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(27 JULY 2004)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 27 July 2004, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell	North Ward (unwell)
Mike Rootsey	Executive Manager, Corporate Services (on leave)

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager, Technical Services
Jacinta Anthony	Acting Executive Manager Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)
Megan Wendt	Acting Safer Vincent Co-ordinator
Matt Zis	Journalist – Guardian
Mark Fletcher	Journalist – Voice News

Approximately 13 Members of the Public

(c) Members on Leave of Absence:

Cr Maddalena Torre	South Ward
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3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

1. Ms Judith Bruechert of 15 Raglan Road, Mt Lawley – Item 10.1.3 – Requested that Council reconsider their submission in relation to point (l) as detailed in the Agenda and also the related matters supporting the recommendation be approved which does not require the workshop to be setback 1 metre.
2. Mr Tim Fanowrios of 34 View Street, North Perth – Item 10.1.11 – Requested Council support the alternative recommendation that has been prepared for his application. Stated that the property has recently been restored at a cost of approximately \$200,000. Advised that the property has been in his family since 1930's and is happy for it to be placed on the Municipal Heritage Inventory.

3. Mr Glen Bursan of 39 Farmer Street, North Perth – Referred to Item 10.1.4 of 13 April 2004 regarding an application for retrospective planning approval. Stated that all dimensioning taken by Council officers was done from his side of the fence as no access could be made from the complainants land as no one had lived there for over four years. Advised that the studio is lower than the roof and the wall line of his existing single storey house and had the complete co-operation of neighbours during the construction period in 1993. Believes the only written complaint was based not on the amenity, the view aspect or impingement but that it was illegal. Stated the studio has no adverse affect on anyone. Provided letters from the bricklayer and builders labourer who worked on the studio and will provide witnesses to any other statutory documentation that Council may require. Firmly believes that Council officers were diligent in their inspection appraisal and recommending to Council the approval of the structure and that Council has made a genuine and honest mistake in refusing the report. Respectively requested the Council move a motion of rescission regarding this issue and approve the structure. Stated that the concern with the obscure glass in one window has been dealt with. Returned to Council an unopened registered letter sent to him at a defunct address 12 months ago that he had retrieved four weeks ago. Stated that the Council's officer did not check its own data base which has his correct address.
4. Mr Andrew Monisse of 8 Wilberforce Street, Mt Hawthorn – Item 10.1.4 – Advised approval of the plans has also been sought and obtained from the owner of the property in Coogee Street. Referred to the height of the southern wall and his comments and reasons given in the report. Stated the main reason for wanting this height is to maintain a level access across the ground floor as they have elderly parents and friends with disabilities who would find using the internal steps difficult.
5. Mr Brian Scutter of 43 Farmer Street, North Perth – Referred to Item 10.1.4 of 13 April 2004 – Stated that he remembers the property being built and that the owner of the Angove Street property that backs onto the workshop was happy as her back fence kept falling in when there were strong winds. Advised that he cannot understand any objections as it was built properly and believes it meets all engineering requirements.
6. Mr Maurice Ryan of 7 Baker Avenue, Perth – Item 10.1.15 – Referred to the calculations of the carparking requirements. Believes that if Council is going to use decimal points or rounding in calculations then it should be consistent and use one or the other for all of the calculations. Stated that the usage has not changed much from the original use apart from the addition of the dining room.
7. Ms Dominique Mercadante of 20 Bondi Street, Mt Hawthorn – Item 10.1.2 – Stated that she was disappointed that the Mayor did not return her calls, answer her letter and showed a bias against her application at the last meeting. Advised that there have been a number of problems with the builders supplying the correct plans for her application. Stated that she has resubmitted plans showing the correct height of the carport.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.18pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that a petition with 693 signatories from Mr John Bettes of 1b Coogee Street, Mt Hawthorn on behalf of residents and users of South Britannia Reserve opposing Council's decision to exclude current users and surrounding residents of Britannia Reserve from the using the Park. This petition is in addition to the petition already submitted in December 2003 with 351 signatories.

The Chief Executive Officer advised that the petition will be forwarded to Executive Managers Corporate Services and Technical Services for investigation and report.

Moved Cr Chester, Seconded Cr Ker

That the petition be received.

