages of development. Attendance at those meetings is by invitation. No decisions are to be made at those meetings. Matters requiring decision are to be referred to the Council Committee included in week 2 of the meetings cycle.

- **Week 2** Council meeting in Committee whereby members of the public and parties associated with matters before Council are directly and publicly invited to attend and address the Committee. It is essential Managers of staff who author reports together with Executive Managers attend these meetings to respond to Council questions.
- **Week 3** Ordinary Council meeting whereby the Council considers recommendations submitted from the Council Committee meeting and makes final determination on all matters.

CEO's Comment

This matter is still being investigated for its benefits to the Town. It is strongly recommended that information be obtained from other local governments where this system is in place. Attendance at a meeting is also advisable to review the actual procedures in action. At the Ordinary Meeting of Council held on 8 June 2004, the Council approved of guidelines and procedures for Forums. This is a variation to the IOR Consultants' meeting cycle. It should be acknowledged that there are many models relating to meeting formats and cycles and each local government should adopt the most beneficial model which best meets its needs. Investigations will continue during 2004 and it is proposed to further report to Council in late 2004.

RECOMMENDATION 6

Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council's consideration.

CEO's Comment

The Town's Manager Planning and Building Services was seconded on a full-time basis in February and March to action this recommendation. A report has been prepared and reviewed by the CEO and Executive Manager Environmental & Development Services. This is a complex matter and requires careful consideration. It is proposed to raise this matter at an Elected Member Forum in July. The following timeline is proposed;

- Late June 2004 *Issue draft Delegations to Elected Members*
- Mid July 2004 *Elected Member Forum*
- Late July/early August 2004 *Adoption of new Delegations*

RECOMMENDATION 8

A suitable computer be located in the Council Chamber connected to a projector and screen enabling the Minute Secretary to project the "live" recording of declarations, motions and resolutions of meetings for simultaneous viewing by the Elected Members, Officers and members of the public.

CEO's Comment

Quotations obtained. The Consultant's indicative costs of \$3,600 appears insufficient. Preliminary quotation obtained by the Town's Manager Information Technology are in the vicinity of \$11,000 - \$20,000, depending on the complexity of the technology. Matter requires further investigation, together with the Minutes Secretary to determine the most suitable option. There are funds on the 2003-2004 Budget for the implementation of the IOR report recommendations. It is recommended these funds be carried forward to the 2004-2005 Budget. This is to be progressed during 2004.

RECOMMENDATION 11

The Chief Executive Officer be required to coordinate the review of the Policy Manual and submit the recommended variations to Council. The review is to take into account the suggested improvements contained in this report.

CEO's Comment

Completed, except for Human Resource (HR) policies. Current policies have been reviewed and re-adopted. (Several policies are due for review in late 2004.) A new manual has been created and all policies are available via the Town's Intranet (for employees) and webpage. New policies relating to Human Resources are currently being reviewed. These will be in addition to the Town's current HR policies. The Town's Industrial Service, Western Australian Local Government Association (WALGA) - Local Government Workplace Solutions, have now provided generic Human Resource policies and a review of these to meet the Town's needs is currently being carried out. It is envisaged that this task will be completed by September 2004.

HUMAN RESOURCES AND PERFORMANCE MANAGEMENT

RECOMMENDATION 14

The format of the Progress Review Performance Management document be modified to include provision for the employee, together with their supervisor, to establish areas for improvement over each subsequent 12 month period.

CEO's Comment

Completed. The Town's Performance Appraisal document has been amended to accommodate feedback/suggestions, targets, training needs and areas for improvement.

RECOMMENDATION 18

The Senior Executive Management Team prepares guidelines to assist the determination of over-award payments including addressing the superannuation "gap" between employees engaged under the City of Perth Superannuation Scheme and the Local Government Superannuation Scheme.

Guidelines for Over-Award payments have been formalised. These include;

- (a) to maintain parity in the market place, with similar local governments;
- (b) to acknowledge employee's special/unique expertise to the Town;
- (c) to acknowledge length of service to retain an employee with the Town (to prevent knowledge loss from the Organisation); and
- (d) to acknowledge the market place - availability of employees in the various careers.

CEO's Comment

Completed and will be reviewed on an on-going basis. The superannuation matter was reported to Council on 19 August 2003 and 8 June 2004. The over Award salaries are progressively being addressed and the majority have been implemented. Major reviews were carried out relating to the Town's Managers, Outside Workforce and Financial Services staff. These have been implemented. In progress is a review of the Town's Ranger Services and professional staff (e.g. Planning Officers, Environmental Health Officers, Building Surveyors, Technical Officers, Supervisors). Recent information reveals that the Town's overall salaries need to be increased across the board in order to maintain parity with other similar local governments. This is currently being reviewed.

RECOMMENDATION 19

The Senior Executive Management Team investigates and considers the benefits and criteria for offering term contracts to Officers appointed to positions with the prefix: "senior".

CEO's Comment

This matter is currently being investigated as part of the review of employee conditions. It will hopefully be completed within the next three months. (See also Recommendation 18.)

RECOMMENDATION 20

The Human Resources Manager prepares a strategy and is assigned responsibility for implementing and monitoring an organisational staff development program.

CEO's Comment

Completed. This matter is addressed in each employee's Annual Performance Review. The Town's Manager Human Resources has responsibility for overall training and development training. Each Supervisor, Section Manager and Executive Manager is required to submit and report on their respective employee training requirements on an annual basis. The Town's Manager Human Resources coordinates training programs, particularly those which involve all employees.

RECOMMENDATION 28

Council's Activity Based Costing System documentation to be updated, the allocation of costs and staff allocation percentages to be reviewed where necessary.

CEO's Comment

Completed. Cost allocations and staff allocation percentages reviewed as part of the budget process.

FINANCIAL ACCOUNTABILITY – BUSINESS AND SERVICES

RECOMMENDATION 35

Service Level Agreements to be developed, implemented and rolled out across various areas of Council Operations, including but not limited to;

- Financial Services
- Administration Services
- Customer Service Centre

CEO's Comment

In progress - Finance and Administration Service Agreements to be introduced in new financial year.

RECOMMENDATION 36

Business activities relating to the provision of services by Council to undergo further testing and benchmarking.

CEO's Comment

Investigation/research continuing, benchmark partners being sought.

RECOMMENDATION 37

Where practical, the Town periodically considers benefits provided to residents and the community, and investigate income opportunities on a "user pays" basis.

CEO's Comment

Completed. "User pay" principal utilised when opportunities arise.

PROCESS AND PROCEDURES

Environmental and Development Services Processes

RECOMMENDATION 41

(As per Recommendation 6 Council delegates approval of specified development applications to the Manager Planning and Building Services.)

CEO's Comment

See Recommendation 6 for comments.

RECOMMENDATION 42

Within 24 hours of initial assessment of an application for a Development application or Building license, applicants be advised electronically in notation form of any issues of non-compliance or otherwise and approximate approval time if in compliance.

CEO's Comment

Further investigation/research to be carried out.

RECOMMENDATION 43

Where non-compliance is noted, the applicant be invited to attend a meeting with the application Officer to discuss options. Where compliance options are identified, the Officer initiates a facilitative process including persons that may be immediately impacted on by the development or matter under consideration.

CEO's Comment

Further investigation/research being carried out (March - June 2004).

RECOMMENDATION 47

The Manager Town Planning and Building Services initiates a review of processing building license applications to reduce the processing time to 2000/2001 levels.

CEO's Comment

To be implemented from October 2003 - March 2004. Further investigation/research being carried out.

Car Parking Process

RECOMMENDATION 48

Council reviews the 2002 Car Parking strategy and implements a staged approach to resolving the current car parking challenges by a medium term approach including combining paid parking with restricted free parking zones.

CEO's Comment

Already commenced and partly implemented. A report was submitted to Council in August 2003. Further research/investigations have been carried out and reported to Council. The matter is being reviewed on an ongoing basis.

RECOMMENDATION 50

Council reviews the cash in-lieu car parking contribution to achieve a market related contribution to assist funding car parking capital costs.

CEO's Comment

A report is contained in this Agenda at Item 10.1.18 for the Council's consideration relating to this matter.

RECOMMENDATION 52

As part of the Town Planning Scheme Review, Council Officers research the impact of reciprocal car parking on existing car parking spaces and recommend adjustments to the reciprocal arrangements where the impact is demonstrated to be negative.

CEO's Comment

To be implemented from November 2003 - December 2004 on an on-going basis. Investigation/research being carried out as part of the Town Planning Scheme Review.

HUMAN RESOURCES – SENIOR EXECUTIVES

RECOMMENDATION 53

- (a) The Senior Executive Team embarks on an Organisational Improvement Program that includes:
- Organisational development based on inclusiveness and recognition of staff latent capacity.
 - Continuous Improvement by examining ways to improve each period's outcomes not merely matching them.

- Best Practice by seeking better ways of providing services within the boundaries of realistic financial constraints.
- Empowering Teams to operate within negotiated guidelines rather than controlling and monitoring.

CEO's Comment

Part completed. Implemented from November 2003 onwards and currently being reviewed on an ongoing basis.

Progress of Recommendations

Thirty-nine (39) (74%) recommendations have already been completed, six (6) (11%) are part completed and eight (8) (15%) are in progress. It is anticipated that the majority of the Recommendations will be completed by December 2004:

The following is a summary of the recommendations:

IMPLEMENTATION OF THE IOR RECOMMENDATIONS

Recommendation Number	Page	Governance (Council Responsibility)	Administration (CEO Responsibility)	Council Priority (Adopted on 19 August 2003)	Indicative Implementation Timeline
Objective 1 – Strategy					
3(b)	17		x	High	Part completed
Objective 2 - Organisation Structure Review					
Suggestions	20			High	Oct - Dec 03
4	30		x	4(f), (g)	Completed
Objective 3 – Governance					
5	35	x		High	Part completed
6	36	x		High	Part completed
8	36		x		Under review
11	36		x	High	Completed
Objective 4 - Human Resources & Performance Management					
14	45		x	High	Completed
18	46		x		Completed
19	46		x		Under review
20	46		x	High	Completed
Objective 5 - Financial Performance & Accountability					
28	57		x		Completed
Objective 6 - Financial Accountability - Business Services					
35	62		x	High	Under review
36	63		x		Under review
37	63		x		Completed
Objective 8 - Process and Procedures					
41	83	x		High	Part completed
42	83		x	High	Under review
43	83		x	High	Under review
47	83		x	High	Under review
48	83	x		High	Part completed On-going from July 2003
50	84	x		High	Nov 03 - Dec 04 Under review
52	85		x	High	Nov 03 - Dec 04 Under review
Objective 9 - Financial Implications					
Objective 10 - Human Resources - Senior Executives					
53	96		x	High	Part Completed

Customer Service Programme - as at 16 June 2004

The following highlights the various matters being undertaken and their respective timeframe;

Action	Time frame	Finalised
Staff Matters		
Finalise staffing structure, including implement part time staffing strategy for identified positions (eg switchboard)	30.06.2004	10.06.2004
Review and update position descriptions	16.02.2004	20.02.2004
Follow up performance review outstanding items	9.02.2004	9.02.2004
Review backup resources within organisation	28.02.2004	02.03.2004
Establish relief roll		Ongoing
Development and training		
Review and update procedures manuals	31.04.2004	
Set up meetings with Departmental managers	9.02.2004	20.02.2004
Review CSO staff training needs	9.02.2004	20.02.2004
Implementation of ongoing section meetings		Ongoing
Implement customer service training for all staff, incorporating: <ul style="list-style-type: none"> • electronic recording of customer contact • TOV Customer Service Manual, including disability and CALD procedures • TOV complaints resolution procedure 	Ongoing	1.07.2004
Train all customer service staff so they can undertake all current CSO duties (multi-skill)	1.07.2004	
Physical enhancements		
Investigate placing CSO's workstations on front counter, equipped with computer screens, information products and phones	1.05.2004	
Investigate separate office for CCS	1.05.2004	
Relocate cashier work station in more visible location	1.08.2004	
Screen switchboard workstation to provide less distraction from noise and counter activity	1.08.2004	
Establish area close to the reception area for consultation with clients who have issues.	1.07.2004	
Investigate appearance of reception area (eg colours, security)	1.09.2004	
Enhance signage, display of brochures	1.07.2004	
Performance measurement		
Establish enquiry patterns and volumes	Ongoing survey current	
Participate in Customer Service Awards	2005	
Quality Improvement		
Investigate use of IDAS and Authority for electronic management of queries/complaints	30.06.2004	
Update information folders	28.02.2004	Completed
Review information products available for distribution	April 2004	Completed
Review and update complaints resolution procedure	16.02.2004	Completed
Benchmarking		
Set up appointments with other local government customer service centres to get feedback on their internal procedures, benchmarks	Ongoing - Wanneroo, Joondalup, Cambridge completed. Fremantle scheduled	30.09.2004

Action	Time frame	Finalised
Investigate different customer service charters for different divisions/sections	30.06.2004	
Review FAQ and website in general	30.03.2004	16.03.2004
Set up and implement customer service standards across the organisation	30.06.2004	
Finalise customer service manual	30.03.2004	30.06.2004
Investigate electronic staff in/out system	12.04.2004	
Develop procedures for customer service for clients with disabilities in line with TOV Access and Equity policy	12.05.2004	Completed
Develop procedures for customer service for CALD clients	12.05.2004	Completed

Customer Service Centre Staffing

Since the appointment of the Customer Service Coordinator in late January 2004, a major objective has been to recruit and stabilise the Centre's staff. This has involved considerable time and has resulted in a new structure as follows;

Coordinator, Customer Service (<i>newly created</i>)	Megan Smith
Senior Customer Service Officer (<i>newly created/appointed February 2004</i>)	Marisa Lombardi
Customer Service Officer	Megan Turner
Customer Service Officer (<i>appointed 29/03/04</i>)	Amanda Evans
Customer Service Switchboard Operator - Job Share	Elizabeth Rutherford AM Lei-An Ireland PM
Customer Service Officer - Job Share	Angela Boyes AM - Law & Order Angela Brett PM - Health Services

The Switchboard Operator position is now job shared. The benefits of this arrangement is that this position will receive the full-time attention of professional Customer Service Officers who are skilled and trained telephonists. By having two persons dedicated to this position, it will ensure a continuity of service and delete the necessity for ad-hoc relief staff at lunchtimes.

A Customer Service Officer has been appointed (on a 12-month basis) as recommended in the Independent Organisational Review to assist in the Customer Service Centre and primarily in Law and Order Services and Health Services. The Law and Order Services Section has not had any substantial increase in administrative staff since the creation of the Town, however there has been a substantial increase in the workload. Administrative support for this section will be monitored over the next 12 months. Likewise, Administrative support for Health Services has been on an ad hoc basis and this has not proven satisfactory. The necessary support will be provided by having a dedicated job share Customer Service Officer.

Minutes Secretary

The role of Minutes Secretary has been taken up by the existing Executive Assistant in the CEO's Division. The preparation of Agendas takes approximately 1.5 to 2 days per week and Minutes approximately 2 to 3 days, depending on the size of the Agenda and complexity of the items. To provide assistance to the Executive Assistant, a Customer Service Officer position was created to be shared between the CEO Division and the Town's Customer Service Centre. This CSO will also gradually assume responsibility for printing of Agendas and Minutes and a more active role to support Council Meetings.

Enquiries Survey

Surveys of counter and telephone enquiries were carried out in February/March 2004 and again in May 2004 and these are shown in Appendix 10.4.2(a) and 10.4.2(b). These reveal that the highest enquiries are as follows;

Enquiry Type	February/March 2004
Planning	820
Payments	730
Building	650
Rubbish and Recycling	410
Rates	370
Other	360
Law and Order	250
Parking Permits	250
Fines	245
Engineering	200

Enquiry Type	May 2004
Rubbish and Recycling	440
Payments	260
Planning	205
Fines	180
Building	160
Halls Bookings	80
Engineering	75
Parking Permits	65
Archive Searches	65
Other	65

Statistical surveys will be carried out continuously to determine enquiries and to assist in Customer Service improvement.

CONSULTATION/ADVERTISING:

A copy of the Independent Organisational Review Report has been placed on the Town's Intranet (for staff) and Council's webpage. Hard copies of the report have been provided to all of the Town's sections, front counter and at the library and also to several precinct groups upon their request.

LEGAL/POLICY:

The Local Government Act 1995 prescribes the responsibilities of the Elected Council, Mayor, Councillors and Chief Executive Officer. It provides a clear distinction between governance matters which are the responsibility of the Elected Council and administrative matters which are the responsibility of the Chief Executive Officer.

STRATEGIC IMPLICATIONS:

The Independent Organisational Review has identified a number of matters which are of strategic importance to the Town. These are being addressed as outlined in this report.

FINANCIAL/BUDGET IMPLICATIONS:

The Independent Organisational Review cost \$79,500 plus \$7,950 GST.

The estimated net cost of affecting the implementation of the recommendations and changes totals \$105,206.

An amount of \$105,000 has been included in the Budget 2003/04. Unspent monies will be carried forward to the 2004-05 Budget.

COMMENTS:

The implementation of the Independent Organisational Review recommendations is well advanced and good progress has been made. The implementation timeline has taken into consideration factors such as the Council's adopted Capital Works Programme, budget, festive season holiday period, staff leave, competing priorities and the time required to further research and investigate matters.

10.4.3 Review and Re-Adoption of Policies

Ward:		Date:	15 June 2004
Precinct:		File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

1. APPROVES of the following;

- (i) *policy 2.2.11 - Voluntary Kerbside House Numbering being amended as shown in Appendix 10.4.3;*
- (ii) *policies being re-adopted without any amendment as shown in Appendix 10.4.3;*
 - (a) *1.2.1 - Terms of Lease; and*
 - (b) *4.3.10 - Payments to Employees in Addition to Contract or Award on Cessation of Employment; and*

2. AUTHORISES the Chief Executive Officer to:

- (i) *advertise the proposed new policies for a period of twenty one (21) days, seeking public comment;*
- (ii) *report back to the Council with any public comments received; and*
- (iii) *include the policies in the Policy Manual if no public submissions are received.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to Elected Members for decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. The review and re-adoption of Council's policies is almost complete. New policies relating to Human Resources will be drafted over the forthcoming months.

DETAILS:

Policy 2.2.11 - Voluntary Kerbside House Numbering is to be amended slightly by changing the word "Council" for the word "Town".

Polices 1.2.1 - Terms of Lease and 4.3.10 - Payments to Employees in Addition to Contract or Award on Cessation of Employment are to be readopted without amendment.

CONSULTATION/ADVERTISING:

These policies will be advertised for a period of twenty-one (21) days.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters. The Independent Organisational Review identified the need for the Town's Policy Manual to be reviewed (Recommendation Number 11).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policy Manual Review is almost completed. New policies relating to Human Resources will be formulated over the forthcoming months and will be reported to Council for adoption.

The Presiding Member advised that Item 10.1.14 would be considered first as he had received a request from the applicant to defer this item.

10.1.14 No. 48 (Lot 195) Auckland Street, North Perth - Proposed Additional Grouped Dwelling to Existing Single House

Ward:	North	Date:	16 June 2004
Precinct:	North Perth, P8	File Ref:	PRO2754; 00/33/2148
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	R Boardman

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oracle Surveys Licensed Surveyors on behalf of the owner LJ & SE Rietdijic for proposed Additional Grouped Dwelling to Existing Single House, at No. 48 (Lot 195) Auckland Street, North Perth, and as shown on plans stamp-dated 22 March 2004 (floor plans and elevations) and 12 May 2004 (site plan), subject to :

- (i) prior to the clearance of the diagram of survey for the proposed site, the perimeter walls of the approved dwelling, including all garage walls and carport walls/pillars, shall be constructed to plate height;*
- (ii) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*

- (viii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Auckland Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ix) *compliance with all Building, Environmental Health and Engineering requirements; and*
- (x) *a detailed landscaping plan, including a list of plant species and the landscaping and reticulation of Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Lake

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

CARRIED (6-1)

For
Mayor Catania
Cr Chester
Cr Farrell
Cr Franchina
Cr Ker
Cr Lake

Against
Cr Cohen

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

Landowner:	LJ & SE Rietdijic
Applicant:	Oracle Surveys Licensed Surveyors
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R20
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	675 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	One (1) dwelling at current zoning of R20, however, 2 survey strata title lots were conditionally approved by the Western Australian Planning Commission on 24 December 2003 at R30/40 density.	Two (2) grouped dwellings R 34.5 48 per cent density bonus

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

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Setbacks - North East	1.5 metres 1.5 metres	0.5-1.0 metre 0.6-4.0 metres

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

SITE HISTORY:

- 20 May 2003 The Council at its Ordinary Meeting resolved to recommend refusal to the Western Australian Planning Commission for the proposed **freehold/green title** subdivision of the subject lot. This application was refused on the basis of non-compliance with the Residential Design Codes, with respect to minimum lot size requirements, the proposed battle-axe leg representing greater than 20 per cent of the proposed rear lot and minimum access leg width requirements.
- 1 July 2003 The Western Australian Planning Commission resolved to refuse the subdivision of the subject lot for the same reasons stated above.
- 8 July 2003 The Council at its Ordinary Meeting resolved to recommend conditional approval to the Western Australian Planning Commission for the proposed **survey strata** subdivision of the subject lot.
- 3 September 2003 The Western Australian Planning Commission resolved to refuse the survey strata subdivision of the subject lot. This application was refused on the basis that the proposed access leg was considered insufficient for vehicular access, the subdivision would result in an unacceptable level of amenity and approval would set an undesirable precedent for further subdivision.
- 30 September 2003 Applicant requests that the refusal be reconsidered.
- 7 October 2003 The subject site is rezoned from Residential R30/40 to Residential 20 under Amendment 11 to Town Planning Scheme No.1.

- 10 November 2003 The Town recommends refusal for the reconsideration of the strata survey subdivision due to the non-compliance with minimum site area, as a consequence of the above rezoning.
- 24 December 2003 The Western Australian Planning Commission conditionally approves the survey strata subdivision of the subject lot.

DETAILS:

The applicant seeks approval for a single storey-single house on the rear lot with access from Auckland Street. The proposal is considered to comply with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

The proposal has been advertised and one written submission from the North Perth Precinct Group Inc. was received by the Town. The following is a verbatim extract of the submission:

"While our members have no objection to the proposed single story development, we are very concerned that this application may be simply an effort to satisfy a Department of Planning and Infrastructure condition for sub division. Once this is approved a Development Application of much greater bulk and scale on this small lot will be presented which may have much more serious implications for neighbours in terms of privacy; solar access, loss of amenity etc.

..... the precinct group asks that a condition be added to the Development Application approval that clearly states that this construction must be at plate height before a clearance of the subdivision conditions is given and the approval is issued."

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

The applicant is seeking variations to the north and east setback requirements. Given the proposal is single storey, the variations to these setbacks are not considered to unduly compromise the privacy of adjoining neighbours or unduly detrimentally affect the amenity of the area. It is also noted that the east boundary of the lot is angled from the road and as a result, the setback to portions of this side does not comply with the requirements of the R Codes.