CARRIED (7-0)

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

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 13 July 2004

Moved Cr Lake, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 13 July 2004 be confirmed as a true and correct record subject to the reason for deferral of Item 10.1.9 including the words " and impact on adjoining properties to the north".

CARRIED (7-0)

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

6.2 Special Meeting of Council held on 13 July 2004

Moved Cr Ker, Seconded Cr Lake

That the Minutes of the Special Meeting of Council held on 13 July 2004 be confirmed as a true and correct record.

CARRIED (7-0)

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

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for July 2004

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$75 voucher and a Certificate. Also their photograph is displayed in the Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For July 2004, the award is presented to Hannah Eames, the Town's Senior Heritage Officer.

Hannah's name was put forward by the Chief Executive Officer, John Giorgi, after receiving an email of appreciation from Ms Kaye Chedid of Brookman Street, Northbridge, who wrote to the Town as follows;

"A huge thanks to you and the dedicated heritage staff, especially Hannah Eames who I saw doing a lot of the "grunt work".

As a self proclaimed "Heritage Freak", I am so very happy that the precinct is now before the Heritage Council for serious consideration. Perth is so lucky to have such a historic area and it does need to be protected.

I thank you all for making this possible - and seeing beyond the current owners' personal goals."

Hannah has been with the Town since February 2000 and has always carried out her work conscientiously and enthusiastically. She has attended to numerous ratepayer enquiries and requests concerning the sensitive matter of Heritage and has had to deal with many argumentative enquiries. She has always responded to these in a calm and professional manner.

Hannah has undertaken not only demolition applications and heritage assessments, but also numerous strategic initiatives and projects in both heritage management and Aboriginal heritage. A sample of Hannah's successes, includes the conservation works at North Perth Town Hall, 245 Vincent Street and Lee Hop's Cottage; Hyde Park Conservation Plan; excavation, analysis and cataloguing of the Old Bottle yard artifacts; current review of the Municipal Heritage Inventory, and of course the Brookman Street and Moir Street development Guidelines.

Well done Hannah - Keep up the good work!!

8. DECLARATION OF INTERESTS

8.1 Cr Lake declared an interest affecting impartiality in Item 10.1.1. Stated that her partner had made a submission on a previous occasion.

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

Nil. The Chief Executive Officer advised that Cr Chester's question was still being investigated and will be answered as soon as practicable.

10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.3, 10.1.11, 10.1.4, 10.1.15 and 10.1.2

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 10.4.2, 10.4.3 and 10.4.5

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 10.1.8, 10.1.10, 10.1.13 and 10.2.1

Cr Lake Items 10.1.12 and 10.1.14

Cr Chester Items 10.1.7, 10.2.2 and 10.3.2

Cr Doran-Wu Nil

Cr Cohen Item 10.1.9

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:**

Nil.

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

Items 10.1.1, 10.1.5, 10.1.6, 10.2.3, 10.2.4, 10.2.5, 10.3.1, 10.4.1, 10.4.4 and 10.4.6

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

Nil.

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 10.1.1, 10.1.5, 10.1.6, 10.2.3, 10.2.4, 10.2.5, 10.3.1, 10.4.1, 10.4.4 and 10.4.6

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

Items 10.1.3, 10.1.11, 10.1.4, 10.1.15 and 10.1.2

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

Moved Cr Ker, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.1.1, 10.1.5, 10.1.6, 10.2.3, 10.2.4, 10.2.5, 10.3.1, 10.4.1, 10.4.4 and 10.4.6

CARRIED (7-0)

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

The Presiding Member advised that he had received a request from the applicant to defer Item 10.1.10 – No(s) 65 (Lot(s) 28) Grosvenor Road, Mount Lawley – Proposed Alterations, Garage and Store Additions to Existing Single House.

Moved Cr Ker, Seconded Cr Doran-Wu

That Item 10.1.10 – No(s) 65 (Lot(s) 28) Grosvenor Road, Mount Lawley – Proposed Alterations, Garage and Store Additions to Existing Single House be DEFERRED at the request of the applicant.

CARRIED (7-0)

(Cr Torre was an apology for the meeting. Cr Farrell was an apology.)