These proposed variations are considered to be minor and no objections to the proposal have been received by the Town. Accordingly, these variations are supported.

Significant Trees

The subject lot contains a tree which is listed on the Town's Interim Significant Tree Database - Reference. On inspecting the tree, the Town's Park Services has confirmed the tree as being an umbrella tree and is not considered worthy of retention. The Town's Park Services has indicated that the tree can be removed if it cannot be retained within the development.

Response to Submission

In addressing the request of the submission received, the Town's Policy regarding Subdivisions Requiring Plate Height Development refers to vacant freehold, survey strata or strata lot(s) with an area of less than 200 square metres or having a frontage of less than 6 metres or having a depth less than 15 metres or having an awkward shape as determined by the Town of Vincent.

Given the subject lot is not regarded to correspond to the above criteria, the imposition of such as condition is not considered to be applicable.

The submission's concern is noted however, and addressed accordingly via clause/condition (i) of the Officer Recommendation.

In view of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions, to address the above matters.

Executive Manager Environmental and Development Services Comments

The Council at its Ordinary Meeting held on 21 October 2003 resolved to adopt the following Notice of Motion 11.2 relating to Policy No. 3.5.14 - Subdivisions Requiring Plate Height Development:

"That;

- (i) the Town's Policy No. 3.5.14 relating to Subdivisions Requiring Plate Height Development, be reviewed, to include, but not be limited to, the following matters:*
 - (a) information pertaining to the Western Australian Planning Commission (WAPC) policy on residential subdivision relating to plate height and lot sizes less than 350 square metres in area;*
 - (b) comparison between the Town's Policy and that of the WAPC;*
 - (c) background of the Town's policy relating to plate height; and*
 - (d) the Policy's appropriateness and effectiveness, particularly in respect of the Town's experience in the application of the current policy;*
- (ii) the Chief Executive Officer provides information from other Local Governments as to:*
 - (a) any alternative policies/conditions regarding the approval of small blocks and their effectiveness. The alternatives should include, but not be limited to, restricted covenants; and*
 - (b) their experience with subdivisions requiring plate height development; and*
- (iii) the Chief Executive Officer report back to the Council no later than 16 December 2003 recommending whether the Policy should remain unaltered, be amended, or replaced by some other means of development control."*

The Council at its Ordinary Meeting held on 2 December 2003 resolved the following:

"That the Council;

- (i) RECEIVES the Report relating to the Notice of Motion relating to Policy No. 3.5.14 - Subdivisions Requiring Plate Height Development; and*

- (ii) *DEFERS consideration of the existing Town of Vincent Policy No. 3.5.14 - Subdivisions Requiring Plate Height Development, until further clarification of the Town's threshold for "small lots" is examined and information is provided on how surrounding local government areas manage the issue of appropriate development on small lots."*

In relation to the above, the Town is currently reviewing the plate height provisions as part of the Town's review of Policies relating to streetscape, building scale and bulk, and associated matters.

The Western Australian Planning Commission Policy No. DC 2.2- Residential Subdivision, Clause 3.5.2 states the following:

"Where proposed lots less than 350sqm are narrow, irregularly shaped, present vehicular access difficulties or require development to proceed with party walls, the Commission may require development to proceed with party walls, the Commission may require, having regard to the views of the local government, that deposited plans of survey or vacant/survey-strata plans not be endorsed until the buildings are constructed to plate height unless there is a detailed plan adopted under an operative town planning scheme."

Notwithstanding the above, the Officers at the Department for Planning and Infrastructure have verbally advised that they concur with the criteria outlined in the Town's Policy regarding Subdivisions Requiring Plate Height Development.

The Western Australian Planning Commission granted conditional subdivision approval of the land against the Town's recommendation for refusal, after the rezoning of the land from Residential R30/40 to R20. As a consequence, the subdivision and subsequent development is a variation to the R20 density requirement. In addition, the WAPC initially refused the survey strata subdivision of the subject lot, on the basis that the proposed access leg was considered insufficient for vehicular access, the subdivision would result in an unacceptable level of amenity and approval would set an undesirable precedent for further subdivision.

In light of the above, it is considered appropriate that the proposed development be constructed to plate height, as per condition/clause (i) that has been added to the Officer Recommendation, prior to the clearance of the diagram of survey, to ensure an acceptable development can be accommodated on the site.

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

Ward:	South	Date:	16 June 2004
Precinct:	Cleaver, P5	File Ref:	PRO2730; 00/33/2121
Attachments:	001 002		
Reporting Officer(s):	M Bonini, R Jarman-Walker		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Niche Building on behalf of the owner M Guardione, J Guardione & MA Mattioli for Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Grouped Dwellings, at No(s). 76 (Lot(s) 2) Carr Street, West Perth, and as shown on plans stamp-dated 5 March 2004 (existing house site survey and site survey) and 29 April 2004, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Carr Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*

- (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (x) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the landscaping along the eastern boundary being deleted to facilitate adequate manoeuvring; and*
 - (b) *all proposed car bays being a minimum length of 5.4 metres exclusive of the stores.*

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

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

LOST (0-7)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

Reasons:

1. Adverse impact on the streetscape.
2. Adverse impact on the amenity of the area.
3. Non-compliances in particular in terms of height.
4. Bulk and scale of development is considered excessive.
5. Treatment of front setback is considered unacceptable.

Landowner:	M Guardione, J Guardione & MA Mattioli
Applicant:	Niche Building
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	668 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	4 dwellings R80 (R60 for single houses and grouped dwellings)	3 dwellings R45

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

Requirements	Required	Proposed *
Plot Ratio	0.65-433 square metres	0.65-433 square metres

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

Requirements	Required	Proposed
Setbacks: Unit 1 West (garage) (ground floor) West (first floor) South/Carr Street (balcony) (first floor)	1.0 metre 1.5 metres 6 metres	Nil 1.1 metres - 1.5 metres 5 metres

Requirements	Required	Proposed
Unit 2 West (garage) (ground floor) West (wall) (ground) West (first floor)	1.0 metre 1.5 metres 1.8 metres	Nil 1.0 metre - 1.5 metres 1.5 metres
Unit 2 West (garage) (ground floor) East (ground) North (ground)	1.0 metre 1.5 metres 1.5 metres	Nil Nil - 1.088 metres 1.0 metre
Privacy Setbacks: East Elevation of units 1, 2 and 3 (windows to the games room, bedroom 3 and bedroom 1 of unit 1, meals and alfresco of unit 2 and alfresco and dining of unit 3 on the east elevation)	4.5 metres to 7.5 metres or screening as per R Codes requirements	Unit 1 Games room, bedroom 3, bedroom 1 - 4 metres, Unit 2 Meals room - 4.2 metres Alfresco - 6.5 metres Unit 3 Alfresco - 6.5 metres Dining 4 metres

SITE HISTORY:

The subject site is has a single storey brick and tile dwelling which fronts Carr Street which is proposed to be demolished.

DETAILS:

The applicant seeks approval for the construction of three (3) two storey-grouped dwellings.

CONSULTATION/ADVERTISING:

One submission was received during the advertising period. Issues raised included the significance of the existing dwelling and the unreasonable height, overlooking and open space associated with the proposed development.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

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

The proposal involves the demolition of the existing inter-war, single storey brick and tile dwelling.

The place has been assessed in accordance with the Town's Policy relating to Heritage Management - Municipal Heritage Inventory. The place has little to some local cultural heritage significance for the following reason:

No. 76 Carr Street, West Perth has little to some aesthetic value because of its ability to contribute to the suburban residential landscape of its immediate environs. Its compliance with scale, massing, street setbacks and building materials with other residential dwellings in the immediate vicinity, has little to some aesthetic significance.

On the basis of the information that is contained in the Heritage Assessment, it is considered that the proposed demolition of the existing dwelling is acceptable.

Overshadowing

An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 72 to 74 Carr Street. The outcome of this assessment established that a total of 56.95 square metres of the adjoining property will be overshadowed. This equates to 9.5 percent. This is considered to be within the requirements as per the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 50 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

Privacy

The major openings on the eastern elevation on the first floor of proposed units 1 to 3 do not comply with the privacy requirements of the R Codes. It has been conditioned in the Officer Recommendation that these major openings be made to comply.

Side Setbacks

The applicant proposes variations to the east, west and north side setbacks on both the ground floor and first floor. The required setbacks are 1.0 metre to 1.5 metres and nil to 1.5 metres setbacks are proposed. The impact of the proposed setbacks has been considered and it is deemed not to cause any undue adverse affect due to the minor nature of the variations. With the minor nature of the variations as well as the narrowness of the subject lot, the proposed setbacks are considered to be acceptable and therefore supported in this instance.

Front Setback

A variation exists for the balcony facing Carr Street. The setback requirement as per the Town's Policy is 6 metres. The balcony is proposed at 5 metres. This variation is considered to be supportable, as it represents a minor incursion into the street setback area and, in accordance with the R Codes, an incursion of no more than 1 metre is permitted given that the projection does not exceed 20 per cent of the frontage at any level. The balcony is considered to comply with this provision and is therefore supported.

Response to Objections Received

The concern raised in the objection letter relating to overlooking has been addressed via the condition placed in the Officer Recommendation. The windows of the lofts are compliant with the privacy setbacks when measured to the boundary. The open space of the development was re-assessed and found to comply. Concern was also raised regarding the height of the proposed development. This was found to comply with the R Codes.

In view of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions, to address the above matters.

10.1.1 Further Report - No. 15 (Lots 50 and 99) Brookman Street, Perth – Proposed Partial Demolition of and Alterations and Two (2)-Storey Additions to Existing Single House

Ward:	South	Date:	14 June 2004
Precinct:	Hyde Park, P12	File Ref:	PRO2277; 00/33/1519
Attachments:	001		
Reporting Officer(s):	M Bonini, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M J and M Greenshields for proposed partial demolition of and alterations and two (2) storey additions to existing single house at No. 15 (Lots 50 and 99) Brookman Street, Perth, and as shown on revised plans stamp-dated 17 February 2004, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) all original decorative details shall be retained;*
- (v) rear water closets shall be conserved; and*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the outdoor courtyard accessible from the master bedroom on the first floor being deleted, therefore resulting in no alteration to the existing roof form. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That clause (vi) be deleted.

AMENDMENT CARRIED (4-3)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

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

MOTION AS AMENDED CARRIED (5-2)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

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

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M J and M Greenshields for proposed partial demolition of and alterations and two (2) storey additions to existing single house at No. 15 (Lots 50 and 99) Brookman Street, Perth, and as shown on revised plans stamp-dated 17 February 2004, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) all original decorative details shall be retained; and*
- (v) rear water closets shall be conserved;*

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

The Council at its Ordinary Meeting held on 4 November 2003 considered the proposal and deferred the item for the following reasons:

1. *Possible error in plans.*
2. *Determination of materials to be used.*
3. *Allowing the applicant to address concerns and review the plans."*

The applicant submitted amended plans on 17 February 2004. The applicant has addressed conditions and queries raised at the previous Ordinary Meeting of Council. These changes involve correcting all errors in the plans as clearly stipulated in the explanation by the owner. The internal layout of the original house has been modified to reflect the new location of the stairs. The plans also notate the materials to be used in the subject proposal. Clause/condition (viii) of the previous Officer Recommendation has also been addressed.

Another change made is reflective of the upper level courtyard. The courtyard has been reduced in size to reduce the amount of cutting required within the original roof structure. The modifications made will be less noticeable to the public domain and as stated by the owner, *"...the rear extension, as proposed will not be visible over the existing ridgeline, from within the public domain."* Whilst this is a positive change from the previous plans, it is still considered to significantly alter the original fabric of the house.

The amended plans were referred to the Heritage Council of Western Australia (HCWA) for comment. The comments received are as follows;

" The Heritage Council's Development Committee considered the matter at its meeting held on Tuesday, 25 May 2004 and resolved to advise the Town of Vincent and the applicant that it is noted that the development referral appears to now address the Town of Vincent's Brookman and Moir Streets Design Guidelines with respect to the ridgeline of the roof of the proposed new addition."

The considerations given to the height of the proposed addition by the applicant, HCWA and the officers have resulted in an overall acceptance by all parties that the design is generally in keeping with the intentions of the Brookman and Moir Streets Development Guidelines are therefore considered acceptable. The matter of the courtyard remains a concern by the Town's officers for reasons outlined in the previous report to Council; that is, the removal of the rear roof form to accommodate the courtyard affects the integrity of the original form of the dwelling. These concerns relate to the fabric of the original house structure and conservation concerns, and not with the matter of visual interference (which was the case for the proposed new addition). On this basis, the previous Officer Recommendation relating to the courtyard remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 4 November 2003:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M J and M Greenshields for proposed partial demolition of and alterations and two (2) storey additions to existing single house at No. 15 (Lots 50 and 99) Brookman Street, Perth, and as shown on plans stamp-dated 4 March 2003 and 25 August 2003, subject to:

- (i) *compliance with all Building, Environmental Health and Engineering requirements;*
 - (ii) *a Road and Verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
 - (iii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
 - (iv) *any replacement roofing shall be Z600 Custom Orb profile sheeting laid in short length, with rolled-top ridges, timber barge caps (not metal), with Ogee gutters and circular down pipes. Zinalume is not acceptable. Television aerials, air conditioning and other fittings may be roof-mounted, but must not be visible from the public domain;*
 - (v) *all original decorative details shall be retained;*
 - (vi) *rear water closets shall be conserved;*
 - (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following;*
 - (a) *no structural changes to the existing floor plan of the front five rooms;*
 - (b) *the ridge line of the roof of the proposed new addition not exceeding that of the existing building, in accordance with the Brookman and Moir Streets Development Guidelines, and as required by the Heritage Council of Western Australia; and*
 - (c) *the outdoor courtyard accessible from the master bedroom on the first floor being deleted, therefore resulting in no alteration to the existing roof form;*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies; and
 - (viii) *to protect the reasonable privacy of the adjacent residents to the south, prior to the first occupation of the development the window to the master bedroom on the western elevation on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. This is to be applied for 0.5 metre of the length of the window from its southern edge. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject walls, so it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Doran-Wu

That the item be DEFERRED.

CARRIED (6-1)

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

(Crs Franchina and Torre were apologies for the Meeting.)

Reasons:

1. *Possible error in plans.*
2. *Determination of materials to be used.*
3. *Allowing the applicant to address concerns and review the plans.*

LANDOWNER:	<i>MJ and M Greenshields</i>
APPLICANT:	<i>As above</i>
ZONING:	<i>Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R25</i>
EXISTING LAND USE:	<i>Single House</i>

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Setbacks</i>		
<i>South Ground Floor (Living)</i>	<i>1.5 metres</i>	<i>1.125 metres</i>
<i>South First Floor (Master Bedroom)</i>	<i>1.5 metres</i>	<i>0 metre to 1.125 metres</i>
<i>Privacy Assessment Master Bedroom</i>	<i>4.5 metres to boundary or screening to 1.6 metres above finished floor level</i>	<i>4 metres to south boundary</i>
<i>Brookman and Moir Streets Design Guidelines</i>	<i>Refer to the Heritage comments</i>	

<i>Use Class</i>	<i>Single House</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area</i>	<i>304 square metres</i>

SITE HISTORY:

The subject lot lies in the Brookman and Moir Streets Guidelines area. The Brookman and Moir Streets Guidelines were recently changed and the draft referred to the Ordinary Meeting of Council held on 8 April 2003 for determination. The Council resolved to adopt the new Draft Guidelines to be applied immediately at this meeting.

DETAILS:

The applicant seeks approval for alterations and two (2) storey additions to existing house involving partial demolition. The proposal is contained to the rear of the existing house. Development on adjoining lots is characterised by single storey residences. The proposal generally complies with the Residential Design Codes (R Codes) and the Town of Vincent Town Planning Scheme No. 1 and Policies, with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

The proposal has been advertised and three written submissions have been received by the Town. The main points raised in the first letter are as follows;

- "It sets a precedence for other developments of this scale to occur around us.*
- There will be overlooking into our backyard from the window in the upper storey - our backyard is used predominantly for entertainment and we would feel very uncomfortable using our backyard with that window looking into it.*
- The bulk/size of the two-storey development will have a detrimental impact on our house...*
- Our amenity will be reduced by the development - currently our views of heritage rooflines and the A-frames like development will spoil this setting"*

The second letter mentions the following concerns;

- "The overlooking/overshadowing aspects of the development due to its height and bulk and proximity to my rear boundary fence are of concern...*
- My house appears lower than 15 Brookman Street, thus these overlooking/overshadowing effects are magnified.*
- The upper rear facing (west facing) window of the proposal, despite the best of intentions, will still overlook my property. I do not wish there to be a window of any sort in this location...*
- I do not agree with 2 storey developments in the Moir/Brookman Heritage Precinct.*
- The proposal does not comply with the Residential Design Guidelines proposed for the Moir/Brookman heritage precinct (internal changes) and the development can be seen from Brookman Street...*
- My motive for buying in this heritage precinct was to prevent overlooking buildings of this height and bulk...*
- My opposition to this development isn't just about the window, it's the whole A-Frame arrangement dominating the skyline from the back of our house..."*

The third letter mentions the following;

"We are opposed to the development because of the large size, bulkiness and closeness to our rear fence. We believe there will also be overlooking from the rear facing window. The effects of these things will be to spoil our back garden privacy and space. Also it will cut out light.

The value of our house would be affected and we do not wish this proposal to go ahead,"

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage Comments

The subject property is included on the Town's Municipal Heritage Inventory and is part of the Brookman and Moir Streets Heritage Precinct currently being considered by the Heritage Council of WA for inclusion on the State Register of Heritage Places. In accordance with the Heritage of Western Australia Act 1990, the property was referred to the Heritage Council for their consideration. The Heritage Council have advised that they support the proposed alterations and additions subject to the following matter being addressed by the applicant: "It is recommended that the proposal be modified such that the ridgeline of the roof of the proposed new addition does not exceed that of the existing building, in accordance with the Brookman and Moir Street Development Guidelines."

The Council resolved to receive, adopt and advertise the Draft Brookman and Moir Street Design Guidelines (BMSDG) at the Ordinary Meeting of Council held on 8 April 2003. With regard to alterations and additions, Part 3 of the Draft Brookman and Moir Development Guidelines state "...no additions will be permitted that would be visible from within the public domain over the existing roofline. Public domain is taken to mean Brookman Street, Moir Street and Forbes Street, together with Robinson Avenue. The rear right of way and Wellman Street are not included in the requirement." The Guidelines also state that "...Additions to the rear must be unobtrusive and meet the requirements of the Residential Design Guidelines. The Town will exercise some discretion to achieve improved dwellings and good conservation outcomes." Based on the Council's previous resolution with regard to adopting the Draft BMSDG and the Heritage Council's conditional support for the proposal, it is recommended that the proposed addition to the rear be supported, subject to amended plans being submitted showing the roof to the addition not exceeding the original ridge line.

The proposal includes alterations to the internal floor plan of the existing dwelling, showing the part removal of the hallway wall and rear bedroom, to create a recessed bathroom. In line with the Draft BMSDG, this proposal is not supported. The Draft BMSDG state that in relation to internal planning, it is essential that "The original five rooms of the plan form must be retained as well as any original features, such as fireplaces and doors." As the proposal affecting the internal original fabric is structural and not easily reversed, it is recommended that no discretion be applied to this condition and that amended plans be submitted showing no alterations to the internal walls and original features.

Response to Objections

Concern was raised regarding the height and bulk of the building, however, the overall height ensures that it does not exceed too greatly the existing height of the residence (refer to Heritage Council of Western Australia and condition). The privacy requirements are complied with except for the bedroom window to the south neighbour. This has been addressed in the conditions of the Officer Recommendation.

Other non-compliances relating to the Brookman/Moir Guidelines have been addressed in the conditions within the Officer Recommendation.

Overshadowing

No undue overshadowing impact takes place to the southern neighbour. There is 9.4 percent overshadowing that takes place. This is within the R Codes requirement, which allows a maximum amount of overshadowing of 25 per cent. This is therefore considered acceptable and complies with the provisions of the R Codes.

South Side Setback - Ground Floor

The proposed setback variation corresponds with the lower floor living room of the proposed addition. The variation pertains to the south elevation. The setback proposed is 1.125 metres, which is deficient from the requirement by 0.375 metre. The proposed wall does not follow the wall of the existing building, which is located on the boundary. Although the wall does not meet the required setback, it does provide a clearance from the boundary deemed to be adequate. The setback variation is therefore considered acceptable and supported.

South Side Setback - First Floor

The variation applies to the first floor of the proposed addition. The setback proposed does not meet the 1.5 metres requirement. The first floor lies directly above the proposed lower floor. The 0 metre setback relates to the outdoor courtyard. This abuts a boundary wall of the adjoining property and is screened from view or potential viewing via the roof. The remainder of the first floor addition is setback 1.125 metres. The length of the proposed addition closely relates to the length of the residence on the adjoining property on the south side, which involves a parapet wall for its north elevation. In this instance, the variation to the setback is considered acceptable and therefore supported.

Privacy Assessment - Master Bedroom

The proposed west facing window of the first floor master bedroom poses a variation to the south adjoining neighbour. It is considered appropriate in this instance to apply screening to the portion of the window, which is deficient from the setback requirement. This is reflected in the conditions of the Officer Recommendation.

Outdoor Courtyard - First Floor

The outdoor courtyard is considered to comply with the provisions of the R Codes in relation to 'Visual Privacy', however, the main concern pertaining to this area is the need to cut into the existing roof in order to accommodate the courtyard area. This is deemed to detract from the integrity of the existing architecture and also results in the original external feature of the roof to be lost. This is not in accordance with the Brookman and Moir Streets Guidelines. On this basis, the outdoor courtyard area is not supported.

In view of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters."

10.1.16 No 196 (Lot 556) Anzac Road (Corner Federation Street), Mount Hawthorn - Proposed Additional Single House and Alterations to Existing Single House -Town Planning Appeal Tribunal Case Management Conference

Ward:	North	Date:	15 June 2004
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2723; 00/33/2108
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the Town Planning Appeal Tribunal Appeal No: 101 of 2004, the application submitted by M Taylor on behalf of the owner F Klusek for Proposed Additional Single House and Alterations to Existing Single House at No. 196 (Lot 556) Anzac Road (Corner Federation Street), Mount Hawthorn, and as shown on the revised plans stamp-dated 28 May 2004, subject to:

- (i) the applicant/owner(s) advise (prospective) purchasers of the proposed dwelling property, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Federation Street and Anzac Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (vi) a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (x) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the minimum width of the southern single car bay adjacent to the wall being 2.7 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road and Federation Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That a new clause (i) be added as follows and the remaining clauses renumbered:

- "(i) *prior to the clearance of the diagram of survey for the proposed site, the perimeter walls of the approved dwelling, including all garage walls and carport walls/pillars, shall be constructed to plate height;"*

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

Debate ensued.

MOTION AS AMENDED LOST (0-7)

(Cr Doran-Wu was an apology for the meeting. Cr Torre was absent from the meeting until 7.08pm.)

Reasons:

1. The proposed development does not comply with the average site area per dwelling/lot size requirements of the Residential Design Codes R30 density code.
2. The proposed development does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed development being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.
3. Approval of the proposed development would create an undesirable precedent for development of lots with similar sizes within the area.
4. Consideration of objections received.
5. The place as it will remain, does not warrant a density bonus under Clause 20 of the Town Planning Scheme.
6. Proposed alterations to the existing property would substantially erode the place's integrity and any purported heritage value.

Cr Chester requested that in defending the position of the Town at the Tribunal, the Town engages a third party or a consultant.

Landowner:	P Klusek
Applicant:	M Taylor
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	541 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	1.803 dwellings R 30	2 dwellings R36.96 10.9 per cent density bonus
Setbacks- East/ Federation Street South	2.5 metres 1 metre	2.470 metres 0.2 to 1 metre

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

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

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

SITE HISTORY:

The site is occupied by a single storey single house.

13 April 2004 At its Ordinary Meeting, Council refused an application for an additional single house and alterations to the existing house, for the following reasons:

1. *The proposed development does not comply with the minimum site area per dwelling/lot size requirements of the Residential Design Codes R30 density code.*
2. *The proposed development does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed development being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.*
3. *Approval of the proposed development would create an undesirable precedent for development of lots with similar sizes within the area.*
4. *Consideration of objections received."*

3 May 2004 Notice of appeal lodged with the Town Planning Appeal Tribunal (TPAT).

20 May 2004 The TPAT case management conference of the Appeal held.

28 May 2004 Revised plans received.

DETAILS:

At the case management conference of the TPAT, the appellant proposed to lodge revised plans that address concerns raised and the reasons for refusal. The appellant has also submitted further justification (attached) in relation to the appeal against the Council's Refusal. The additional details in relation to the revised plans submitted by the appellant are as follows:

"The areas that have changed are as follows:

1. *The site areas now equal the minimum site areas as stipulated by the R30 coding, (270m² and 271m²).*
2. *We have increased the set-backs on the western boundary to 1.5m, and there is now no parapet wall on the northern boundary.*
3. *As noted on the drawings submitted, building site coverage is less than 50% for both lots. (49.4% and 39.8%).*
4. *I have provided a photograph below of the 40+ meter street frontage to Federation Street below. As can be seen, there is currently and ugly hardifence stretching for the majority of that length. The proposed development will significantly enhance this streetscape, whilst preserving the heritage value of the existing dwelling facing Anzac Rd.*
5. *We have noted on the plans that we intend to renovate the existing dwelling, and enhance its streetscape by rendering the front wall, and significantly enhancing the existing home - paint, floorboards, etc.*
6. *We fully intend to complete this development and we would be happy for the planning permission to be based upon that."*

On the revised plans dated 28 May 2004, the existing dwelling is to be retained on a site with an area of 271 square metres and the proposed single storey single house fronting Federation Street will have a site area of 270 square metres. The existing dwelling sleep-out is to be demolished to make room for the construction of one hardstand car park to the front of the house and one hardstand to the rear of the house.

CONSULTATION/ADVERTISING:

During the advertising period for the original application, which was refused by the Council, one objection was raised relating to overlooking and concerns over the density bonus requested. Other concerns raised included the impact of the reduced western setback, proposed open space and the width of the crossover.

The revised plans dated 28 May 2004 have not been advertised, as the plans have been submitted as part of the case management conference process involving the TPAT, and moreover the matter is being referred to Council for consideration.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage/Streetscape

The existing house on Lot 556 is a relatively intact inter-war Californian Bungalow, which is representative of typical post war housing constructed in Mount Hawthorn. In this instance, the building is considered to contribute to the streetscape and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No.1.

Density

The revised development complies with the minimum site area requirements of 270 square metres, but involves a 10.9 percent variation to the total site area requirements outlined in the Residential Design Codes. This variation is considered acceptable under Clause 20 of the Town's Town Planning Scheme No.1.

Setback (South)

The variation to setback to the south is considered acceptable, as the wall is single storey and is part of the internal boundary and, as such, does not impact the neighbouring property to the west.

Setback (East)/ Federation Street

The setback to the east/Federation Street is considered acceptable, as it involves a wing wall perpendicular to Federation Street and, as such, does not unduly impact that streetscape.

Objections Raised

The revised plans indicate the required setback of 1.5 metres being achieved to the western boundary. The windows to the western elevation are not considered to overlook as the property is single storey in height. In relation to the objection received from the neighbouring property owner, the density bonus in this instance is supportable under Clause 20 of the Town's Town Planning Scheme No.1.

In relation to open space, the existing and proposed dwellings comply with the open space requirements of the Residential Design Codes. The applicant is also further upgrading the existing fencing along part of Federation Street directly adjacent to the proposed development. The proposed double crossover is also compliant with the Town's Technical Service requirements, however the width for the single car bay adjacent to the wall is to be a minimum of 2.7 metres.

In light of the above, it is considered that the revised proposal is supportable. It is therefore recommended that the revised proposal be supported, subject to standard and appropriate conditions to address the above matters.

10.1.9 No(s). 11-15 (Lot 102) Wright Street, Perth - Proposed Alterations and Additions to Fencing to Existing Lodging House (Application for Retrospective Planning Approval)

Ward:	South	Date:	15 June 2004
Precinct:	Forrest, P14	File Ref:	PRO0253; 00/33/2238
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by RM Watson on behalf of the owner Salvation Army (WA) Property Trust for Proposed Alterations and Additions to Fencing to Existing Lodging House (Application for Retrospective Planning Approval), at No(s). 11-15 (Lot 102) Wright Street, Perth, and as shown on plans stamp-dated 4 June 2004, subject to:

- (i) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ii) the proposed works as shown on the plans titled "New Works, Floor Plan, Elevations - Alternative" to be undertaken within 28 days from the date of this Planning Approval notice; and*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Cr Torre arrived at the meeting at 7.08pm.

CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

Landowner:	The Salvation Army (WA) Property Trust
Applicant:	RM Watson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Lodging House
Use Class:	Lodging House
Use Classification:	"SA"
Lot Area:	2254 square metres

COMPLIANCE:

Requirements	Required	Proposed
Town's Policy relating to Street Walls and Fences	Front walls or fences constructed so that: Buildings generally, and especially their entrances, are clearly visible from the street which provides frontage; a clear line of demarcation is provided between the street and development; and they are in keeping with the desired streetscape.	Wall constructed to a maximum height of 2.475 metres from the natural ground level. Alternative plan shows maximum height of 2.1 metres with design features (timber battens) fixed to the face of the screen wall to break up the visual bulk of the wall.

SITE HISTORY:

- 2 December 2003 The Town under delegated authority, conditionally approved partial demolition and alterations and additions to existing lodging house at the subject property. The plans included a portion of solid front fence to a maximum of 1.8 metres to Wright Street.
- 10 March 2004 The Town received a complaint regarding the height of the front fence that had recently been erected at the subject property.

DETAILS:

The applicant is seeking retrospective approval for the front fence as erected with a maximum height of 2.475 metres above the adjacent footpath on the verge.

The applicant has also provided an alternative plan which reduces the visual bulk of the wall while still maintaining and meeting the requirements of the Salvation Army in terms of privacy for the adjacent residents and lodgers using the lodging house. The alternative plan includes minor alterations to the existing wall so that it steps down with the slope of the land and the addition of timber battens to the front of the wall to break up the visual bulk of the wall.

CONSULTATION/ADVERTISING:

No submissions were received during the public consultation period. The complainant advised that they appreciated that the lodging house warranted an increased amount of privacy, however did have concerns with the height of the wall that is currently erected. The complainant verbally advised the Town's Officers that they were generally satisfied with the alternative plan, where the wall steps down with the slope of the land and design features added to the wall to break up the visual bulk of the wall.

Supporting submissions were received from the Salvation Army and the Architect outlining the purpose for the higher walls. A copy of these submissions has been circulated to Elected Members separately.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Salvation Army has been operating from this premise since approximately 1986. They operate a lodging house at the subject site, primarily for people sobering up or receiving treatment for alcohol and drug addiction.

The boundary wall along Wright Street contains secure courtyards for use by people in the sobering up rooms, for example smoking areas for those sobering up. The walls are solid to prevent people from outside seeing in and those inside from being on view to those outside. The height of the walls also prevents drugs and alcohol from being passed to clients while recovering.

The Salvation Army would prefer to retain the height of the wall as it has been built, as it is considered to maximise privacy and safety. However, the applicant has also provided an alternative plan which reduces the maximum height of the wall to 2.1 metres and incorporates design features to break up the visual bulk of the wall, while maintaining adequate privacy.

The applicants and owners are reluctant to step the internal level of the courtyards down with the natural slope of the land as this would involve installing steps from the building to the courtyard, which could increase unnecessary hazards to those using the facilities. Therefore, the Town's Officers agree that this is not an appropriate solution in this instance.

The Salvation Army express that they are mindful of the surrounding residents and want to minimise the impact that their facility has on them.

In light of the unique use of the building and the functional courtyard use that the front fence creates, it is considered that the Town can support the height of the proposed alternative plan, with a maximum height of 2.1 metres from the level of the adjacent footpath. Accordingly, the Town requires that these works are undertaken within 28 days of the date that the approval notice is issued.

10.1.10 No. 8 (Lot 36) Faraday Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	North	Date:	15 June 2004
Precinct:	Leederville, P3	File Ref:	PRO2778; 00/33/2206
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Troppo Architects WA Pty Ltd on behalf of the owner GN Ogden & SL Brown for Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 8 (Lot 36) Faraday Street, Mount Hawthorn, and as shown on plans stamp-dated 27 April 2004, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Faraday Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (iv) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) *a road and verge security bond or bank guarantee of \$ 550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the following works shall be undertaken:*
- (a) *the stairwell window on the southern elevation of proposed addition shall be screened with a permanent obscure material and be non openable; and*
- (b) *the windows to Bedroom 1 on the first floor level on the southern and eastern elevations shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level.*
- A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s); and*
- (xii) *trees within the property can only be removed with the written consent of the Town's Parks Services Section and all costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Chester

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

"(vii) (a) the stairwell window on the southern elevation of proposed addition shall be screened with a permanent obscure material and be ~~non~~ openable 1.6 metres above the first floor level; and"

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

Moved Cr Lake, Seconded Cr Cohen

That the first paragraph in clause (vii)(b) be amended to read as follows:

"(vii) (b) the windows to Bedroom 1 on the first floor level on the southern and eastern elevations shall be screened with a permanent obscure material ~~and be non-openable~~ to a minimum of 1.6 metres above the finished first floor level and be openable 1.6 metres above the finished first floor level."

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

Moved Cr Lake, Seconded Cr Chester

That the first paragraph in clause (vii)(b) be amended to read as follows:

"(vii) (b) the windows to Bedroom 1 on the first floor level on the southern ~~and eastern~~ elevations shall be screened with a permanent obscure material to a minimum of 1.6 metres above the finished first floor level and be openable 1.6 metres above the finished first floor level."

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Troppo Architects WA Pty Ltd on behalf of the owner GN Ogden & SL Brown for Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 8 (Lot 36) Faraday Street, Mount Hawthorn, and as shown on plans stamp-dated 27 April 2004, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Faraday Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (iv) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) *a road and verge security bond or bank guarantee of \$ 550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the following works shall be undertaken:*
 - (a) *the stairwell window on the southern elevation of proposed addition shall be screened with a permanent obscure material and be openable 1.6 metres above the first floor level; and*
 - (b) *the windows to Bedroom 1 on the first floor level on the southern elevation shall be screened with a permanent obscure material to a minimum of 1.6 metres above the finished first floor level and be openable 1.6 metres above the finished first floor level.*

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

- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s); and*
- (xii) *trees within the property can only be removed with the written consent of the Town's Parks Services Section and all costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

Landowner:	GN Ogden & SL Brown
Applicant:	Tropo Architects WA Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	627 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Side Setbacks South (ground floor) South (first floor)	1.5 metres 1.5 metres	1.0 metre 1.0 metre
Privacy Bedroom 1- East Facing Window	4.5 metres or screening as per R Codes requirements	1.7 metres cone of vision to south boundary and no screening shown on plans

Requirements	Required	Proposed *
Bedroom 1- South Facing Window	4.5 metres or screening as per R Codes requirements	1.0 metre to south boundary and no screening shown on plans

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

SITE HISTORY:

The site is currently occupied by a single storey single house fronting Faraday Street. There is an unsealed privately owned 5 metres wide right of way along the northern boundary of the property.

DETAILS:

The applicant seeks to construct a two-storey addition to the rear of the existing single dwelling. The proposal retains the front section of the house but will require the partial demolition of the rear section of the house.

CONSULTATION/ADVERTISING:

The property was referred to adjoining landowners and occupiers for a two week period. One submission was received during this time, raising concerns regarding the setback of the upper south wall and requesting the stairwell window on the south elevation to be obscure glazed.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

The applicant is seeking variations to the southern setback requirements for the ground and first floors. While the submission's concerns are noted, the variations to the setbacks are not considered to compromise the privacy of adjoining neighbours or unduly detrimentally affect the amenity of the area. The proposed variations are considered to be minor in this instance and therefore, are supported.

Privacy

The privacy setbacks that do not comply relate to the east and south facing windows of bedroom 1. In order to ensure that the privacy of the neighbours are met, the windows are required to be screened in accordance with the privacy requirements of the R Codes, as reflected in the Officer Recommendation.

In response to the submission's concerns relating to the stairwell window (south elevation), the applicant has agreed to obscure glaze the subject window and, as such, this is conditioned accordingly in the Officer Recommendation.

Significant Trees

The subject lot contains a tree which is listed on the Town's Interim Significant Tree Database (Possible Inventory Inclusion). On inspecting the tree, the Town's Park Services has confirmed the tree as being an *Eucalytus camaldogensis* (River Red Gum), which is located along the front western boundary. The Town's Park Services has indicated that the subject tree is not worthy of inclusion onto the Town's Significant Tree Inventory. Therefore, while the retention of the tree is preferred, its removal may be considered.

In view of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions, to address the above matters.

10.2.2 Results of Community Consultation for the Wider Street / Traffic Management Proposal for Hobart Street, Mount Hawthorn - London to Charles Street

Ward:	North	Date:	8 June 2004
Precinct:	North Perth P8	File Ref:	TES0196
Attachments:	001:		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the results of the Community Consultation for the Wider Street / Traffic Management Proposal for Hobart Street, Mount Hawthorn - London to Charles Street;*
- (ii) *NOTES that \$45,000 has been allocated in the 2004/2005 draft budget for the Wider Street proposal at Hobart Street;*
- (iii) *APPROVES the implementation of the modified proposal, as shown on attached Plan No 2268-CP-1A, should funds be allocated for the project in the 2004/05 financial year;*
- (iv) *MONITORS the traffic on Hobart Street after the proposal as indicated in clause (iii) has been implemented to determine whether any further works should be considered as a possible Stage 2 proposal;*
- (iv) *NOTES that a large number of respondents are not in favour of installing speed humps in the street and would instead prefer that roundabouts be considered should a stage 2 implementation be required; and*
- (v) *ADVISES the respondents and the North Perth Precinct Group of its decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

BACKGROUND:

Following receipt of a petition signed by 48 residents of Hobart Street, expressing their concerns with regard to speeding in the street, the matter of traffic management was referred to the Town's Local Area Traffic Management (LATM) Advisory Group for discussion at their meeting held on 19 April 2004.

A community representative from Hobart Street and the Chair of the North Perth Precinct Group Inc. were also invited to attend the LATM Advisory Group meeting.

A report was subsequently submitted to the Ordinary Meeting of Council held on 27 April 2004, where the following resolution was adopted:

“That the Council;

- (i) RECEIVES the report on Traffic Management request for Hobart Street, North Perth;*
- (ii) APPROVES in principle the proposal as shown on attached Plan No. 2268-CP-1, as endorsed by the Town's Local Area Traffic Management Advisory Group at its meeting held on 19 April 2004, estimated to cost \$45,000;*
- (iii) NOTES that no funds have been included for the proposal in the 2003/04 budget;*
- (iv) CONSULTS with the residents of Hobart Street giving them 21 days in which to provide comments on the proposal; and*
- (v) RECEIVES a further report on the proposal at the end of the community consultation period.”*

DETAILS:

In accordance with clause *(iv)* of the Council's resolution, on 3 May 2004, 40 letters with an attached comment sheet and reply paid envelope, were distributed to residents in Hobart Street requesting their comments on the proposal as outlined on attached *Plan No 2268-CP-1*.

At the conclusion of the consultation period on 25 May 2004, 13 responses had been received representing a 33% response.

The responses received are outlined as follows:

<i>Proposal</i>	<i>In Favour</i>	<i>Against</i>	<i>Alternative</i>
Proposed traffic treatments Hobart Street between London Street and Charles Street as outlined on plan No 2268-CP-1	6	2	5

Related Comments *In Favour* of proposal

- As long as it does not affect street parking.
- I concur with the proposal
- I concur with the proposal
- The North Perth precinct Group discussed the proposal at a public meeting held on 12 May 2004 attended by 32 North Perth residents. There was general support for the proposal except for the proposed speed humps. (It is understood these are part of stage 2 of the proposal). It would be appreciated if you could advise when the matter is to be presented to the Council and of the Council's resolution.
- We are encouraged with the Town's continued endeavours to consult and work with the community. We are in complete agreement with the initial stage as described on plan No 2268-CP-1. The possible second stage may not be necessary and the proposed solution with low profile speed humps could be counter productive.

- We agree with stage 1 of the proposal but are strongly opposed to speed humps (stage 2 of the proposal)

Related Comments *Against* the proposal

- I did not sign petition. I find \$45,000 an incredible amount of money to spend and I am concerned there will be a rate increase. I would be very strongly opposed to a roundabout. Low profile speed humps OK
- It's better to leave the road as it is. I do not like speed humps. It's better to have roundabout or something else

Comments requesting *alternatives*

- I operate the workshop/service station at the south west corner of Charles Street and Hobart Street. I am very concerned about tightening up Hobart Street at the Charles Street intersection with nibs because of semi trailers and other heavy vehicles that leave our premises. The rest of the concept is OK
- We would prefer that Hobart Street be closed off at Charles Street. Would like nib modified at Auckland and Hobart
- Good to see something done however wouldn't it be better to have an island at Eton Street
- Roundabout at Sydney and Auckland Street would be a better solution
- I would prefer a roundabout or something else. Do not like speed humps

Other Suggestions

- Can a No U Turn sign be placed at the intersection of Hobart and London Street
- Red Asphalt entry statements eastern side London St and west side of Charles Street intersection; Nibs with soft landscaping; embayed parking delineated with line marking
- The North Perth precinct Group discussed the proposal at a public meeting held on 12 May 2004 attended by 32 North Perth residents. A number of residents suggested a Round a bout be located at one or more of the intersections. It is suggested that if monitoring indicates that additional road works are required (stage 2) then it is requested that further consultation be undertaken

Officers' Comments

The service station/workshop proprietors on the south west corner of Charles and Hobart Streets expressed concerns regarding being able to manoeuvre large vehicles from their premises should nibs, as suggested, be installed.

The nibs have been modified to enable such manoeuvres to continue. Additional nibs have been installed west of their crossover to maintain the proposed theme. (Refer Plan No. 2268-CP-1A)

The owner of the delicatessen at Auckland/Hobart has suggested a slight modification to the proposed nib. This has been incorporated in the design. (Refer Plan No. 2268-CP-1A)

Main Roads WA will be requested to install a *NO U TURN* sign at the intersection of Hobart/London as requested. (Refer Plan No. 2268-CP-1A)

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds allocated in the current budget for this project. Should the proposal be adopted by the Council, \$45,000 will need to be listed for consideration in the 2004/05 draft budget.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers, as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

With regard to Hobart Street, the LATM Advisory Group considered that while the traffic volumes in Hobart Street are higher than the adjoining streets, they were still below the threshold for an access road. In addition, Hobart Street provides access to a wider residential network and acts more like a local distributor at times.

It is therefore recommended that the Council receives the report on the results of the Community Consultation for the Wider Street / Traffic Management Proposal for Hobart Street, Mount Hawthorn - London to Charles Street, notes that \$45,000 has been allocated in the 2004/2005 draft budget for the Wider Street proposal at Hobart Street, approves the implementation of the modified proposal as shown on attached Plan No 2268-CP-1A should funds be allocated for the project in the 2004/05 financial year, monitors the traffic on Hobart Street after the proposal as indicated in clause (iii) has been implemented to determine whether any further works should be considered as a possible Stage 2 proposal, notes that a large number of respondents are not in favour of installing speed humps in the street and would instead prefer that roundabouts be considered should a stage 2 implementation be required, and advises the respondents and the North Perth Precinct Group of its decision.

10.1.3 Nos. 244-260 (Lot 300) Beaufort Street and Nos. 209 - 219 (Lot 300) Stirling Street, Perth - Proposed Lofts and Variations to Stage Two of Approved Demolition of Existing Showroom/Warehouse Buildings and Construction of Four-Storey Mixed Use Development, Including One Hundred and Thirty-Seven (137) (Including 48 Single Bedroom) Multiple Dwellings, One (1) Local Shop, Eight (8) Offices and Ancillary Facilities

Ward:	South	Date:	14 June 2004
Precinct:	Beaufort P13	File Ref:	PRO1682; 00/33/2230
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by N Allingame on behalf of the owner Arcadia Asset Pty Ltd for proposed Lofts and Variations to Stage Two of Approved Demolition of Existing Showroom/Warehouse Buildings and Construction of a Four-Storey Mixed Use Development, Including One Hundred and Thirty-Seven (137) (Including 48 Single Bedroom) Multiple Dwellings , One (1) Local Shop, Eight (8) Offices and Ancillary Facilities at Nos.244-260 (Lot 300) Beaufort Street and Nos. 209-219 (Lot 300) Stirling Street, Perth, and as shown on the plans stamp-dated 30 April 2004 and 14 May 2004, subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *significant design features to the electrical substation, stairwell, bin store and storage areas to reduce the visual impact on Stirling Street and Beaufort Street;*
 - (b) *the main entries to the buildings along Beaufort and Stirling Streets being treated with architectural design features/materials/colours, not increasing its height, which provides a more formal entry statement and landmark aspect;*
 - (c) *the proposed balconies to Beaufort and Stirling Streets having minimum dimensions of two metres; and*
 - (d) *the provision of continuous awnings along Beaufort Street;*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.
- (ii) *the office tenancies adjacent to Beaufort Street shall be limited to a maximum gross floor area of 560 square metres. The commercial tenancies adjacent to Stirling Street shall be limited to the following maximum gross floor areas, local shop - 210 square metres and office 90 square metres;*
- (iii) *doors and windows and adjacent floor areas fronting Beaufort and Stirling Streets shall maintain an active and interactive relationship with these streets;*

- (iv) *the "proposed deli/cafe" shall be utilised as a local shop only. Any further change of use requires the submission and approval of a planning application to the Town prior to the commencement of such use;*
- (v) *the support of the Department for Planning and Infrastructure, Western Australian Planning Commission and/or Main Roads Western Australia, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (vi) *the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
 - (a) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*
 - (b) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (vii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications, dimensions and manoeuvring area specified in accordance with the Town's Policy - "Parking and Access" and Australian Standards AS2890.1 - 'Off Street Parking', and disabled access bays shall be marked and provided as per ACROD standards;*
- (viii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (x) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$35,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xiii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xiv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (xv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Stirling Street and Beaufort Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xvi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xvii) *an archival documented record of the place (including detailed photographs prior to and after works to the building, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xiii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$130,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xix) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xx) *the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (xxi) *the construction of crossovers shall be in accordance with the Town's specifications, and speed humps shall be provided at entry/exits to Beaufort and Stirling Street;*
- (xxii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xxiii) *subject to first obtaining the consent of the owners of Nos.199-203 (Lot 50) Stirling Street and Nos.286-288 (Lot W111) Beaufort Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos.199-203 (Lot 50) Stirling Street and Nos.286-288 (Lot W111) Beaufort Street in a good and clean condition;*
- (xxiv) *compliance with all relevant Environmental Health, Engineering and Building requirements, including pool regulations;*

- (xxv) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Beaufort Street and Stirling Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxvi) *prior to the first occupation of the development, the following requirements for people with disabilities shall be addressed:*
- (a) *level access into the eating house and to the end of trip facilities;*
 - (b) *any new or altered entrances to the building having a minimum doorway width of 850 millimetres in accordance with Australian Standards (AS) 1428.2; and*
 - (c) *commercial reception/pay counters in accordance with AS 1428.2 - clause 24;*
- (xxvii) *the undergrounding of power and overhead cable services, and the installation of new embayed car parking (on the Stirling Street verge), footpaths, brick paving, kerbing, lighting, landscaping, lawn, reticulation and mature trees at a minimum height of 3 metres, on the Beaufort Street and Stirling Street verges directly adjacent to the subject land, at the full cost of the owner(s)/applicant(s). A detailed streetscape upgrading plan for the Beaufort Street and Stirling Street verges directly adjacent to the subject land, including these works and a schedule of plant species, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*
- (xxviii) *if applicable, prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the Western Australian Planning Commission, whichever is applicable, for the encroachment of any structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*
- (xxix) *prior to the issue of a Building Licence a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with 'prior to the first occupation of the development;*
- (xxx) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*
- (xxxi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Lake

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

"(xxvii)the undergrounding of power and overhead cable services, and the ~~installation of new embayed car parking~~ upgrading of (on the Stirling Street verge), footpaths, brick paving, kerbing, lighting, landscaping, lawn, reticulation and mature trees at a minimum height of 3 metres, on the Beaufort Street and Stirling Street verges directly adjacent to the subject land, at the full cost of the owner(s)/applicant(s). A detailed streetscape upgrading plan for the Beaufort Street and Stirling Street verges directly adjacent to the subject land, including these works and a schedule of plant species, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);"

CARRIED BY AN ABSOLUTE MAJORITY(8-0)

(Cr Doran-Wu was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by N Allingame on behalf of the owner Arcadia Asset Pty Ltd for proposed Lofts and Variations to Stage Two of Approved Demolition of Existing Showroom/Warehouse Buildings and Construction of a Four-Storey Mixed Use Development, Including One Hundred and Thirty-Seven (137) (Including 48 Single Bedroom) Multiple Dwellings , One (1) Local Shop, Eight (8) Offices and Ancillary Facilities at Nos.244-260 (Lot 300) Beaufort Street and Nos. 209-219 (Lot 300) Stirling Street, Perth, and as shown on the plans stamp-dated 30 April 2004 and 14 May 2004, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) significant design features to the electrical substation, stairwell, bin store and storage areas to reduce the visual impact on Stirling Street and Beaufort Street;*
 - (b) the main entries to the buildings along Beaufort and Stirling Streets being treated with architectural design features/materials/colours, not increasing its height, which provides a more formal entry statement and landmark aspect;*
 - (c) the proposed balconies to Beaufort and Stirling Streets having minimum dimensions of two metres; and*
 - (d) the provision of continuous awnings along Beaufort Street;*

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

- (ii) *the office tenancies adjacent to Beaufort Street shall be limited to a maximum gross floor area of 560 square metres. The commercial tenancies adjacent to Stirling Street shall be limited to the following maximum gross floor areas, local shop - 210 square metres and office 90 square metres;*
- (iii) *doors and windows and adjacent floor areas fronting Beaufort and Stirling Streets shall maintain an active and interactive relationship with these streets;*
- (iv) *the "proposed deli/cafe" shall be utilised as a local shop only. Any further change of use requires the submission and approval of a planning application to the Town prior to the commencement of such use;*
- (v) *the support of the Department for Planning and Infrastructure, Western Australian Planning Commission and/or Main Roads Western Australia, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (vi) *the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
 - (a) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*
 - (b) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (vii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications, dimensions and manoeuvring area specified in accordance with the Town's Policy - "Parking and Access" and Australian Standards AS2890.1 - 'Off Street Parking', and disabled access bays shall be marked and provided as per ACROD standards;*
- (viii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (x) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$35,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

- (xiii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xiv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Stirling Street and Beaufort Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xvi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xvii) *an archival documented record of the place (including detailed photographs prior to and after works to the building, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xviii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$130,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xix) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xx) *the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (xxi) *the construction of crossovers shall be in accordance with the Town's specifications, and speed humps shall be provided at entry/exits to Beaufort and Stirling Street;*
- (xxii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (xxiii) *subject to first obtaining the consent of the owners of Nos.199-203 (Lot 50) Stirling Street and Nos.286-288 (Lot W111) Beaufort Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos.199-203 (Lot 50) Stirling Street and Nos.286-288 (Lot W111) Beaufort Street in a good and clean condition;*
- (xxiv) *compliance with all relevant Environmental Health, Engineering and Building requirements, including pool regulations;*
- (xxv) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Beaufort Street and Stirling Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxvi) *prior to the first occupation of the development, the following requirements for people with disabilities shall be addressed:*
- (a) *level access into the eating house and to the end of trip facilities;*
 - (b) *any new or altered entrances to the building having a minimum doorway width of 850 millimetres in accordance with Australian Standards (AS) 1428.2; and*
 - (c) *commercial reception/pay counters in accordance with AS 1428.2 - clause 24;*
- (xxvii) *the undergrounding of power and overhead cable services, and the upgrading of the Stirling Street verge, footpaths, brick paving, kerbing, lighting, landscaping, lawn, reticulation and mature trees at a minimum height of 3 metres, on the Beaufort Street and Stirling Street verges directly adjacent to the subject land, at the full cost of the owner(s)/applicant(s). A detailed streetscape upgrading plan for the Beaufort Street and Stirling Street verges directly adjacent to the subject land, including these works and a schedule of plant species, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);"*
- (xxviii) *if applicable, prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the Western Australian Planning Commission, whichever is applicable, for the encroachment of any structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*
- (xxix) *prior to the issue of a Building Licence a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with 'prior to the first occupation of the development;*
- (xxx) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*

(xxxi) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

Compliance

The Compliance Table has been amended to state the correct proposed R Code and density based on the total residential dwellings proposed.

Requirements	Required	Proposed *
Density	85 dwellings R 80	185 dwellings 137 dwellings R 173.5 R 128.4 117.64 per cent density bonus 61.18 per cent density bonus (Density Bonus granted approval by Council on 27 August 2002)

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

Plans

Plans stamp dated 14 May 2004, are attached, scanned and hyperlinked, and indicates more specifically the nature of the modifications that are proposed with this application.

Landowner:	Arcadia Asset Pty Ltd
Applicant:	N Allingame
Zoning:	Metropolitan Region Scheme: [Urban] Town Planning Scheme No.1: Residential/Commercial & Commercial R80
Existing Land Use:	Mixed use development under construction
Use Class:	Multiple Dwelling, Local Shop, Office Building
Use Classification:	Commercial Zone - 'AA', 'P', 'P' Residential/Commercial Zone - 'P', 'AA', 'AA'
Lot Area:	10665 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	85 dwellings R 80	185 dwellings R 173.5 117.64 per cent density bonus (Density Bonus granted approval by Council on 27 August 2002)

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

Requirements	Required	Proposed *
Plot Ratio	1.00 10647 square metres	0.75 8008 square metres

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

COMPARISON TABLE:

Stage 2	Plans Approved 27 August 2002	Revised Plans Received 30 April 2004 and 14 May 2004
Total Plot Ratio Floor Area	4216 square metres	3946 square metres
Wall Height	12.9 metres	12.9 metres
Roof Ridge Height	18.1 metres	16.0 metres

SITE HISTORY:

The Council at its Ordinary Meeting held on 4 December 2001 conditionally approved proposed demolition of existing showroom/warehouse buildings and construction of a four-storey mixed use development, including one hundred and thirty-three (133) multiple dwellings, one (1) eating house, one (1) local shop, two (2) showrooms, seven (7) offices and one (1) real estate office, on the subject land.

The Council at its Ordinary Meeting held on 27 August 2002 conditionally approved proposed demolition of existing showroom/warehouse buildings and construction of a four-storey mixed use development, including one hundred and thirty-six (136) (including 48 single bedroom) multiple dwellings, one (1) local shop, nine (9) offices and ancillary facilities, on the subject land.

The Council at its Ordinary Meeting held on 13 May 2003 conditionally approved minor changes to Stage 1 of the approved plans, involving eight (8) lofts with balconies in Block A adjacent to Beaufort Street.

DETAILS:

Minor changes are proposed to Stage 2 of the approved plans, including six (6) lofts with balconies in Block D and a change of use for unit 92 from office to residential. The overall height has changed along with the total floor area. These changes are the subject of this application and referral to Council for consideration and determination.

In a cover letter dated 22 March 2004 provided by the applicant, details of the current application are provided and quoted below as follows:

"We currently seek variations to the current stage 2 development approval, which will be immediately followed by a stage 2 building licence submission. Please find below the proposed amendments..."

- *Increased height to Stirling Street structure (block C) as requested by FESA to allow fire trucks to enter the site. The height increase only occurs over the vehicle entry. (Note: - Proposed height is less than maximum current development approval height)*
- *Increased height to Stirling Street structure (Block C) main central entry to raise ceiling level of commercial units, enhance street elevation and create focal point for mail pedestrian entry (Note: - Proposed height is less than maximum current development approval height)*

- *Finished project parking numbers and allocation, which have already been submitted and assessed in the revised stage 1 council meeting date 13 May 2003...*
- *Block D as detailed on attached drawings has been amended to include loft apartments within the approved roof space. This addition is similar to block A in stage 1, but block D is internal and has no street impact.*
- *Unit 92 is currently approved as an office, but due to the scale of the project a full time caretaker is required and we propose to convert the office into a caretakers residence. "*

CONSULTATION/ADVERTISING:

This application is not required to be advertised as the proposed modifications do not result in any greater variations to the requirements in relation to the previous approved plans. The matter is also being referred to Council for consideration and determination.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Total Floor Area

The total floor area calculated in the revised plans does not result in any greater variation to the plot ratio floor area of Block D than was previously approved. Instead, the total plot ratio floor area of Block D has been significantly reduced by 270 square metres resulting in a development of a lesser scale and bulk. The amendments to the total floor area of Block D are therefore supported.

Heights

In comparing the revised plans to those previously submitted and approved, the revised plans demonstrate no change to the wall height and a reduction to the overall height of Block D. As the changes are not proposed to exceed previously approved plans, the amendments relating to the height of Block D are therefore supported.

It is also considered that the lofts provide appropriate vertical articulation and another suitable design element to the overall development, as viewed from within the site.

Car Parking

Commercial car parking requirement	25 car bays
Apply the adjustment factors	(0.4)
<ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400metres of a bus stop) ▪ 0.80 (within 400 metres of public car park with in excess of 50 car bays) ▪ 0.9 (end of trip facilities) ▪ 0.80 (45 percent of gross floor area is residential) 	10 car bays
Minus the car parking provided on site	23 car bays
Car parking shortfall/surplus	13 bays surplus

Requirements	Required	Proposed
Car Parking	Single bedroom dwellings - 48 bays* Multiple dwellings - 134 bays Offices - 11 bays Local Shop - 14 bays Total Required after the Adjustment Factors for Commercial Uses - 195 bays	Multiple dwellings - 182 bays Commercial - 25 bays Total - 201 bays (on site)

** Clause 3.1.5 of the Residential Design Codes (R Codes) allows under the Acceptable Development standards, the provision of one car bay per single bedroom dwelling.*

The above car parking table reflects the change of use from office to residential. The total car parking bays required is 195 with the application of the adjustment factors to address the commercial component. The total bays provided on site are 201 car bays. The application is found to comply with the parking requirement and therefore is supported in this instance.

Overshadowing

Due to the orientation of the lot, the proposed development will overshadow over Stirling Street and internally within the subject lot. No overshadowing takes place over the adjoining lots and it is therefore deemed to comply with the overshadowing requirements of the R Codes.

Privacy

The lofts are proposed to be added to Block D. Block D is located centrally within the lot. Therefore, any potential overlooking occurs internally within the subject lot.

In light of the above, it is recommended that the application be approved, subject to the above similar conditions as previously applied in the approval granted by Council on 13 May 2003 and 27 August 2002.

10.1.6 No. 545 (Lot 1) Fitzgerald Street, Corner Ruby Street, North Perth - Proposed Additional Two-Storey Single House and Alterations and Additions to Existing Single House

Ward:	North	Date:	15 June 2004
Precinct:	North Perth, P8	File Ref:	PRO2448; 00/33/2214
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Daniel Cassetai Design on behalf of the owner N Tran and K Ha for Proposed Additional Two-Storey Single House and Alterations and Additions to Existing Single House, at No. 545 (Lot 1) Fitzgerald Street Corner Ruby Street, North Perth, and as shown on plans stamp-dated 30 April 2004 (existing ground/site plan, ground floor plan, first floor plan and shadow diagram), and 11 May 2004 (elevations), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the balcony to Ruby Street being setback a minimum of 3 metres from Ruby Street and "open" in design;*
 - (b) the height to the top of walls being a maximum of 6 metres from natural ground level;*
 - (c) the proposed garage being shown as a carport and the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the western living /dining room wall of the proposed dwelling;*
 - (d) the outdoor living area having minimum dimensions of 4 metres;*
 - (e) the finished ground floor relative level, being shown as 100.7; and*
 - (f) the northern setback complying with the standard side setback requirements of the Residential Design Codes.*

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

- (iii) subject to first obtaining the consent of the owners of the right of way for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing the right of way in a good and clean condition;*

- (iv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to the relevant primary street frontage (Ruby Street or Fitzgerald Street) shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Residential Design Codes or the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (viii) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*

- (xiii) *a detailed landscaping plan, including a list of plant species and the landscaping and reticulation of the Fitzgerald Street and Ruby Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That;

- (i) *the following words be added to the end of clause (ii)(c):*

", enclosure to a height of 1.8 metres is permitted where the carport abuts the courtyard and the fence line"; and

- (ii) *clause (ii)(d) be deleted and the remaining clauses renumbered.*

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

MOTION AS AMENDED CARRIED (7-1)

(Cr Doran-Wu was an apology for the meeting.)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Cohen	
Cr Farrell	
Cr Franchina	
Cr Ker	
Cr Lake	
Cr Torre	

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Daniel Cassetai Design on behalf of the owner N Tran and K Ha for Proposed Additional Two-Storey Single House and Alterations and Additions to Existing Single House, at No. 545 (Lot 1) Fitzgerald Street Corner Ruby Street, North Perth, and as shown on plans stamp-dated 30 April 2004 (existing ground/site plan, ground floor plan, first floor plan and shadow diagram), and 11 May 2004 (elevations), subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the balcony to Ruby Street being setback a minimum of 3 metres from Ruby Street and "open" in design;*
 - (b) *the height to the top of walls being a maximum of 6 metres from natural ground level;*
 - (c) *the proposed garage being shown as a carport and the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the western living /dining room wall of the proposed dwelling, enclosure to a height of 1.8 metres is permitted where the carport abuts the courtyard and the fence line;*
 - (d) *the finished ground floor relative level, being shown as 100.7; and*
 - (e) *the northern setback complying with the standard side setback requirements of the Residential Design Codes.*

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

- (iii) *subject to first obtaining the consent of the owners of the right of way for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing the right of way in a good and clean condition;*
- (iv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to the relevant primary street frontage (Ruby Street or Fitzgerald Street) shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Residential Design Codes or the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*

- (viii) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (xiii) *a detailed landscaping plan, including a list of plant species and the landscaping and reticulation of the Fitzgerald Street and Ruby Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

Landowner:	N Tran and K Ha
Applicant:	Daniel Cassettai Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	488 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	2 dwellings R60	2 dwellings R40.98

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

Requirements	Required	Proposed *
Plot Ratio	0.65 130 square metres	0.64 128 square metres
Outdoor Living Area	16 square metres, with a minimum dimension of 4 metres.	21 square metres with a minimum dimension of 3.8 metres.
Setbacks: Ground Floor - North Side Setback from Ruby Street	1.5 metres Garages to be located 6.0 metres from the street or behind the dwelling alignment. Town's Policy relating to the Charles Locality states that a general height limit of two storeys can be considered provided the second storey is setback a minimum of 6 metres from the street.	1.1 metres Garage setback 3 metres and in front of the dwelling which primary frontage is considered to be Ruby Street. Balcony on first floor setback 2.5 metres from Ruby Street, and main dwelling setback 4.0 metres.
Building Height	6 metres to top of walls and 9 metres to top of roof pitch, measure from natural ground level.	Walls to walk-in-robe to 6.3 metres high from natural ground level.

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

SITE HISTORY:

4 November 2003 The Council at its Ordinary Meeting resolved to refuse an application for a proposed additional two-storey single house to existing single house at the subject property.

The site is currently occupied by a single storey single house fronting Fitzgerald Street. This proposal retains this existing dwelling.

DETAILS:

The applicant seeks to build an additional two-storey single house to the rear of the existing single dwelling. Minor additions are proposed to the existing house, including the addition of a store room, car parking bays and crossovers. The proposed dwelling will have frontage and vehicular access to Ruby Street. There is a privately owned unsealed 3 metres wide right of way along the western boundary of the property.

The applicant advised that they are seeking a variation for the open balcony to the front of the proposed dwelling, stating that the dwelling is only 4140 millimetres from the east boundary overlooking a portion of the rear of an adjoining dwelling, however it does not overlook the courtyard (outdoor living area) of that dwelling.

CONSULTATION/ADVERTISING:

The property was referred to adjoining landowners and occupiers for a two week period. One submission was received during this time, raising concerns regarding the setback of the proposed dwelling from the northern boundary, considering that the reduced setback will invade privacy and be unsightly and intrusive. The submission also raised concerns regarding the level of fill proposed and requested that the applicant pay for the cost of raising the height of the boundary fence to protect the adjoining residents' privacy. The objector also raised concerns regarding the size of the block and its suitability for building upon.

The applicant has advised in writing that they are willing to address a number of concerns raised by the objector, including, the northern setback, building height, and privacy, by the submission of revised plans prior to the issue of a Building Licence, showing compliance with the Residential Design Codes (R Codes).

In addition, the applicant has provided the following justification for the other variations:

"Outdoor Living Area

We propose a courtyard of 21m² in lieu of 16m² with a reduced minimum dimension of 3.8 metres a 0.2 metre variation but an increase in area of 5m². By increasing the courtyard size, the setback to the street, or the garage will have to be reduced. Enforcing this would render the garage unusable at 5.3m (internally) or would further reduce already varied setback to the garage. After all the entire courtyard is north facing, larger than required and complies with element 4 - open space of the residential design codes..."

The proposal was referred to the Department for Planning and Infrastructure (DPI) for comment as the property abuts Fitzgerald Street which is an Other Regional Road in the Metropolitan Region Scheme. The DPI has no objection to the proposal provided that a 3 metres by 3 metres truncation is maintained at the corner of Ruby Street and Fitzgerald Street. The DPI requested that the applicant be advised that the property abuts an Other Regional Road.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setback

Setback from Ruby Street

It is noted that the proposed lots is at the rear of a corner lot and is constrained by its relatively narrow depth of 12.57 metres. In this instance, it is considered that a carport would be more appropriate, as this would have less visual bulk than the proposed garage. A carport would also allow the proposed courtyard to meet the minimum dimensions required. Accordingly, it is recommended that prior to the issue of a Building Licence, revised plans be submitted showing an open carport.

The applicant has verbally advised that they would prefer a garage but will be willing to have an open carport in order to have the application considered favourably.

The proposed variation to the setback of the dwelling on the first floor is considered acceptable, as it steps back from the ground floor from the street, adding some visual interest to the building. However, it is considered appropriate that the balcony be setback a minimum of 3 metres and be open in design, so it does not add bulk to the building.

Northern Setback

The applicant has advised that they are willing to modify the north facing dining room window to make it a minor opening, therefore the setback would then be compliance with the requirements of the R Codes. Therefore, the objectors' concerns will be addressed. Accordingly, it is recommended that prior to the issue of a Building Licence, revised plans be submitted demonstrating compliant setback requirement to the northern elevation.

Outdoor Living Area

It is considered appropriate that the proposed garage be shown as an open carport as this will address the non compliance with the minimum dimension of a courtyard and reduce the visual bulk of the structure on the streetscape.

Building Height

It is considered appropriate that the height of the walk-in-robe walls be lowered to comply with the 6 metres maximum height requirement. The applicant has advised that they are willing to modify the plans to address this concern.

Fill

The applicant has advised that the proposed relative level is 100.7 as shown on the shadow diagram plan, the ground floor plan has been modified to reflect this, therefore minimal fill is required on site and the proposed levels are supported.

Privacy

The revised elevations dated 11 May 2004, show compliance with the privacy requirements of the R Codes, and therefore overlooking is not considered to be unduly unreasonable.

Summary

Accordingly, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 31 (Lot 546) Federation Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Additions to Existing Single House (Application for Retrospective Planning Approval)

Ward:	North	Date:	14 June 2004
Precinct:	Mt Hawthorn, P1	File Ref:	PRO2794; 00/33/2223
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners DJ & ML Tierney for Proposed Partial Demolition of and Alterations and Additions to Existing Single House (Application for Retrospective Planning Approval), at No. 31 (Lot 546) Federation Street, Mount Hawthorn, and as shown on plans stamp-dated 5 May 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the front fence being modified to comply with the Town's Policy relating to Visual Sight Line Truncations - Driveways and Rights of Way (ROW'S) and the Residential Design Codes, within 28 days from the date of this Planning Approval notification;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*
- (v) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Cohen, **Seconded** Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Cohen, Seconded Cr Ker

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

"(ii) the front fence being modified to provide standard sightlines and visual permeability above the height of 0.75 metres adjacent to the neighbours driveway and 1.2 metres elsewhere in the front fences to comply with the Town's Policy relating to Visual Sight Line Truncations - Driveways and Rights of Way (ROW'S) and the Residential Design Codes, within 28 days from the date of this Planning Approval notification;"

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.7

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners DJ & ML Tierney for Proposed Partial Demolition of and Alterations and Additions to Existing Single House (Application for Retrospective Planning Approval), at No. 31 (Lot 546) Federation Street, Mount Hawthorn, and as shown on plans stamp-dated 5 May 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the front fence being modified to provide standard sightlines and visual permeability above the height of 0.75 metres adjacent to the neighbours driveway and 1.2 metres elsewhere in the front fences to comply with the Town's Policy relating to Visual Sight Line Truncations - Driveways and Rights of Way (ROW'S) and the Residential Design Codes, within 28 days from the date of this Planning Approval notification;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*

- (v) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*

to the satisfaction of the Chief Executive Officer.

Landowner:	DJ & ML Tierney
Applicant:	DJ & ML Tierney
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Front Setback	4 metres	Pergola 2.84 metres from Federation Street
Street Walls and Fences	Front walls and fences within the primary street setback area to be visually permeable 1.2 metres above adjacent footpath level. Walls and fences truncated or reduced to no higher than 0.75 metre within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street.	Existing solid fence with no visual truncation within the Federation Street setback

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

SITE HISTORY:

The applicant is seeking retrospective approval for a pergola structure at the front of the dwelling, a verandah/deck at the rear of the existing building, and rear single storey addition (dining room) at the rear of the dwelling.

These structures have not recently been erected on the premise, however the applicant is seeking retrospective approval for them as they are considering selling the property.

DETAILS:

The applicant is seeking retrospective Planning Approval for a pergola, front fence and rear additions at the property.

The structures have been inspected by a structural engineer and improvement are required to modify the front fence, including the addition of additional support pillars.

CONSULTATION/ADVERTISING:

The proposal was not advertised as the applicant provided written submissions from the adjoining landowners advising that they do not object to the structures.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Front Fence

There are no other solid fences within the front setback area in the immediate vicinity, and the adjoining neighbours' driveway is immediately adjacent to the solid fence and no truncation or sightlines are provided.

In this instance, it is considered appropriate for the fence to be significantly modified to make the fence structurally sound, reduce the fence's visual impact on the streetscape and improve safety for the neighbour and pedestrians.

The Town's Policy relating to Visual Sight Line Truncations - Driveways and Rights of Ways (ROW's) states that the area within the sightline shall be maintained clear of obstructions above the height of 0.75 metre. Slender columns of less than 355 millimetres square or 500 millimetres diameter can be permitted. Open fences may also be permitted depending on the construction materials.

Accordingly, the front fence should be modified so that it provides standard sightlines and visually permeability above the height of 0.75 metre adjacent to the neighbours driveway and 1.2 metres elsewhere in the front fence.

Setback

The variation to the front setback is considered supportable in this instance as the encroaching structure is not solid, is open on all sides except where it abuts the existing dwelling and is not considered to unduly affect the streetscape.

Other Structures

The other structures are considered to comply with the requirements of the R Codes and therefore retrospective Planning Approval is supported.

Summary

Accordingly, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.8 No(s). 71-77 (Lot 62) Walcott Street, Corner Beaufort Street and Raglan Road, Mount Lawley - Proposed Bin Storage Area Additions to Existing Shops

Ward:	South	Date:	14 June 2004
Precinct:	Mt Lawley Centre, P11	File Ref:	PRO0703; 00/33/2263
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Meyer Shircore and Associates on behalf of the owner, Silverleaf Investments Pty Ltd for Proposed Bin Storage Area Additions to Existing Shops, at No(s). 71-77 (Lot 62) Walcott Street, Corner Beaufort Street and Raglan Road, Mount Lawley, and as shown on plans stamp-dated 4 June 2004, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (ii) compliance with all relevant Building, Engineering and Environmental Health requirements, including the bin store doors are not to open out over the driveway and parking areas, and the bin storage area is to be roofed, drained and connected to a water supply;*
- (iii) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, to ensure that the safety of pedestrians and other road users is not compromised;*
- (iv) prior to the construction of the bin storage area, the applicant/owner shall pay a cash-in-lieu contribution of \$2500 for the equivalent value of 1 car parking space, based on the cost of \$2500 per bay as set out in the Town's 2003/2004 Budget; and*
- (v) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Chester

That the word "roofed," be deleted from clause (ii).

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Meyer Shircore and Associates on behalf of the owner, Silverleaf Investments Pty Ltd for Proposed Bin Storage Area Additions to Existing Shops, at No(s). 71-77 (Lot 62) Walcott Street, Corner Beaufort Street and Raglan Road, Mount Lawley, and as shown on plans stamp-dated 4 June 2004, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (ii) compliance with all relevant Building, Engineering and Environmental Health requirements, including the bin store doors are not to open out over the driveway and parking areas, and the bin storage area is to be drained and connected to a water supply;*
- (iii) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, to ensure that the safety of pedestrians and other road users is not compromised;*
- (iv) prior to the construction of the bin storage area, the applicant/owner shall pay a cash-in-lieu contribution of \$2500 for the equivalent value of 1 car parking space, based on the cost of \$2500 per bay as set out in the Town's 2003/2004 Budget; and*
- (v) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

to the satisfaction of the Chief Executive Officer.

Landowner:	Silverleaf Investments Pty Ltd
Applicant:	Meyer Shircore & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: District Centre
Existing Land Use:	Shop and associated car park
Use Class:	Shop
Use Classification:	"P"
Lot Area:	2784m2 square metres

COMPLIANCE:

Car Parking Reduction of one car park on-site, as conditionally approved at the Ordinary Meetings of Council held on 11 August 1997 and 27 October 1997 (refer Site History below).

SITE HISTORY:

26 August 1996 The Council at its Ordinary Meeting resolved to conditionally approve development application at Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley for proposed alterations and additions to the existing Alexander Building subject to conditions including;

"(vii) in accordance with the Town of Vincent Cash-In-Lieu Contribution for Car Parking Policy, the shortfall of 16.54 car bays shall be provided by way of a total cash-in-lieu contribution of \$99 240; and

(ix) should the applicant be successful in purchasing any other adjoining land to be used for the necessary parking, clause (vii) will be put to the Council to be rescinded;"

28 October 1996 The Council at its Ordinary Meeting resolved to sell No. 8 Grosvenor Road, Mount Lawley to Silverleaf Investments Pty Ltd, subject to conditions including:

"(a) a sale price of \$165 000 as previously advertised state wide;

(b) Silverleaf Investments Pty Ltd entering into a formal deed preventing demolition of the masonry wall between No. 8 and No. 10 Grosvenor Road and agreeing not to enter into reciprocal parking rights with adjoining owners;

(c) redesign and redevelopment of the Grosvenor Road end of the Council's No. 29 Car park at the purchaser's cost; and

(d) an interest shall be placed on the Certificate of Title by way of a caveat covering the following conditions in favour of the Town of Vincent;

(i) the subject land shall be accessible and use for the purpose of a public car park only at all times;

- (ii) *that the provision of car parking bays shall not be used for reciprocal car parking with or for any adjoining properties;*
- (iii) *amalgamation of the said lot with Lot 62 (Nos 71-77) Walcott Street, corner Beaufort Street, Mount Lawley prior to a Building Licence being issued for Lot 62 (Nos 71-77) Walcott Street corner Beaufort Street, Mount Lawley;*
- (iv) *the car park design shall comply with the layout design plan submitted by Meyer Shircore Architect received on 8 October 1996; and*
- (v) *the owner agreeing to construct the car park on the subject land at the owner's full expense within one (1) month of the Building Licence for Lot 62 (Nos 71-77) Walcott Street corner Beaufort Street, Mount Lawley being approved".*

10 February 1997

The Council at its Ordinary Meeting resolved to amend the resolution adopted by the Council at its Ordinary Meeting held on 26 August 1996, with regard to Item 12.1.12 Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley - Proposed Alterations and Additions to the existing Alexander Building by rescinding condition (vii);

"in accordance with the Town of Vincent Cash-In-Lieu Contribution for Car Parking Policy, the shortfall of 16.54 car bays shall be provided by way of a total cash-in-lieu contribution of \$99 240.00"

11 August 1997

The Council at its Ordinary Meeting resolved to conditionally approve alteration and additions to the existing shops on Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley subject to conditions including:

"(iv) in accordance with the Town of Vincent Cash-in-Lieu Contribution for Car Parking Policy - Draft Policy, the shortfall of 2.744 car bays shall be provided by way of a total cash-in-lieu contribution of \$8232";

27 October 1997

The Council at its Ordinary Meeting resolved to amend the resolution adopted by Council at its Ordinary Meeting held on 11 August 1997 for Nos. 71 - 77 (Lot 62) Walcott Street, Mount Lawley by rescinding condition (iv);

"condition (iv) in accordance with the Town of Vincent Cash-in-Lieu Contribution for Car Parking Policy - Draft Policy, the shortfall of 2.744 car bays shall be provided by way of a total cash-in-lieu contribution of \$8232"; and

- (ii) *Silverleaf Investments Pty Ltd be advised that the Fresh Provisions site does not have a surplus car parking figure as a result of condition (iv) being rescinded by the Council."*

An extract from the Council Minutes explaining the car parking situation is as follows:

"The Council land previously accommodated 19 car bays and a single residential dwelling. Following the sale of the residual land, the demolition of the dwelling and the construction of the new car park, 41 car bays were accommodated on Lot 62. Effectively, an additional 7 bays were realised within the Council owned portion of the land by the redevelopment at Silverleaf's cost. It is noted that the redesign and redevelopment works on the Council owned land is conservatively estimated by the Councils Technical Services at \$20 479. As such, it would be reasonable to conclude that, given the cost expended by Silverleaf to reconfigure the Council car parking resulting in an additional seven (7) bays, the cash-in-lieu contribution of \$8232 imposed on Silverleaf for 2.744 car bays (Council meeting held 11 August 1997) would be waived.

The applicant should be advised however, that the reconfiguration of Council's car park resulting in an additional 7 bays, does not effect a surplus figure on the Fresh Provisions site. The rescinding of the cash-in-lieu contribution is considered on the basis of the cost for the works carried out, not on the additional bays created."

8 December 1997

The Council at its Ordinary Meeting resolved the following:

"that the Council authorise the Chief Executive Officer to prepare an agreement with Silverleaf Investments Pty Ltd to enforce car parking restrictions on Lot 200 Grosvenor Road and Lot 62 Walcott Street, Mt Lawley in conjunction with use of the Council's Raglan Road Car park."

25 May 2004

The Council at its Ordinary Meeting resolved to refuse an application for a proposed bin storage area within the existing car park at adjoining lot No. 8 (Lot 200) Grosvenor Road, Mount Lawley, for the following reason:

1. *The proposal is no consistent with the orderly and proper planning and the preservation of the amenities of the locality, mainly due to the undue impact of the activities and externalities associated with bin storage area on the adjacent residential properties.*

The Council also advises the applicant that it is prepared to give consideration to a development proposal, which demonstrates the proposed bin storage area being located adjacent to the commercial properties at Nos. 71 - 77 Walcott Street."

DETAILS:

The proposal involves the conversion of an existing car parking bay into a bin storage area.

CONSULTATION/ADVERTISING:

The proposal was not referred to adjoining neighbours for comment as a similar application (in relation to No. 8 Grosvenor Road) has been advertised, assessed and determined within the previous 12 months. The current application addresses the concerns raised in the previous application considered at the Ordinary Meeting of Council held on 25 May 2004.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Proposed Structure

The Town's Officers generally have no objection to the proposed bin storage area in principle.

The Town's Environmental Health Officer requires the following:

- a) a tap connected to an adequate supply of water;
- b) a floor area able to accommodate all containers used on the premises including Council provided and commercial waste receptacles;
- c) smooth and impervious walls constructed of approved material not less than 1.5 metres in height;
- d) an access way not less than 1 metre in width fitted with a self-closing gate;
- e) smooth impervious floor of not less than 75 millimetres thickness, evenly graded and adequately drained to a 100 millimetres floor waste;
- f) easy access to allow for the removal of the containers; and
- g) it is recommended that the enclosure be roofed to assist in mitigating odour complaints from nearby properties.

Accordingly, it is recommended that all of these issues be addressed as a condition of Planning Approval to reduce potential detrimental impacts on the adjoining landowners and occupiers.

The Town's Technical Services have no objection to the proposed bin storage area provided that the doors associated with the enclosure do not open over the driveway and vehicle manoeuvring areas and standard sightline requirements are met so that pedestrian and vehicle movement are not compromised.

Car Parking

One car parking bay is being lost on-site, therefore it is considered appropriate that the applicant/owner pay the equivalent to 1 car parking bay cash-in-lieu payment of \$2500, in accordance with the Town's current Policy in relation to Parking and Access.

Accordingly, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.12 No(s). 178-182 (Lot(s) 28) Stirling Street, Corner Parry Street, Perth - Proposed Car Park

Ward:	South	Date:	17 June 2004
Precinct:	Beaufort, P13	File Ref:	PRO0956; 00/33/2168
Attachments:	001 002		
Reporting Officer(s):	P Mastrodomenico, V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Knight Frank (WA) Pty Ltd on behalf of the owner Galvin Properties Pty Ltd for Proposed Car Park, at No(s). 178-182 (Lot(s) 28) Stirling Street, Corner Parry Street, Perth, and as shown on plans stamp-dated 11 June 2004, subject to:

- (i) *prior to the commencement of the works on site or the commencement of the use on site, whichever occurs first, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted and approved prior to the commencement of works on site;*
- (iii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the commencement of works on site or the commencement of the use on site, whichever occurs first, and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (vii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of car parking bays for use by people with disabilities;*
- (x) *this approval is valid for a period of 36 months only, and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (xi) *the hours of operation shall only be between 6am and 7pm, Monday to Sunday inclusive. Details of measures, such as a gate, to prevent use of the car park after these hours shall be submitted and approved prior to the commencement of works on-site or the commencement of the use on-site, whichever occurs first. All works shall be undertaken prior to the commencement of the use on site;*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Stirling Street, Parry Street and the right of way shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xiii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (xiv) *a detailed landscaping plan, including a list of plant species and the landscaping and reticulation of the Stirling Street and Parry Street verges adjacent to the subject property, shall be submitted and approved prior to the commencement of the works on-site or commencement of the use on site, whichever occurs first. All such works shall be undertaken prior to the commencement of the use on-site, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Lake, Seconded Cr Ker

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

- "(xiv) *a detailed landscaping plan, including a list of plant species and the landscaping and reticulation of the Stirling Street and Parry Street verges adjacent to the subject property, including the provision of a minimum of one shade tree per four car parking bays on-site, shall be submitted and approved prior to the commencement of the works on-site or commencement of the use on site, whichever occurs first. All such works shall be undertaken prior to the commencement of the use on-site, and maintained thereafter by the owner(s)/occupier(s);"*

Debate ensued.

LOST (0-8)

(Cr Doran-Wu was an apology for the meeting.)

Reasons:

- 1. Consideration of the objections received.**
- 2. Non-compliance with the Town's policy relating to the Beaufort Precinct.**
- 3. Carparking is not an acceptable temporary use of land in this locality.**
- 4. Proposal is not in accordance with the amenity of the existing and proposed development in the area.**

Landowner:	Galvin Properties Pty Ltd
Applicant:	Knight Frank (WA) Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential/Commercial R80
Existing Land Use:	Vacant
Use Class:	Car Park
Use Classification:	"SA"
Lot Area:	1506m ² square metres

COMPLIANCE:

Requirements	Required	Proposed
Town's Policy relating to the Beaufort Precinct	Commercial uses are not to be permitted to develop independently of residential uses. Car parks should not visually detract from the public environment or character of the area, and preferably, should not be visible from streets and public spaces. Car parking areas are to be planted with shade trees at the rate of one tree per four car parking spaces.	Commercial use only proposed. No landscaping or shade trees shown on the plans.

SITE HISTORY:

- 23 October 2001 The Council at its Ordinary Meeting resolved to conditionally approve the construction of a warehouse, two showrooms, one shop and two offices on the subject site.
- 14 May 2002 Council at its Ordinary Meeting resolved to conditionally approve a proposed mezzanine level to approved warehouse, two showrooms and one shop and two offices at the subject property.
- 8 October 2002 Council at it Ordinary Meeting resolved to conditionally approve a proposed warehouse on the subject property.

The subject property is currently vacant and level.

DETAILS:

The proposed use is for a 57 bay open, uncovered car park. The applicant advises that the proposed car park will be operated for a 2 to 3 year period while the owner considers other development opportunities. Due to the anticipated short term of operation, the applicant considers that it is necessary to minimise cost in order to provide a return on the investment while still providing an adequate facility.

The car park will operate during daylight hours, Monday to Friday and occasionally on weekends, and staff will be on-site between 6.30am and 9.30am. There is no ticket machine or building structures associated with the development.

No lighting is proposed within the car park.

The applicant proposes to prepare the surface by 150 millimetres compacted road base and be finished with a two coat spray seal finish as opposed to the more traditional hot mix bitumen.

A copy of the applicant's submission is included as an attachment to this report.

CONSULTATION/ADVERTISING:

The proposal was advertised in accordance with the "SA" advertising requirements of Town Planning Scheme No. 1 and Community Consultation Policy with signs being erected on both street frontages, a notice being placed in a locally circulating newspaper, and adjacent property owners and occupiers contacted by registered mail.

Submissions were received from the Beaufort Business and Community Association and Forrest Precinct Group (late submission) objecting on the basis that current car parking available is under utilized and concern that the proposed short term use may encourage similar non-conforming uses developing, therefore delaying the development of this area.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Proposed Use

The Town's Law and Order Services have advised that they do not have any objections to the proposed car park use.

The Town's Policy relating to the Beaufort Precinct states:

"Uses are to be as listed in the Residential/Commercial Zone of the Zone Table in the Town of Vincent Town Planning Scheme No. 1.

Where it is considered that a particular development could have a detrimental impact on the amenity of the surrounding area (mainly adjacent residential development), it is to be subject to the advertising procedure set down in the Town of Vincent Town Planning Scheme No. 1 and the Town of Vincent Policy Manual."

The proposal was advertised in accordance with the "SA" advertising requirements as the use is an 'SA' use under Town Planning Scheme No. 1.

The land is zoned residential/commercial, characterised by significant purpose-built commercial buildings, and notably, recently approved mixed use developments are currently under construction in the area.

The Town's Policy relating to the "Beaufort Precinct" also states that;

"Commercial uses will not be permitted to develop independently of residential uses. Mixed-use development proposing the integration of, or close relationship between work and residence, will be favoured where acceptable levels of residential amenity can be maintained."

It is noted that the Council has in the past, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone.

Although the proposed use is not an ideal use of the land, the proposed use is considered acceptable as an interim use.

Objections

The comments made in the objecting submissions are noted however, competition or an existing abundance of use in the area are not considered to be significant planning objections.

Streetscape

The use of the land as a car park is generally not considered to have an undue impact on the adjoining properties, as there are no structures involved with the use and other potential outcomes such as noise generated are not considered to be unduly unreasonable. The affect of the proposed car park on the streetscape is considered to be the equivalent to that of a vacant block, therefore no more detrimental to the existing streetscape.

Timeframe and Quality of Surface

In this instance, it is considered appropriate that approval be granted for a three year period only, after this time, further Planning Approval is to be sought and granted by the Town, prior to the use continuing. The applicant has a responsibility to ensure that the proposed car park does not cause a dust problem and remains in a trafficable and appropriate state.

Landscaping

Given the relatively short term use of the land, it may be considered that a requirement for shade trees is superfluous, however it is considered that landscaping be incorporated into the design to soften the development and add streetscape value.

Lighting

The predominant use of the car park will be during the day. Although it is preferable that the car park is lit, no lighting may be considered acceptable at this time, provided that the property is lockable to prevent use after daylight hours. Should the approval timeframe be extended, it is considered appropriate that this is reviewed.

Summary

It is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.18 Planning and Building Policies - Amendment No. 10 Relating to Parking and Access and Signs and Advertising

Ward:	Both Wards	Date:	16 June 2003
Precinct:	All Precincts	File Ref:	PLA0145
Attachments:	001 ; 002		
Reporting Officer(s):	Y Scheidegger; C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the amended version of the Policies relating to Parking and Access and Signs and Advertising, as shown in Attachments 10.1.18a and 10.1.18b;*
- (ii) *ADOPTS the amended version of the Policies relating to Parking and Access and Signs and Advertising to be applied immediately;*
- (iii) *ADVERTISES the amended version of the Policies relating to Parking and Access and Signage for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
 - (c) *forwarding a copy of the subject Policies to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *receives any submissions relating to the Review of Cash-in-Lieu of Car Parking;*
 - (b) *reviews the amended version of the Policies relating to Parking and Access and Signs and Advertising, having regard to any written submissions; and*
 - (c) *determines the amended version of the Policies relating to Parking and Access and Signs and Advertising, with or without amendment, to or not to proceed with them;*

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted subject to new clauses (v) and (vi) being added as follows:

- "(v) *AMENDS the 'Land Use Parking Requirement Table' of the amended version of the Policy relating to Parking and Access as shown in Attachment 10.1.18(b) to reflect the following, prior to clauses (ii) and (iii) above, being actioned;*

Land Use Parking Requirement Table

ACTIVITY	NUMBER OF CAR PARKING SPACES
<i>Club Premises</i>	<i>1 space per 4.5 <u>3.8</u> square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Hall</i>	<i>1 space per 4.5 <u>3.8</u> square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Hotel</i>	<i>1 space per bedroom or 1 space per 3 beds provided, whichever is the greater, plus; 1 space per 4.5 <u>3.8</u> per square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Night Club</i>	<i>1 space per 4.5 <u>3.8</u> square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Place of Assembly</i>	<i>1 space per 4.5 <u>3.8</u> square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Tavern</i>	<i>1 space per 4.5 <u>3.8</u> square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>

"(vi) *AMENDS clause xvi) e) of the amended version of the Policy relating to Signs and Advertising as shown in Attachment 10.1.18(a) to reflect the following, prior to clauses (ii) and (iii) above, being actioned:*

- e) A Sale Sign advertising 10 or more dwellings erected or to be erected are or will be available for letting or for purchase is to:*
 - aa) have an area that does not exceed one ~~third~~ per cent of the lot area or;*
 - bb) have a length that does not exceed one third of the length of one frontage of the lot, ~~which ever the lesser;~~*
 - ~~bb~~ cc) not be erected before the issue of a Building Licence for any such development; and*
 - ~~ee~~ dd) not be erected for a period exceeding twelve months following completion of any such development, without the approval of the Town of Vincent."*

Debate ensued.

CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.18

That the Council;

- (i) *RECEIVES the amended version of the Policies relating to Parking and Access and Signs and Advertising, as shown in Attachments 10.1.18a and 10.1.18b;*
- (ii) *ADOPTS the amended version of the Policies relating to Parking and Access and Signs and Advertising to be applied immediately;*
- (iii) *ADVERTISES the amended version of the Policies relating to Parking and Access and Signage for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
 - (c) *forwarding a copy of the subject Policies to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *receives any submissions relating to the Review of Cash-in-Lieu of Car Parking;*
 - (b) *reviews the amended version of the Policies relating to Parking and Access and Signs and Advertising, having regard to any written submissions; and*
 - (c) *determines the amended version of the Policies relating to Parking and Access and Signs and Advertising, with or without amendment, to or not to proceed with them;*
- (v) *AMENDS the 'Land Use Parking Requirement Table' of the amended version of the Policy relating to Parking and Access as shown in Attachment 10.1.18(b) to reflect the following, prior to clauses (ii) and (iii) above, being actioned;*

Land Use Parking Requirement Table

ACTIVITY	NUMBER OF CAR PARKING SPACES
<i>Club Premises</i>	<i>1 space per 4.5 <u>3.8</u> square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Hall</i>	<i>1 space per 4.5 <u>3.8</u> square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Hotel</i>	<i>1 space per bedroom or 1 space per 3 beds provided, whichever is the greater, plus; 1 space per 4.5 <u>3.8</u> per square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>

<i>ACTIVITY</i>	<i>NUMBER OF CAR PARKING SPACES</i>
<i>Night Club</i>	<i>1 space per 4.5 <u>3.8</u> square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Place of Assembly</i>	<i>1 space per 4.5 <u>3.8</u> square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Tavern</i>	<i>1 space per 4.5 <u>3.8</u> square metres of gross public assembly public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>

and;

- (vi) *AMENDS clause xvi) e) of the amended version of the Policy relating to Signs and Advertising as shown in Attachment 10.1.18(a) to reflect the following, prior to clauses (ii) and (iii) above, being actioned:*
- e) *A Sale Sign advertising 10 or more dwellings erected or to be erected are or will be available for letting or for purchase is to:*
- aa) have an area that does not exceed one ~~third~~ per cent of the lot area or;*
- bb) have a length that does not exceed one third of the length of one frontage of the lot, ~~which ever the lesser~~;*
- bb cc) not be erected before the issue of a Building Licence for any such development; and*
- ee-dd) not be erected for a period exceeding twelve months following completion of any such development, without the approval of the Town of Vincent.*

BACKGROUND:

Policy Relating to Signs and Advertising

The Council at its Ordinary Meeting held on 25 May 2004 resolved the following:

"That the Council authorises the Chief Executive Officer to review the Town's sign policy in terms of larger developments, such as Oxford Lane development, and in relation to the size for advertising signs during the sale period..."

Policy Relating to Parking and Access

The Council at its Ordinary Meeting held on 25 May 2004 resolved the following:

"That the Council authorises the Chief Executive Officer to review the Town's Parking and Access Policy in terms of the car parking requirements for hotels, taverns and night clubs, in light of the recent changes to the Health (Public Buildings) Regulations 1992, which allows for the maximum number of persons that may be accommodated in a public building being reduced from 1 square metre per person to 0.85 square metre per person."

Review of Cash in Lieu of Car Parking

The Council at its Ordinary Meeting held on 27 April 2004 resolved the following:

"That the Council AUTHORIZES the Chief Executive Officer to;

- (i) conduct a review of the cash in lieu provisions in the Policy and the amount charged;*
- (ii) explore the Cash in Lieu policies of other Councils;*
- (iii) include the review as part of the Town's Budget process, as per the Policy; and*
- (iv) prepare a report for the consideration of Council on 8 June 2004."*

Subsequently, the Council at its Ordinary Meeting held on 8 June 2004 was presented Item IB08, relating to Cash in Lieu Policy Review and Car Parking and Access Policy Review and resolved the following:

"That the Information Bulletin dated 8 June 2004 as distributed with the Agenda, be received."

DETAILS:

Policy Relating to Parking and Access

The wording of the Policy has been changed to reflect contributing factors of patronage increases in 'licensed premises' within the Town. It is considered that the changes within the Land Use Parking Requirement Table allow for the car parking provision to be calculated by using the theory that one car bay is provided for every 4.5 square metres of public floor space, therefore 1 car bay is required for every 4.5 persons, (as calculated by the requirements under the Health (Public Building) Regulations 1992 (as amended)), and under the Policy it is to be determined as whichever is the greater. This allows for the consideration of the possible increase of car parking requirements due to more patrons permitted to frequent licensed premises. The Land Use Parking Requirement Table activities that have been amended reflect those that have the potential to acquire Liquor Licences.

The introduction of a definition, "Public Floor Area" will also provide ease and consistency in the assessment and definition of the area that is used to calculate the maximum patronage number.

The draft amended Policy relating to Parking and Access is shown as an Attachment to this Report.

Review of Cash-in-Lieu of Car Parking

Introduction

Cash-in-lieu of car parking is considered to be a management tool that enables a Local Government to approve parking concessions for a development subject to the applicant contributing to public parking. Cash-in-lieu of parking is generally considered where developments have a shortfall of parking according to the requirements outlined in the respective Town Planning Scheme and Policy documents. The contribution rate per bay is generally based on the estimated cost of the land (in the vicinity of the proposal and associated construction and land acquisition costs).

The Town's adopted Car Parking Strategy suggested that the cash-in-lieu contribution per bay should be based on the cost of the land, and states that the purpose of the proposal in 2002 was to reflect the "*true cost of providing a public car bay- should the Town require more land for car parking, it should be paid for using funds raised the cash-in-lieu of parking provision*". Whilst this approach was not adopted, it highlights the need to assess the real cost of providing public car parking provision within the Town.

In 1996 the Town commissioned BSD Consultants to conduct a "Public Car Park Feasibility Study" The report examines the existing parking supply and demand, time restrictions and locations and to make recommendations to improve the existing parking situation for the community as a whole. The study also was required to determine the extent of additional parking requirements associated with future developments within two defined areas, that being the Leederville area and a Mount Lawley area. Whilst the document may not have achieved the objectives of the requirements due to limited quantitative data, it highlights that there was a need within the Town 8 years ago to assess the availability and access of the Town's parking provisions. This document was used as a primary source for the Town's Oxford Centre Study, which identified two locations to support multi-storey car parks within the central Leederville area that being the car parking areas of the Avenue and Frame Court and with the consideration of underground/below ground parking component.

Various factors have been identified within the review of cash in lieu, including:

- The actual parking needs in different areas.
- Concern with basing the cash-in-lieu contribution on the value of land within the Town is that it may preclude small business from establishing within the Town, due to prohibitive costs of providing for car parking that traditionally was not provided for due to historical development patterns.
- The market cost of land value allows for purchase of land without financial loss for the Town.
- Developer contribution; a percentage of the cost of development is required to contribute for the lack of required car parking bays, instead of an identified amount.
- Cash-in-lieu contributions be restricted to District Centre areas and adjacent surrounding commercially zoned areas.
- Sliding scale of contributing amount based on number of car parking bays that are not provided.
- Available and appropriate land within the Town to purchase for public car parks.
- Sustainability factors of increasing vehicle patronage by providing more public car parks versus the tangibility of increasing State public transport systems and sustainable transport practices.

Currently the Town requires a cash-in-lieu contribution of \$2500 per bay for the 2003/2004 financial year. The average cost of construction of a car parking bay is approximately \$1500, whilst the cost of construction with lighting incorporated is approximately \$1800- \$2000.

Other Municipalities

Information was sought from Local Governments, within close proximity to the Town regarding the presence of specific Policies relating to cash-in-lieu of car parking and the current practices, if any, of the Local Government's officers and Elected Members in the application of that Policy.

City of South Perth

The City has a cash-in-lieu provision within its Town Planning Scheme No.6. The provision states that the, ". . .*Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site, with the intention of implementing such proposals within five years from the date of Planning Approval.*" The cost of a car bay in lieu is based on the land value of the vicinity.

Town of Cambridge

The following is an extract from the Town's Transport, Access and Parking Policy relating to Cash-in-lieu of Parking:

" Cash-in-lieu of parking may be considered where developments have a shortfall of parking according to the requirements outlined in the above land use parking requirements table, subject to the following provisos:

Public car parking is available, or proposed in the vicinity of the development site;

It is impractical for on-site car parking to be provided in accordance with the requirements for the particular development;

The developer agrees to meet the estimated cost of the necessary land and/or building, the cost of constructing the bay and any other related costs such as landscaping, lighting and on-going maintenance.

Any contribution received from an applicant for proposed facilities shall be held in a Trust fund of the Council for the purpose of acquisition of land for parking in appropriate area or accepted by the Council as a contribution towards the cost of providing existing public car parking facilities in the area. Contributions may consist of cash or land, or a combination of both, and must be made prior to the issue of a building licence. Any parking bays provided as a result of cash in lieu contribution shall remain available to the public, be administered by the Council, and for parking may be imposed by the Council."

Since the establishment of the Town of Cambridge in 1994 a Trust Fund for cash-in-lieu parking has not been created and cash-in-lieu contributions have not been collected pursuant to the Policy. Council has either considered variations to car parking requirements or developers have provided the necessary parking within their applications. Additionally a Planning Officer advised that, that there was no specific charge in place per car parking bay and with the impending Town Planning Scheme review the Policy may be omitted from the Town's Policies as it is believed that such a Policy only generates future car parking problems.

Town of Bassendean

The Town has no Policy relating to cash-in-lieu. A Planning Officer for the Town advised that the Town does not have a Policy relating to cash-in-lieu and would be reluctant to enforce such a Policy, as it is considered that it was not an appropriate Policy within the context of the Town of Bassendean.

City of Bayswater

The City has no policy relating to cash- in-lieu. Additionally, a Planning Officer for the City advised that the City viewed such a Policy neither required nor, would be appropriate in the context of the City of Bayswater.

City of Stirling

The City was contacted however no response/reply was received. The Town's officers examined the City's website to find that the City have a clause within the City's Town Planning Scheme No. 38, which provides for a parking contribution should the applicant fail to provide the required bays under the parking provision clause. The following is a verbatim copy of these the two clauses, of the Scheme:

". 4.5.2 Parking Contribution

- a) *For the purposes of Clause 4.5.3, the Parking Contribution shall be the cost of a parking bay calculated in accordance with the following paragraph.*
- b) *The Council may from time to time calculate or estimate the cost of providing a parking bay within the Scheme Area including but not limited to:*
- i) the market value of the land required for the parking bay and the necessary access and manoeuvring space;*
 - ii) any structure required; and*
 - iii) other improvements including forming, paving, kerbing, drainage, landscaping, crossovers and lighting.*
- c) *The Parking Contribution may be calculated in respect of the Scheme Area as a whole, or in respect of any Precinct, reflecting the differences in the market value of land in the different Precincts.*
- d) *The Council may from time to time vary or adjust the Parking Contribution to reflect changes in values and costs.*

4.5.3 Parking Provision

- a) *Car parking spaces shall be provided as follows:*
- i) not less than the minimum requirement stipulated in Table 1; or*
 - ii) to a level agreed by the Council, but where the Council agrees to allow less than the minimum level stipulated in Table 1, any shortfall shall be made up by way of contribution of money to the Special Fund referred to in Clause 3.3 at a rate per bay equal to the Parking Contribution.*
- b) *Where an applicant wishes to provide additional on-site parking above the minimum requirement stipulated in Table 1, such additional parking shall be the subject of a development application.*
- c) *Council shall discourage on-site parking for any development in excess of the parking provided for in the column headed 'Maximum On-site Parking Allowed' in Table 1.*
- d) *The Council shall apply the moneys accumulated in the Special Fund by way of payments for parking either:*
- i) for the provision of parking in joint -use facilities;*
 - ii) for the provision of or for public transport within the Scheme Area to the extent that it permits or encourages a reduction in the use of or demand for parking facilities within the Scheme Area; or*
 - iii) the development of parking stations.*
- e) *The design construction standards applied from time to time by the Council for the provision of parking shall apply within the Scheme Area. . . . "*

The City allows for the provision of the special fund from cash-in-lieu to be made available to support public transport, and also applies the market value of the cost of land to the cost per bay in-lieu

City of Subiaco

A draft Policy document relating to this matter is currently being prepared however in the last four years the City has neither recommended nor approved a development application with a cash-in-lieu of parking component. A Planning Officer from the City considered that high land values generally prohibited the application of this Policy, quoting the approximate contribution per bay rate as \$22,000 and that land was generally not available for the

provision of parking to enable a Policy of this type to be applicable. Further contact with the City's Planning Officers noted that the draft Policy would be read in conjunction with a Car Parking Strategy. Legal advice sought by the City advised that a cash-in-lieu Policy was not an appropriate legal mechanism unless it directly related to car parking funds as it would open the doors for 'questions of validity' concerning the direction of monies received from cash in lieu. Furthermore, it was seen that cash-in-lieu was not the answer to solve car parking problems and would not alleviate car parking problems in the future.

Town of Victoria Park

The Town has a specific Policy relating to cash-in-lieu of car parking, and the Policy is regularly applied. A Planning Officer advised that in most instances the Policy was applied to development applications along the Albany Highway commercial strip where the Town owns land for the purpose of parking. The Town's officers support the application of the Policy where appropriate.

The Town of Victoria Park, advises that the current contribution for a standard bay is \$12,420. A section of its Car Parking Policy for commercial development applies specifically to cash-in-lieu as follows:

“Cash-In-Lieu of Parking

- a) *Cash-in-lieu of parking shall be considered where developments have a shortfall of parking according to the requirements outlined in the above land use parking requirement table. The Council may accept money for this shortfall to provide bays in a nearby existing or proposed public parking facility. This Policy provision should not be seen to be replacing the developer’s responsibility to provide on-site parking. The provision of an adequate supply of parking is the intent of this provision and as such the following matters apply:*
- i. *cash-in-lieu contributions shall only be permitted in localities where the Council is proposing to provide a public car park in the near future or where a public car park already exists;*
 - ii. *cash-in-lieu contributions may comprise all or part of the on-site parking requirement for a development;*
 - iii. *the contribution rate per bay shall be based on the estimated cost of the land (in the vicinity of the proposal), the cost of constructing the bay and any other related costs such as landscaping, lighting etc. Land costs will be as determined by the Council and include acquisition costs such as legal fees;*
 - iv. *the contribution received from the applicant for proposed facilities shall be held in a Trust Fund of the Council for the purpose of acquisition of land for parking in appropriate areas or accepted by the Council as a contribution towards the cost of providing existing public parking facilities in the area. Contributions may consist of cash or land, or a combination of both, and must be made prior to the issue of a building license to the Trust Fund. Other means of payment may be suitable subject to Council agreement. Any bays for which a contribution has been provided shall be constructed in the locality where the development will generate the need for additional parking; and*
 - v. *the Council will require, but not limit the use of the land on which parking facilities are provided to be used for that purpose. The bays provided as a result of cash-in-lieu contributions shall remain available to the public, be administered by the Council, and fees for parking may be imposed by the Council.*

Conclusion

Whilst the above notes that there are varying opinions and contexts within Local Governments toward cash-in-lieu of parking contributions, it is considered that the Town requires this provision to be kept within the Town. Nevertheless the Town is a diverse inner city locality that has limited availability of land, due to historical factors and modern development, therefore it is further considered that cash-in-lieu contribution is required in order to allow the Town to have the ability to apply this provision and the ability to provide additional public parking when made available or the upgrading of existing facilities.

Additionally, the review of the cash-in-lieu of car parking provisions has highlighted the importance and complex nature of establishing effective and functional provisions for the Town. What has evolved from the review is a number of questions and considerations the Town should aim to address and research, including a more strategic focus with a whole of governance approach to examine parking difficulties as faced by the Town at present, and more importantly identification of possible future car parking issues.

The questions and considerations raised in the review, include the following:

- Should the contribution of cash-in-lieu be based on the value of the land, if so what means of defining this value should be undertaken, such as market value determined on an annual basis or indexing the value by the CPI, using the Value Generals Office.
- Should cash-in-lieu contributions be established solely in District Centres and adjoining commercial areas?
- Identification of where public car parks should be placed, and once established what sites can be further developed for or purchased for these car parks.
- Who are the users of existing public car parks within the Town?
- Should existing public car parks be upgraded to allow for multi-storey car parks?
- The existing and future car parking needs.
- Factors such as public transport and other alternative transport provisions, with or without collaborative partnerships between the Town and other government agencies and the private sector.
- Control, enforcement and regulations relating to public parking, such as ticket parking machines.

In light of the above and in the interim it is considered that the existing car parking provisions relating to cash-in-lieu should remain until the above issues are further investigated and addressed. It is also considered valuable that this matter should be considered and discussed at an Elected Members Forum.

Policy Relating to Signs and Advertising

It is considered appropriate that provisions relating to sale signs under the Town's current Policy relating to signs and advertising be amended to allow for larger developments or larger sites to have sale signs of a larger size and be erected for a longer period. As such, a new clause dd) has been drafted and is proposed to be included in the Policy relating to Sign and Advertising.

The Policy also does not provide provision for Monolith Signs. The City of Bayswater has provision for Monolith Signs and it is considered appropriate to include similar provisions in the Policy as the Town is receiving applications for Monolith Signs.

The draft amended Policy relating to Signs and Advertising is shown as an Attachment to this Report.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure:
"1.3 Develop, implement and promote sustainable urban design."

COMMENTS:

In light of the above, it is recommended that the Council approves and advertises the amended version of the Policies relating to Parking and Access and Signs and Advertising and receives a report with any submissions relating to the Review of Cash-in-Lieu of Car Parking.

10.2.10 Tender for the Supply of Pre Mixed Asphalt and Supply and Laying of Hotmixed Asphalt - Tender No. 291/04

Ward:	-	Date:	16 June 2004
Precinct:	-	File Ref:	TEN0300
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the following tenders in accordance with the specification as detailed in Tender No. 291/04;

- (i) *all tenders submitted for the Supply of Pre-mixed Asphalt ex-plant and Hotmixed Asphalt ex-plant; and*
- (ii) *the tender submitted by Pioneer Road Services for the Supply and Laying of Hotmixed Asphalt, the Supply and Laying of Stone Mastic Asphalt (SMA), the Supply and Laying of Red (Gravel Pave) Hotmixed Asphalt and for the Supply and Laying of SAMI Seals.*

COUNCIL DECISION ITEM 10.2.10

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted (subject to the evaluation table on page 172 being corrected in the "Contract Price" criteria).

CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

BACKGROUND:

Tenders for the supply of Pre Mixed Asphalt and Supply and Laying of Hotmixed Asphalt for a three (3) year period closed at 2.00 pm on 9 June 2004 and seven (7) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received are listed below:

Supply of Premixed Asphalt

		7mm Coldmix	10mm Coldmix	7mm Hotmix	10mm Hotmix	Weekend Penalty
		Price \$/Tonne				
Hotmix	Ex plant	103.62	103.62	81.62	80.52	495.00
	To depot (1)	103.62 + \$165 delivery	103.62 + \$165 delivery	81.62 + \$165 delivery	80.52 + \$165 delivery	495.00
B G C	Ex plant	101.20	101.20	85.80	85.80	800.00
	To depot	107.80	107.80	92.40	92.40	-
Pioneer Road Service	Ex plant	93.50	93.50	88.00	88.00	400.00 Plant opening rate
	To Depot (2)	99.00	99.00	93.50	93.50	400.00 Plant opening rate
Asphalt Services	Ex plant	108.00	108.00	95.00	94.00	400.00
	To Depot	113.00 (min. 12 tonne)	113.00 (min. 12 tonne)	-	-	400.00
Boral Resources	Ex plant	104.50	104.50	89.90	89.90	880.00
	To Depot (3)	12.00 (min. 13t delivered)	12.00 (min. 13t delivered)	12.00 (min. 13t delivered)	12.00 (min. 13t delivered)	200.00
Asphaltech Pty Ltd	Ex plant	N/A	N/A	90.75	90.20	750.00 per day
	To Depot (4)	N/A	N/A	111.00 (min charge for 5 tonne)	111.00 (min charge for 5 tonne)	-
<i>Hot mix - Alternative</i>	Ex plant	103.62	103.62	81.62	80.52	495.00
	To Depot (3)	103.62 + \$165 delivery	103.62 + \$165 delivery	81.62 + \$165 delivery	80.52 + \$165 delivery	495.00

Evaluation

Prices vary considerably for different quantities and materials. It is recommended that all tenders for Premixed Asphalt be accepted to provide Engineering Services with a choice of suppliers based on quantity required.

Supply and Laying of Hotmixed Asphalt

Note 1: 7mm/35 Blow means the mix comprises of a 7mm aggregate size (Granite) and 35 blow equates to the required compaction for the voids/bitumen ratio.

Note 2: Weekend and public holidays opening fees (refer Item 3 below).

7mm / 35 blow	0 - 25	26 - 50	51 - 100	101 - 200	201 - 300	301 - 400	400+
	Prices \$ / Tonne						
Hot mix	135.00	132.80	113.0	107.5	104.20	102.00	91.00
B G C Asphalt	198.00	148.00	134.20	123.20	116.00	110.00	110.00
Pioneer Road Services	156.00	116.00	96.00	95.00	92.00	92.00	92.00
Asphalt Services	197.00	177.00	137.00	106.00	105.00	105.00	105.00
Boral Resources	260.00	154.00	117.90	107.00	94.50	94.50	94.50
Asphaltech Pty Ltd	184.00	154.00	129.00	119.00	111.00	110.00	109.00
<i>Hot mix - Alternative</i>	<i>133.00</i>	<i>130.80</i>	<i>111.00</i>	<i>105.50</i>	<i>102.20</i>	<i>100.00</i>	<i>98.00</i>

10mm / 35 blow	0 - 25	26 - 50	51 - 100	101 - 200	201 - 300	301 - 400	400+
	Prices \$ / Tonne						
Hot mix	134.00	131.80	112.00	106.50	103.10	101.00	90.00
B G C	198.00	148.00	134.20	123.20	116.60	110.00	110.00
Pioneer Road Services	156.00	116.00	96.00	95.00	92.00	92.00	92.00
Asphalt Services	196.00	176.00	136.00	106.00	105.00	105.00	105.00
Boral Resources	260.00	154.00	117.90	107.00	94.50	94.50	94.50
Asphaltech Pty Ltd	183.00	153.00	128.00	118.00	110.00	109.00	108.00
<i>Hot mix - Alternative</i>	<i>132.00</i>	<i>129.80</i>	<i>110.00</i>	<i>104.50</i>	<i>100.20</i>	<i>98.00</i>	<i>89.00</i>
10 mm / 50 blow	0 - 25	26 - 50	51 - 100	101 - 200	201 - 300	301 - 400	400+
	Prices \$ / Tonne						
Hot mix	134.00	131.80	112.00	106.50	103.20	101.00	90.00
B G C	198.00	148.00	134.20	113.20	116.80	110.00	110.00
Pioneer Road Services	150.00	110.00	88.00	87.00	85.00	85.00	85.00
Asphalt Services	182.00	152.00	127.00	117.00	109.00	108.00	107.00
Boral Resources	260.00	154.00	117.90	107.00	94.50	94.50	94.50
Asphaltech Pty Ltd	182.00	152.00	127.00	117.00	109.00	108.00	107.00
<i>Hot mix - Alternative</i>	<i>132.00</i>	<i>128.80</i>	<i>110.00</i>	<i>104.50</i>	<i>100.20</i>	<i>98.00</i>	<i>89.00</i>
14 mm / 50 blow	0 - 25	26 - 50	51 - 100	101 - 200	201 - 300	301 - 400	400+
	Prices \$ / Tonne						
Hot mix	132.00	129.80	110.00	104.50	101.20	99.00	88.00
B G C	198.00	148.00	134.20	123.20	116.60	110.00	110.00
Pioneer Road Services	150.00	110.00	88.00	87.00	85.00	85.00	85.00
Asphalt Services	194.00	174.00	134.00	104.00	103.00	103.00	103.00
Boral Resources	260.00	154.00	117.90	107.00	94.50	94.50	94.50
Asphaltech Pty Ltd	180.00	150.00	125.00	115.00	107.00	106.00	105.00
<i>Hot mix - Alternative</i>	<i>130.00</i>	<i>127.80</i>	<i>108.00</i>	<i>102.50</i>	<i>99.20</i>	<i>97.00</i>	<i>86.00</i>
14mm / 75 blow	0 - 25	26 - 50	51 - 100	101 - 200	201 - 300	301 - 400	400+
	Prices \$ / Tonne						
Hot mix	132.00	129.80	110.00	104.50	101.20	99.00	88.00
B G C	198.00	148.00	134.20	123.20	116.60	110.00	110.00
Pioneer Road Services	150.00	110.00	88.00	87.00	85.00	85.00	85.00
Asphalt Services	194.00	174.00	134.00	104.00	103.00	103.00	103.00
Boral Resources	260.00	154.00	117.90	107.00	94.50	94.50	94.50
Asphaltech Pty Ltd	180.00	150.00	125.00	115.00	107.00	106.00	105.00
<i>Hot mix - Alternative</i>	<i>130.00</i>	<i>127.80</i>	<i>108.00</i>	<i>102.50</i>	<i>99.20</i>	<i>97.00</i>	<i>86.00</i>

Evaluation

The tenders were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows: -

- Contract price 65%
 - Past experience in similar projects/works 15%
 - Adequate resources available to carry out works 10%
 - References 5%
 - Overall compliance with tender specification and requirements 5%
- 100%

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Pioneer Road Services	65	14	10	5	5	99
<i>Hot mix - Alternative</i>	<i>60</i>	<i>14</i>	<i>10</i>	<i>5</i>	<i>5</i>	<i>94</i>
Hot mix	59	14	10	5	5	93
Asphalt Services	50	14	10	5	5	84
Boral Resources	50	14	10	5	5	84
Asphaltech Pty Ltd	49	14	10	5	5	83
B G C	48	14	10	5	5	82

Pioneer Road Services has provided the most competitive price and has scored the most points for the Supply and Laying of Hotmixed Asphalt.

Supply of Hotmixed Asphalt Ex Plant to be Collected by the Town

	7mm	10mm		14mm	
	35 Blow	35 Blow	50 Blow	50 Blow	75 Blow
Hot mix	81.62	80.52	80.52	80.52	80.52
B G C	85.80	85.80	85.80	85.80	85.80
Pioneer Road Services	88.00	88.00	88.00	87.00	87.00
Asphalt Services	95.00	94.00	94.00	92.00	92.00
Boral Resources	89.90	90.00	90.00	89.40	89.40
Asphaltech Pty Ltd	90.75	90.50	90.25	88.75	88.75
<i>Hot mix - Alternative</i>	<i>81.62</i>	<i>80.52</i>	<i>80.52</i>	<i>80.52</i>	<i>80.52</i>

Evaluation

Prices vary, Hotmix has submitted the lowest price however the Town's cartage costs have not been factored into the price. It is recommended that all tenders for Hotmix Asphalt be accepted to provide Engineering Services with a choice of Suppliers based on quantity required and availability of supply. Engineering Services uses approximately 100 tonnes of hotmixed asphalt ex plant per annum.

Supply and Laying of Stone Mastic Asphalt (SMA)

SMA7	0 - 25	26 - 50	51 - 100	101 - 200	201 - 300	301 - 400	400+
	Prices \$ / Tonne						
Hot mix	165.00	162.00	153.00	138.00	133.00	128.00	119.00
B G C	248.60	204.60	193.60	188.10	177.10	173.80	173.80
Pioneer Road Services	194.00	153.00	132.00	131.00	127.00	127.00	127.00
Asphalt Services	200.00	180.00	160.00	140.00	135.00	135.00	135.00
Boral Resources	289.00	182.00	146.00	135.00	129.00	129.00	129.00
Asphaltech Pty Ltd	192.00	177.00	157.00	147.00	140.00	138.00	137.00
<i>Hot mix - Alternative</i>	<i>165.00</i>	<i>160.00</i>	<i>151.00</i>	<i>136.00</i>	<i>131.00</i>	<i>126.00</i>	<i>117.00</i>

SMA10	0 - 25	26 - 50	51 - 100	101 - 200	201 - 300	301 - 400	400+
	Prices \$ / Tonne						
Hot mix	163.00	160.00	155.00	140.00	135.00	130.00	121.00
B G C	248.60	204.60	193.60	188.10	177.10	173.80	173.80
Pioneer Road Services	194.00	153.00	132.00	131.00	127.00	127.00	127.00
Asphalt Services	200.00	180.00	160.00	140.00	135.00	135.00	135.00
Boral Resources	286.00	179.00	143.00	132.00	126.00	126.00	126.00
Asphaltech Pty Ltd	191.00	176.00	156.00	146.00	139.00	137.00	136.00
<i>Hot mix - Alternative</i>	<i>163.00</i>	<i>158.00</i>	<i>153.00</i>	<i>138.00</i>	<i>133.00</i>	<i>128.00</i>	<i>119.00</i>

SMA14	0 - 25	26 - 50	51 - 100	101 - 200	201 - 300	301 - 400	400+
	Prices \$ / Tonne						
Hot mix	161.00	158.00	153.00	138.00	133.00	128.00	119.00
B G C	248.60	204.60	193.60	188.10	177.10	173.80	173.80
Pioneer Road Services	194.00	153.00	132.00	131.00	127.00	127.00	127.00
Asphalt Services	200.00	180.00	160.00	140.00	135.00	135.00	135.00
Boral Resources	283.00	176.00	140.00	129.00	123.00	123.00	123.00
Asphaltech Pty Ltd	19.00	175.00	155.00	145.00	138.00	136.00	135.00
<i>Hot mix - Alternative</i>	<i>161.00</i>	<i>156.00</i>	<i>151.00</i>	<i>136.00</i>	<i>131.00</i>	<i>126.00</i>	<i>117.00</i>

Evaluation

The tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows: -

- Contract price 65%
 - Past experience in similar projects/works 15%
 - Adequate resources available to carry out works 10%
 - References 5%
 - Overall compliance with tender specification and requirements 5%
- 100%

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Pioneer Road Services	65	14	10	5	5	99
Hot mix	64	14	10	5	5	98
Boral Resources	63	14	10	5	5	97
<i>Hot mix - Alternative</i>	<i>63</i>	<i>14</i>	<i>10</i>	<i>5</i>	<i>5</i>	<i>97</i>
Asphalt Services	62	14	10	5	5	96
Asphaltech Pty Ltd	59	14	10	5	5	93
B G C	45	14	10	5	5	79

Pioneer Road Services has provided the most competitive price for SMA and has achieved the highest score.

Supply and Laying of Red (Gravel Pave) Hotmixed Asphalt

	0 - 25	26 - 50	51 - 100	101 - 200	201 - 300	301 - 400	400+
Prices \$ / Tonne							
Hot mix	164.00	161.80	142.00	136.50	133.20	131.00	120.00
B G C	235.40	191.40	180.40	171.60	163.90	154.00	154.00
Pioneer Road Services	155.00	112.00	90.00	88.00	86.00	86.00	86.00
Asphalt Services	200.00	190.00	170.00	155.00	145.00	145.00	145.00
Boral Resources	295.00	188.00	152.00	142.00	129.00	129.00	129.00
Asphaltech Pty Ltd	198.00	168.00	143.00	133.00	125.00	124.00	123.00
<i>Hot mix - Alternative</i>	<i>162.00</i>	<i>159.80</i>	<i>140.00</i>	<i>134.050</i>	<i>131.20</i>	<i>129.00</i>	<i>118.00</i>

Evaluation

The tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows: -

- Contract price 65%
 - Past experience in similar projects/works 15%
 - Adequate resources available to carry out works 10%
 - References 5%
 - Overall compliance with tender specification and requirements 5%
- 100%

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Pioneer Road Services	65	14	10	5	5	99
Asphaltech Pty Ltd	48	14	10	5	5	82
<i>Hot mix - Alternative</i>	<i>48</i>	<i>14</i>	<i>10</i>	<i>5</i>	<i>5</i>	<i>92</i>
Hot mix	47	14	10	5	5	91
Boral Resources	46	14	10	5	5	80
Asphalt Services	40	14	10	5	5	74
B G C	33	14	10	5	5	67

Supply and Lay Sami Seal

7 mm	0-500		501-1000		1001-2000		2000-3000		3000+	
	C170	Emulsion	C170	Emulsion	C170	Emulsion	C170	Emulsion	C170	Emulsion
Prices \$ / m ²										
Hot mix	37.70	17.00	18.87	9.19	9.68	5.21	4.62	3.96	3.87	3.19
B G C	-	-	-	-	-	-	-	-	-	-
Pioneer Road Services	59.70	59.70	20.10	20.10	10.20	10.20	6.25	6.25	5.25	5.25
Asphalt Services	-	-	-	-	-	-	-	-	-	-
Boral Resources	3,690.00 min charge		7.40		4.96		4.16		3.90	
Asphaltech Pty Ltd	-	-	-	-	-	-	-	-	-	-
<i>Hot mix - Alternative</i>	<i>37.60</i>	<i>17.12</i>	<i>18.07</i>	<i>9.14</i>	<i>9.63</i>	<i>5.16</i>	<i>4.57</i>	<i>3.91</i>	<i>3.82</i>	<i>3.14</i>

10 mm	0-500		501-1000		1001-2000		2000-3000		3000+	
	C170	Emulsion	C170	Emulsion	C170	Emulsion	C170	Emulsion	C170	Emulsion
Prices \$ / m ²										
Hot mix	37.70	17.00	18.87	9.19	9.68	5.21	4.62	3.96	3.87	3.19
B G C	-	-	-	-	-	-	-	-	-	-
Pioneer Road Services	59.80		20.20		10.30		6.35		5.35	
Asphalt Services	-	-	-	-	-	-	-	-	-	-
Boral Resources	3,690.00 min charge		7.40		4.96		4.16		3.90	
Asphaltech Pty Ltd	-	-	-	-	-	-	-	-	-	-
<i>Hot mix - Alternative</i>	<i>37.08</i>	<i>17.23</i>	<i>18.80</i>	<i>9.30</i>	<i>9.74</i>	<i>5.34</i>	<i>4.63</i>	<i>3.97</i>	<i>3.86</i>	<i>3.16</i>

Evaluation

The tenders received were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows: -

- Contract price 65%
 - Past experience in similar projects/works 15%
 - Adequate resources available to carry out works 10%
 - References 5%
 - Overall compliance with tender specification and requirements 5%
- 100%

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Sub-Total	Overall Total
Pioneer Road Services	32	14	10	5	5	66	91
Boral Resources	65	14	10	5	5	99	90
Hot mix	39	14	10	5	5	73	86
<i>Hot mix - Alternative</i>	39	14	10	5	5	73	87

NOTE: The overall score indicated applies to the tenders that supplied prices for supply and laying of all four asphalt applications only.

Boral Resources have submitted the most competitive price for SAMI Seal however a SAMI seal is applied immediately before a hotmixed asphalt overlay. Should this operation be split between two separate contractors it would be imperative that both contractors be programmed to follow immediately one after the other. Experience has shown that this is often difficult to achieve.

Pioneer Road Services has scored the highest for all overlay's including the Supply and Laying of Hotmixed Asphalt, Supply and Laying of SMA and the Supply and Laying of Red (Gravel Pave) Hotmixed Asphalt.

In averaging out all evaluated scores Pioneer Road Services has scored the highest overall.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

Although not directly affiliated with a Key Result Area this would fall into the general category in the Town's Strategic Plan 2003-2008 Key Result Area One: Maintain and enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The service provided as outlined in this tender will be utilised for the construction and maintenance of the Towns infrastructure during the 2004/05 - 2006/07 financial years.

COMMENTS:

The quantity of hotmixed Asphalt used annually is in the order of 2,500 tonnes, with the majority of projects being in the 50-200 tonne category.

The Town only uses about 5 tonnes of premixed "cold mix" per annum, and approximately 100 tonnes of premixed hotmixed asphalt.

The Town also carries out red asphalt overlays in streetscapes and traffic management projects and SAMI seals as an alternative to crack sealing on some road resurfacing projects.

Due to the range in tenders submitted and the various products to be provided it is recommended that the Council accepts all tenders submitted for the Supply of Pre-mixed Asphalt ex-plant and Hotmixed Asphalt ex-plant. It is further recommended that the Council accepts the tender submitted by Pioneer Road Services for the Supply and Laying of Hotmixed Asphalt, the Supply and Laying of SMA, the Supply and Laying of Red (Gravel Pave) Hotmixed Asphalt and for the Supply and Laying of SAMI Seals in accordance with the specification as detailed in Tender No. 291/04.

10.4.4 Members Equity Stadium - Legal Documentation and Outstanding Matters - Progress Report No. 9

Ward:	South	Date:	16 June 2004
Precinct:	Beaufort, P13	File Ref:	RES0051/RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report No. 9 as at 16 June 2004 (including the confidential information as circulated separately to Elected Members); and*
- (ii) *NOTES that a further report will be provided to the meeting once a written response has been received from Allia Pty Ltd/Perth Glory Soccer Club Pty Ltd.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Lake, Seconded Cr Cohen

That the Item be held over to the conclusion of the Agenda to allow Council to go "behind closed doors".

CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

(Refer to page 180)

BACKGROUND:

The purpose of this Progress Report no. 9 is to provide the Council with the latest information relating to the negotiations concerning the legal documentation and outstanding matters.

Progress reports have been submitted to each Council meeting since February 2004.

At the Ordinary Meeting of Council held on 8 June 2004, the Council considered this matter and resolved as follows;

"That the Council;

- (i) *RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 2 June 2004 (including the confidential information as circulated separately to Elected Members); and*
- (ii) *ADVISES Allia Holdings Pty Ltd (Allia) and Perth Glory Soccer Club Pty Ltd (PGSC) of its decision concerning the legal documentation and outstanding matters, as detailed in this report."*

On 11 June 2004, the Town's solicitors amended the final drafts of the Standard Licence, PGSC 20 year Licence and PGSC Lease, Mortgage, Charges over Water Licences and Deed of Clarification and these were sent to Ilberys, lawyers for Allia and PGSC.

The Town's solicitors also advised Ilberys, lawyers for Allia/PGSC of the following;

1. That Allia and PGSC are *"to respond to the documents by close of business on Friday 18 June 2004."*
2. *"The Council will not accept any further rounds of amendments to the documents."*
3. In the event that no response has been received from Ilberys, *"the Town will proceed on the basis that agreement has not been and will not be reached on the documents."*

On Tuesday 15 June 2004, the Mayor and CEO met with Ron Alexander, Director General of the Department of Sport and Recreation (DSR) to finalise the Town's position and also to provide details of all the amendments/concessions that the Town has agreed to throughout the negotiations.

On Wednesday 16 June 2004, Mayor Nick Catania met with Nick Tana and Ron Alexander. At this meeting, the legal documentation and outstanding matters were discussed and it appears that a verbal agreement has now been reached on all matters between the parties. However, at the time of writing this report, the Town had not received written response to the various documents and matters (noting that this was not required until 18 June 2004).

All other matters, as detailed in the report submitted to the Ordinary Meeting of Council held on 8 June 2004 (on a confidential basis) have previously been agreed without further amendment and therefore these have not been repeated in this report.

A further report will be prepared once a response is received from Ilberys, lawyers for Allia/PGSC.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

It is pleasing to note that Allia/PGSC have agreed to pay all outstanding monies contemporaneously upon the signing of the documents.

COMMENT:

It is most pleasing to report that at the time of writing this report, verbal agreement between the parties now appears to have been reached and the matter can now be finalised.

10.4.5 Information Bulletin

Ward:	-	Date:	16 June 2004
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 22 June 2004 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 8 June 2004 are as follows:

ITEM	DESCRIPTION
IB01	InfoPage - Western Australian Local Government Association - Prostitution Control Bill
IB02	Letter from Department for Planning and Infrastructure - Review of the Recreational Boating Facilities Scheme (RBFS)
IB03	Letter from Department for Planning and Infrastructure - Consolidation and Streamlining of the Planning Legislation
IB04	Letter from Public Transport Authority - Bus Service on Guildford Road and East Perth Train Station
IB05	2004 Local Government Managers Association - National Congress and Business Expo, Melbourne - Report
IB06	Local Government Irrigation Benchmarking Project - Final Report

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Local Government House Trust Board of Management, Executive Response Group (State Committee for Combating Marine Oil Pollution), HAZMAT Coordinating Committee (Hazardous Materials), Air Quality Coordinating Committee

Ward:	-	Date:	14 June 2004
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Beneficiary Representative Member - Local Government House Trust Board of Management;*
- (ii) _____ *be nominated as WALGA Member – Executive Response Group (State Committee for Combating Marine Oil Pollution);*
- (iii) _____ *be nominated as WALGA Member – HAZMAT Coordinating Committee (Hazardous Materials); and*
- (iv) _____ *and* _____ *be nominated as WALGA Member – Air Quality Coordinating Committee (2 Members).*

COUNCIL DECISION ITEM 12.1

Moved Cr Ker, Seconded Cr Chester

That nil nominations be made.

CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

BACKGROUND:

Please see Appendix 12.1 for details.

NOMINATIONS CLOSE COB MONDAY 12 JULY 2004.

10.3.2 Adoption of the Principal Activities Plan 2004-2008

Ward:	Both	Date:	14 June 2004
Precinct:	All	File Ref:	ADM0039
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with Section 5.56 and 5.58 of the Local Government Act 1995 NOTES that following the advertising period of forty-two (42) days, no submissions were received; and*
- (ii) **ADOPTS BY AN ABSOLUTE MAJORITY the Principal Activity Plan for the four year period 1 July 2004 – 30 June 2008, as “Laid on the Table”.**

COUNCIL DECISION ITEM 10.3.2

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Doran-Wu was an apology for the meeting.)

BACKGROUND:

Section 5.56 of the Local Government Act 1995 requires a local authority to adopt a Plan of Principal Activities for the next four or more years, which has to be annually reviewed. Senior officers prepared a draft plan. At the Ordinary Council meeting of 27 April 2004 Item 10.3.3, the following recommendation was adopted.

“That the Council;

- (i) *ADOPTS BY AN ABSOLUTE MAJORITY the Draft Principal Activities Plan for the four (4) year period 2004-2008, circulated to Elected Members and as “Laid on the Table”;*
- (ii) *the Draft Principal Activities Plan be advertised on a local basis for a period of forty-two (42) days, seeking written submissions from members of the public;*
- (iii) *the Council further considers the Draft Principal Activities Plan and any submissions at the conclusion of the statutory public advertising period; and*
- (iv) *a briefing session be held for all community/precinct and business groups.”*

DETAILS:

No submissions were received on the Draft Principal Activity Plan 2004-2008. The Plan is "Laid on the Table".

CONSULTATION/ADVERTISING:

The Draft Plan was advertised for the statutory period of forty-two (42) days to allow for public submissions on the Plan to be received. Submissions closed on 4 June 2004.

In addition a presentation was given to the community groups at the Administration and Civic Centre on Wednesday 26 May 2004. The presentation was attended by one (1) member of the public and one (1) elected member. The Executive Manager Corporate Services gave a brief overview on the Plan and together with the Executive Manager Technical Services, answered questions for those in attendance.

LEGAL/POLICY:

Prepared in accordance with Section 5.56 and 5.58 of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

Strategic Plan 2004-2008, Key Result Area 4 – Governance and Management
“4.1(d) Continue to develop a medium to long term Strategic Vision and Financial Plan for the Town.”

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

In the Principal Activities Plan 2004-2008 the contents of the Strategic Plan link sections within the Plan have been amended to reflect the Key Result Areas as specified in the Strategic Plan 2004-2008.

The Principal Activities Plan 2004-2008 provides a comprehensive range of programmes and initiatives and is recommended for adoption.

13. URGENT BUSINESS

Nil.

At 7.50pm Moved Cr Ker, Seconded Cr Torre

That the meeting proceed "behind closed doors" 10.4.4 – Members Equity Stadium – Legal Documentation and Outstanding Matters – Progress Report No 9 as it contains legal and financial information.

CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

At 7.50pm the Presiding Member called a 5 minute adjournment.

Journalists Nicole Giblett - Guardian Express, Mark Fletcher (Voice News) and Katherine Fleming (The West Australian) and approximately 6 members of the public departed the Chamber.

Meeting resumed at 8.02pm "behind closed doors" with the following present:

Mayor Nick Catania JP, Crs Chester, Cohen, Farrell, Ian Ker, Lake and Torre and John Giorgi JP, Rob Boardman, Mike Rootsey, Rick Lotznicher and Annie Smith.

Cr Franchina had declared a proximity interest in Item 10.4.4 and therefore did not return to the Chamber.

The CEO's report dated 22 June 2004 with the amended further Officer Recommendation was tabled as follows:

10.4.4 Members Equity Stadium - Legal Documentation and Outstanding Matters - Progress Report No. 9
--

Ward:	South	Date:	22 June 2004
Precinct:	Beaufort, P13	File Ref:	RES0051/RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report No. 9 as at 16 June 2004 (including the confidential information as circulated separately to Elected Members);***

(ii) **APPROVES** of the following matters;

Legal Documentation, as amended on 21 June 2004

- (a) **Standard Licence Document;**
- (b) **20-year Licence to Perth Glory Soccer Club Pty Ltd (PGSC);**
- (c) **Lease to PGSC;**
- (d) **Mortgage;**
- (e) **Charge over water licences; and**
- (f) **Deed of Clarification;**

Outstanding Monies

Contemporaneously with the execution of the documents in (ii)(a) to (f) above;

(1) Allia Holdings Pty Ltd (Allia) shall pay to the Town all outstanding monies (excluding GST) by way of bank cheque and being the following amounts;

- (a) **\$9,852.43 for the reimbursement of building insurance calculated on a pro rata basis for the period of 1 February 2004 to 30 June 2004;**
- (b) **\$4,056.90 for the reimbursement of public liability insurance calculated on a pro rata basis for the period of 1 February 2004 to 30 June 2004;**
- (c) **\$6,988.00 for the recoupment of costs for additional works at the Stadium;**
- (d) **the monthly payments of \$33,333.33 for the months of March, April, May and June 2004 (comprising an aggregate of \$133,333.33);**
- (e) **\$3,219.63 for the payment of interest on outstanding monies;**
- (f) **a \$5,000.00 bond payable under the Heads of Agreement into the Council's Trust Fund;**
- (g) **a contribution to the Stadium's Capital Reserve of \$25,000.00 payable under the Heads of Agreement; and**

Sub-total: \$187,450.28

(2) PGSC shall pay;

- (a) **for its office fitout in an amount of \$18,823.00; and**
- (b) **in relation to its expired Licence at the Stadium and being an amount of \$24,927.95, is to be paid within seven (7) days of the date that the new Australian Premier Soccer League plays its first fixture held in Perth or by 1 July 2005, whichever is the earlier;**

Sub-total: \$43,750.95

Grand Total: \$231,201.23

- (iii) *AUTHORISES the Chief Executive Officer and Mayor to;*
- (a) *make minor amendments (limited to the correction of any typographical errors, reformatting of clauses, or where the intent of the clause is not changed) to the documents specified in (ii) above, should it be necessary in relation to the finalisation of the documents, prior to execution; and*
 - (b) *sign the legal documents and affix the Council's Common Seal; and*
- (iv) *ADVISES Allia and PGSC of its decision concerning the legal documentation and outstanding matters, as detailed in this report.*

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

At 8.03pm **Moved Cr Cohen, Seconded Cr Farrell**

That Standing Orders be suspended to allow for discussion on the Item.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

Mayor Catania and the Chief Executive Officer provided a verbal update on the matter and answered questions from the Councillors.

Debate ensued.

At 8.25pm **Moved Cr Ker, Seconded Cr Torre**

That Standing Orders be resumed.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

Moved Cr Ker, Seconded Cr Torre

That;

(i) *clause (ii)(1) be amended to read as follows:*

"(ii) (1) Allia Holdings Pty Ltd (Allia) shall pay to the Town all outstanding monies (~~excluding~~ plus GST) by way of bank cheque and being the following amounts (figures below exclude GST);" and

(ii) *clause (ii)(2) being amended to read as follows:*

"(ii) (2) PGSC shall pay the following monies (plus GST)(figures below exclude GST);"

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

Moved Cr Chester, Seconded Cr Ker

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

"(v) AUTHORISES the Chief Executive Officer to negotiate with Allia and PGSC on the releasing of information (contained in previous confidential reports to Council), for public information."

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

Mayor Catania stated that these negotiations have been long and protracted and paid tribute to the Chief Executive Officer, John Giorgi for his work in this matter and also the Executive Managers for their time and effort. Believes that the Town has shown how negotiations can be conducted in a very mature and professional manner and the Department of Sport and Recreation have also commented on this.

At 8.43pm **Moved Cr Ker, Seconded Cr Torre**

That an "open" meeting be resumed.

CARRIED (7-0)

(Cr Doran-Wu was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.4.4

That the Council;

- (i) *RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report No. 9 as at 16 June 2004 (including the confidential information as circulated separately to Elected Members);*
- (ii) *APPROVES of the following matters;*

Legal Documentation, as amended on 21 June 2004

- (a) *Standard Licence Document;*
- (b) *20-year Licence to Perth Glory Soccer Club Pty Ltd (PGSC);*
- (c) *Lease to PGSC;*
- (d) *Mortgage;*
- (e) *Charge over water licences; and*
- (f) *Deed of Clarification;*

Outstanding Monies

Contemporaneously with the execution of the documents in (ii)(a) to (f) above;

(1) Allia Holdings Pty Ltd (Allia) shall pay to the Town all outstanding monies (plus GST) by way of bank cheque and being the following amounts (figures below exclude GST);

- (a) \$9,852.43 for the reimbursement of building insurance calculated on a pro rata basis for the period of 1 February 2004 to 30 June 2004;**
- (b) \$4,056.90 for the reimbursement of public liability insurance calculated on a pro rata basis for the period of 1 February 2004 to 30 June 2004;**
- (c) \$6,988.00 for the recoupment of costs for additional works at the Stadium;**
- (d) the monthly payments of \$33,333.33 for the months of March, April, May and June 2004 (comprising an aggregate of \$133,333.33);**
- (e) \$3,219.63 for the payment of interest on outstanding monies;**
- (f) a \$5,000.00 bond payable under the Heads of Agreement into the Council's Trust Fund;**
- (g) a contribution to the Stadium's Capital Reserve of \$25,000.00 payable under the Heads of Agreement; and**

Sub-total: \$187,450.28

(2) PGSC shall pay the following monies (plus GST)(figures below exclude GST);

- (a) for its office fitout in an amount of \$18,823.00; and**
- (b) in relation to its expired Licence at the Stadium and being an amount of \$24,927.95, is to be paid within seven (7) days of the date that the new Australian Premier Soccer League plays its first fixture held in Perth or by 1 July 2005, whichever is the earlier;**

Sub-total: \$43,750.95

Grand Total: \$231,201.23

(iii) AUTHORISES the Chief Executive Officer and Mayor to;

- (a) make minor amendments (limited to the correction of any typographical errors, reformatting of clauses, or where the intent of the clause is not changed) to the documents specified in (ii) above, should it be necessary in relation to the finalisation of the documents, prior to execution; and**
- (b) sign the legal documents and affix the Council's Common Seal;**

(iv) ADVISES Allia and PGSC of its decision concerning the legal documentation and outstanding matters, as detailed in this report; and

(v) AUTHORISES the Chief Executive Officer to negotiate with Allia and PGSC on the releasing of information (contained in previous confidential reports to Council), for public information.

ADDITIONAL INFORMATION AS AT 22 JUNE 2004:**Correction to Table**

Clause 2(c) - of the Table is corrected by deleting "(plus interest payable)", as no interest has been charged on the PGSC outstanding amount of \$24,927.95 (as this amount has been in dispute by PGSC).

Minor Amendments

The reference to "minor amendments" in clause (iii)(a) has been included as this will allow the Mayor and CEO to make minor changes to the documents and these would be limited to the correction of any typographical errors, reformatting of Clauses, or where the intent of the Clause is not changed. It is unlikely that this will occur, however Ilberys lawyers and Jeff Dennis have indicated that they will be perusing the final "clean" documents (which incorporate all of the negotiated changes which have occurred). In the event that "minor changes" are required, these can be carried out without the necessity of obtaining the Council's approval at a Special or subsequent meeting.

Following a query from several Councillors querying what is meant by "minor amendment", the CEO has included the words into the recommendation qualifying what is proposed.

Payment of Bond Money

The Heads of Agreement require Allia to pay a \$5,000 bond to the Town and this is to be placed into the Town's Trust Fund. The Heads of Agreement provide for Allia to pay this money to the Town (and kept in the Town's Trust Fund) to be used if there is any damage to property or facilities in the streets adjacent to the Stadium or private property, if litter clean-up in the adjacent streets is required, or if Officers of the Town are called out as a result of a justified complaint and Allia has not rectified the matter.

Outstanding Monies

The following is a summary of outstanding monies;

<u>Allia Holdings Pty Ltd</u>		
	<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
1.	Contribution to Stadium Capital Reserve Fund - January contribution as per HOA Clause 4.9 - <u>money due 19 February 2004.</u>	\$25,000.00
	<u>Action Taken:</u> Invoice sent on 12 February 2004. Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement.	
2.	Reimbursement of building insurance - as per HOA Clause 6.12 - for period <u>1 February 2004 - 30 June 2004 - money due 12 February 2004.</u>	\$9,852.43
	<u>Action Taken:</u> Invoice sent on 30 January 2004. Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement.	

<u>Allia Holdings Pty Ltd</u>		
	<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
3.	Reimbursement of Public Indemnity Insurance - as per HOA Clause 6.11 - for period <u>1 February 2004 - 30 June 2004 - money due on 5 March 2004.</u>	\$4,056.90
	<u>Action Taken:</u> Invoice sent on 20 February 2004. Awaiting payment. Letter of demand to be issued.	
4.	Recoup of Additional Works at Stadium (Additional signage - \$2,269.30, Replacement of Water Damaged Ceiling Tiles - \$1,166.00, Additional Electrical Works for Chicken Treat Van - \$1,568.60, 4 Extra Chairs in Grandstand - \$407.00, Powerpoint for roof mounted TV Platform - \$1,056.00, 12 Additional Chairs in Grandstand - \$1,219.90)	\$6,988.00
	<u>Action Taken:</u> Invoice sent and payment due on 9 April 2004.	
5.	March - Monthly Payment for Use of Stadium - March payment due 19 February 2004	\$33,333.33
	<u>Action Taken:</u> Invoice sent on 5 February 2004.	
6.	April - Monthly Payment for Use of Stadium - April payment due 17 March 2004	\$33,333.33
	<u>Action Taken:</u> Invoice sent on 3 March 2004.	
7.	May - Monthly Payment for Use of Stadium - May payment due 16 April 2004	\$33,333.33
	<u>Action Taken:</u> Invoice sent on 2 April 2004.	
8.	June - Monthly Payment for Use of Stadium - June payment due on 17 May 2004	\$33,333.33
	<u>Action Taken:</u> Invoice sent in May 2004.	
9.	Interest Payable on Building and Public Liability Insurance Policies	\$3,219.63
10.	Bond Payable under the Heads of Agreement into the Town's Trust Fund	\$5,000.00
	Subtotal	<u>\$187,450.28</u>

<u>Perth Glory Soccer Club Pty Ltd (PGSC)</u>		
	<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
1.	Stadium office fitout and other works - <u>money due 18 February 2004.</u>	\$18,823.00
	<u>Action Taken:</u> Invoice sent on 4 February 2004. Letter of demand sent on 25 February 2004 requesting immediate payment.	
2.	Payment of Perth Oval lease costs 2002/03 Season - <u>well overdue.</u>	\$24,927.95
	<u>Action Taken:</u> Invoices sent in late 2003. Letter of demand sent on 2 March 2004 requesting immediate payment. It should be noted that this money is the subject of dispute between Perth Glory Soccer Club and the Town as detailed in PGSC's letter dated 13 February 2004.	
	Subtotal	<u>\$43,750.95</u>
	GRAND TOTAL - ALLIA AND PGSC	<u>\$231,201.23</u>

FURTHER INFORMATION AS AT 21 JUNE 2004:

After considerable further negotiations on Friday 18 June 2004 involving the Mayor and CEO on behalf of the Town, the Town's solicitors and Ilberys lawyers, agreement between both parties was finally reached on the legal documentation.

Written confirmation was received via an email from Ilberys lawyers, which stated as follows;

"Dear Martin

*I refer to our discussions today and confirm that the terms of the documents have been finalised. Subject to the final documents containing the amendments that have been discussed and agreed between the parties, then they will be in a form ready for signing.
Kind Regards Tony"*

Furthermore, an email was received from Allia/PGSC Chief Executive Officer, Jeff Dennis, on Monday 21 June 2004 as follows;

"Hi John

I understand that both parties have now reached agreement and that Martin is now drafting clean copies of the agreements to send to Tony. I also understand that Nick Catania is looking to have everything signed by 30 June 2004.

Given this, can you please confirm the process going forward from the Town's point of view ie when we will receive the clean copies of the final agreements and when you plan to take them to Council.

Both Tony and I can peruse them within 48 hours once received and get them back to you ready for signing.

Can you please also confirm when the builders will have completed the outstanding issues listed in the building report we provided you.

*Regards
Jeff"*

The Town's solicitors are currently updating all of the documents and final "clean copies" (i.e. the legal documents without all of the tracking changes which show the various amendments) are to be provided to Ilberys by close of business Monday 21 June 2004.

Subject to the Council approving of this matter, arrangements will be made for the signing of all the documents and payment of monies, which can be carried out later this week.

Building "Defects List"

Allia's "Defects List" was referred to the Project Architect for action and the builder has been requested to carry out this work and the majority of the works have been completed. The remaining matters will be attended to by 30 June 2004. Several items which are the responsibility of the Town (estimated to cost approximately \$500 - e.g. doorstops, etc) have been scheduled to be completed by 23 June 2004.

BACKGROUND:

The purpose of this Progress Report no. 9 is to provide the Council with the latest information relating to the negotiations concerning the legal documentation and outstanding matters.

Progress reports have been submitted to each Council meeting since February 2004.

At the Ordinary Meeting of Council held on 8 June 2004, the Council considered this matter and resolved as follows;

"That the Council;

- (i) RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 2 June 2004 (including the confidential information as circulated separately to Elected Members); and*
- (ii) ADVISES Allia Holdings Pty Ltd (Allia) and Perth Glory Soccer Club Pty Ltd (PGSC) of its decision concerning the legal documentation and outstanding matters, as detailed in this report."*

On 11 June 2004, the Town's solicitors amended the final drafts of the Standard Licence, PGSC 20 year Licence and PGSC Lease, Mortgage, Charges over Water Licences and Deed of Clarification and these were sent to Ilberys, lawyers for Allia and PGSC.

The Town's solicitors advised Ilberys, lawyers for Allia and PGSC of the following;

1. That Allia and PGSC are *"to respond to the documents by close of business on Friday 18 June 2004."*
2. *"The Council will not accept any further rounds of amendments to the documents."*
3. In the event that no response has been received from Ilberys, *"the Town will proceed on the basis that agreement has not been and will not be reached on the documents."*

On Tuesday 15 June 2004, the Mayor and CEO met with Ron Alexander, Director General of the Department of Sport and Recreation (DSR) to finalise the Town's position and also to provide details of all the amendments/concessions that the Town has agreed to throughout the negotiations.

On Wednesday 16 June 2004, Mayor Nick Catania met with Nick Tana and Ron Alexander. At this meeting, the legal documentation and outstanding matters were discussed and it appears that a verbal agreement has now been reached on all matters between the parties. However, at the time of writing this report, the Town had not received written response to the various documents and matters (noting that this was not required until 18 June 2004).

The last remaining item related to the "Holding Over" provision in the PGSC lease and PGSC 20 year Licence. It was agreed (subject to legal drafting by the solicitors) that a "Holding Over" provision from 7 February 2024 on the same terms, conditions and provisions of the current lease, with the Town having the right to terminate with thirty (30) days' notice, would be included in these two legal documents.

As of 18 June 2004, the following verbal agreement between the parties has been reached;

Town's Proposal of 11 June 2004	Allia's/PGSC Response of 16 June 2004
<p>1. <u>Term.</u></p> <p><u>Town's Position:</u> That the HOA commences on 7 February 2004 and the key handover is 30 June 2004, with the term expiring on 6 February 2024, with a holding over as of right, from 7 February 2024, until 30 June 2024, with Allia paying a monthly licence fee of \$33,333.33 plus GST for each month in advance during the holding over period.</p> <p>Town's Position: That the HOA commences on 7 February 2004 and the key handover is 30 June 2004, with the term expiring on 6 February 2024, with a "Holding Over" clause being included in the PGSC lease and PGSC 20 year licence specifying the same terms, conditions and provisions of the current PGSC lease, together with a new clause giving the Town the right to terminate within thirty (30) days.</p>	<p>Agreed.</p>
<p>2. <u>Outstanding payments.</u></p> <p>(a) Contemporaneously with the execution of all of the documents, Allia must pay to the Town all outstanding moneys, including:</p> <p>(i) all outgoings payable under the HOA. These items comprise:</p> <ul style="list-style-type: none"> • \$9,852.43 for the reimbursement of building insurance calculated on a pro rata basis for the period of 1 February 2004 to 30 June 2004; • \$4,056.90 for the reimbursement of public liability insurance calculated on a pro rata basis for the period of 1 February 2004 to 30 June 2004; and • \$6,988.00 for the recoupment of costs for additional works at the Stadium; <p>(ii) the missed payments under the HOA for the months of March, April, May and June 2004 (comprising \$133,333.32) (Missed Payments);</p>	<p>Agreed.</p>

Town's Proposal of 11 June 2004	Allia's/PGSC Response of 16 June 2004
<p>(iii) the payment of interest of \$3,219.63; (iv) a \$5000 bond payable under the HOA; and (v) a contribution to the Stadium's capital reserve of \$25,000 payable under the HOA.</p> <p>(b) PGSC must pay for its office fitout (\$18,823). (c) PGSC's outstanding money of \$24,927.95 (plus interest payable) is to be paid by the date of the new Australia Premier Soccer League's first fixture held in Perth or by 1 July 2005, whichever is earlier.</p>	
<p>3. <u>Crediting of monthly payments made to date</u></p> <p>All of the monthly payments made by Allia to date (being 6 in total), together with the Missed Payments, will be treated as payments in reduction of the Town's loan. Allia will remain responsible to pay \$33,333.33 per month to the Town from <u>1 July 2004</u> until the Town's loan has been repaid.</p>	<p>Agreed.</p>
<p>4. <u>Mortgage Documents</u></p> <p>The current mortgage security and definition of secured monies in the various documents, as stated in the HOA, to remain unchanged. (Having cognisance of the Town's Senior Counsel's confidential legal advice.)</p>	<p>Agreed.</p>
<p>5. <u>Deed of Clarification</u></p> <p>The parties must execute a deed which records the following matters;</p> <p>1. <u>Recital</u> That the Town and Allia have been in dispute as to the date upon which Allia was required to commence the performance of its obligations under the HOA. In particular, it must state that the Town has always maintained that the HOA commenced on 14 July 2003, and that, again in the Town's view, Allia was required to commence the performance of its obligations under the HOA on, at the very latest date, 1 September 2003. However, the relevant recital shall go on to state that, in order to advance matters for the benefit of all concerned, the Town has agreed to amend the HOA to state that the term of 20 years started on 7 February 2004.</p> <p>2. <u>Indemnity from Legal Action</u> The deed must also include a provision under which Allia, PGSC, and the Town agree that no party shall be able to commence legal action against another party to the deed in respect of any loss claimed by reason of the parties' dispute.</p> <p>3. <u>Deed of Clarification</u> The deed (prepared by Ilberys and agreed to by the Town) must record the above matters and include the following clarifying elements:</p>	<p>Agreed.</p> <p>Agreed.</p> <p>Agreed.</p>

Town's Proposal of 11 June 2004	Allia's/PGSC Response of 16 June 2004
<p>(a) Commission Rates: confirmation that the parties have agreed to the commission rates set out in Ilberys' letter to Minter Ellison dated 13 April 2004;</p> <p>(b) Definition of Net Rent: confirmation that 'Net Rent' in the HOA means an amount equivalent to the rent received by the Town under a lease;</p> <p>(c) Use of Storeroom Areas: covenants to the following effect:</p> <p>(i) Perth Glory Soccer Club Pty Ltd (PGSC) is licensed use at no cost to PGSC one half of the Lord Street storeroom building; and</p> <p>(ii) Allia is licensed to the use at no cost to Allia, and to the exclusion of all others but the Licensor, the equipment room located near the Western Australian Rugby League Limited's (WARL) leased area;</p> <p>(d) Use of Common Areas - Allia will administer the use that pertains to areas in the WARL's leased premises and PGSC's proposed leased premises that are available for the use of licensees on Event Days involving the whole of the Stadium (as defined in the HOA).</p> <p>(e) New KPI: a new key performance indicator numbered 9 in the following form is to be included in the HOA:</p> <p>"The key performance indicator – pro forma standard Deed of Licence</p> <p>The copy of the standard Deed of Licence duly dated and initialled by the parties is to be used by the Stadium Manager as the standard Deed of Licence for events to be held at the Stadium and changes to the pro forma may only be made with the prior approval of both the Town and the Stadium Manager (which approval the Town and the Stadium Manager will not unreasonably withhold)";</p> <p>(f) Standard Licence - Administrative Fee: a covenant that the \$500 administrative fee that will be charged by the Town under the standard licence with respect to commercial Events (which involve use of the Stadium playing pitch) shall be indexed to CPI and shall be reviewed on 1 July of each year; and</p> <p>(g) Access by Lessees - lessees will be entitled to access the premises in accordance with their lease requirements.</p>	

Town's Proposal of 11 June 2004	Allia's/PGSC Response of 16 June 2004
<p>6. <u>Reference to Minister in HOA</u></p> <p>Ilbery's is to arrange for references to the Minister in the HOA to be changed where appropriate to either read a chartered accountant with 15 years experience or a Senior Counsel (depending on whether the matter is a financial or legal matter).</p>	<p>Agreed.</p>
<p>7. <u>Turf Sustainability</u></p> <p>Reference to turf sustainability is to be that stated in the HOA, KPIs, Nos. 1.10, 3.3 and 3.4.</p>	<p>Agreed.</p>

Caveat

As directed by the Council on 25 February 2003, the Town's solicitors lodged a caveat on land registered in the name of North East Equity Pty Ltd of 257 Balcatta Road, Balcatta. The land is Lot 41 Beermullah Road West, Wanerie - which is the property nominated by North East Equity Pty Ltd in its own right and as trustee for the Nicola Tana Family Trust No. 20. The Town's solicitors have also written to Bankwest, who currently have a mortgage on the subject land, advising that the Town requires a "first ranking" mortgage.

No information has been received from Bankwest, however as previously advised Bankwest are under no obligation to provide the Town with any information.

Allia's lawyer verbally stated that they have had discussions with Bankwest and the Town's 1st ranking mortgage will be provided, subject to all documents being agreed.

The Town confirmed its position that the caveat would not be removed until the matter is satisfactorily resolved and all the documents have been executed.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

It is pleasing to note that Allia/PGSC have agreed to pay all outstanding monies contemporaneously upon the signing of the documents.

COMMENT:

As agreement has now been reached, it is recommended that the Council approve of the legal documentation and acceptance of the outstanding monies as detailed in this report.

BACKGROUND AS AT 16 JUNE 2004:

The purpose of this Progress Report no. 9 is to provide the Council with the latest information relating to the negotiations concerning the legal documentation and outstanding matters.

Progress reports have been submitted to each Council meeting since February 2004.

At the Ordinary Meeting of Council held on 8 June 2004, the Council considered this matter and resolved as follows;

"That the Council;

- (i) RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 2 June 2004 (including the confidential information as circulated separately to Elected Members); and*
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The Town's solicitors also advised Ilberys, lawyers for Allia/PGSC of the following;

1. That Allia and PGSC are *"to respond to the documents by close of business on Friday 18 June 2004."*
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On Wednesday 16 June 2004, Mayor Nick Catania met with Nick Tana and Ron Alexander. At this meeting, the legal documentation and outstanding matters were discussed and it appears that a verbal agreement has now been reached on all matters between the parties. However, at the time of writing this report, the Town had not received written response to the various documents and matters (noting that this was not required until 18 June 2004).

All other matters, as detailed in the report submitted to the Ordinary Meeting of Council held on 8 June 2004 (on a confidential basis) have previously been agreed without further amendment and therefore these have not been repeated in this report.

A further report will be prepared once a response is received from Ilberys, lawyers for Allia/PGSC.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

It is pleasing to note that Allia/PGSC have agreed to pay all outstanding monies contemporaneously upon the signing of the documents.

COMMENT:

It is most pleasing to report that at the time of writing this report, verbal agreement between the parties now appears to have been reached and the matter can now be finalised.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.43pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Steed Farrell	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Secretary (Minutes Secretary)

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 June 2004.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2004