**ITEM DEFERRED AT THE REQUEST OF THE APPLICANT
(Refer to page 6)**

10.1.10 No(s). 65 (Lot(s) 11 & Pt10) Clarence Street, Mount Lawley - Proposed Alterations, Garage and Store Additions to Existing Single House

Ward:	South	Date:	14 July 2004
Precinct:	Forrest P14	File Ref:	PRO1747; 00/33/2182
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 REFUSES the application submitted by DL Skeffington on behalf of the owner DL Skeffington for proposed Alterations, Garage and Store Additions to Existing Single House, at No(s). 65 (Lot(s) 11 & Pt10) Clarence Street, Mount Lawley, and as shown on plans stamp-dated 6 April 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the building setback requirements of the Residential Design Codes;*
- (iii) the non-compliance with the Town's Policies - Street Setbacks and Vehicular Access; and*
- (iv) consideration of the objection received.*

Landowner:	DL Skeffington
Applicant:	DL Skeffington
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R50
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	708 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.

Requirements	Required	Proposed *
Setbacks: South (Garage)	1 metre	0 metre
Boundary Wall Development	3 metres average height, 3.5 maximum height on one side boundary not occupying more than 2/3 of the boundary length behind the street setback line.	Average and maximum height is 3.2 metres.
Garage Location	Car parking is to be accessible from existing rights of way where (legally) available and sealed.	Car Parking is proposed from the primary street.

SITE HISTORY:

The subject lot is currently occupied by a single storey single house. The rear of the subject lot abuts a sealed right of way, which is 3.05 metres in total width.

DETAILS:

The applicant proposes a garage and store to be located on the southern side of the lot with a nil setback to the south boundary.

CONSULTATION/ADVERTISING:

The proposal has been advertised and one written submission has been received by the Town. The letter makes the following comments;

"I would like to ensure that any development is at least 1.0 metre from the fence line. Owing to the construction of my own residence I would lose light in my own carport and into my house if any construction/building is right next to the fence."

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:

Boundary Wall Development

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 proposed development involves a boundary wall on the south side boundary of single storey nature. A variation exists in relation to the proposed average and maximum height of 3.2 metres. Given that the wall height is slightly over the requirement it would be considered appropriate for the height to be reduced in order to comply, in this instance.

Garage

The garage has been assessed against the recent resolution of Council at its Ordinary Meeting held on 27 April 2004 relating to the Town's Policies - Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings Via a Right of Way. The Council Minutes in relation to this matter states the following:

"...the Council APPROVES the following variations to the Town's Policies relating to Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings Via a Right-Of-Way as an interim practice, until finalisation of the review of these Policies:

Vehicular access to car parking, carports and garages to a dwelling that directly fronts onto a street can be from that street, regardless whether a right of way is available to the property, where all of the following criteria are met to the satisfaction of the Town:

- (a) the right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year, whichever is the more appropriate, in accordance with the Town's right of way upgrade program;*
- (b) any carport with the front setback area shall be one hundred (100) per cent open on all sides at all times (open type gates/panels are permitted), except where it may abut the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like);*
- (c) the total width of any carport within the front setback area does not exceed 50 per cent of the lot frontage at the building line; and*
- (d) garages setback a minimum of 6.0 metres from the frontage street, or at least 500 millimetres behind the line of the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like..."*

The proposed garage does not satisfy point (a) of Council's resolution. The right of way at the rear of the subject property is sealed and resumed and vested in the Town.

Response to Objections Received

The comments made by the adjoining affected neighbour, relate to the loss of light to a carport and also into the house. The boundary wall is slightly over height and does not comply with the provisions for boundary wall development within the R Codes. Given that there has been concern raised over the boundary wall, it is considered appropriate that the wall height be modified to comply.

In view of the above, it is recommended that the proposal be refused due to the nature of the variations involved.

10.1.1 No(s). 412 (Lot(s) 37 & Part Y36) William Street, Perth - Proposed Two (2) Roller Grilles and Retrospective Planning Approval for One (1) Existing Roller Door to Existing Shop

Ward:	South	Date:	19 July 2004
Precinct:	Beaufort, P13	File Ref:	PRO0903; 00/33/2276
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Cheung on behalf of the owners J & A Huynh for proposed two (2) roller grilles and retrospective Planning Approval for one (1) roller door to existing shop, at No(s). 412 (Lot(s) 37 & Part Y36) William Street, Perth, and as shown on site plan and elevations stamp-dated 14 June 2004 and roller grille elevation "A" dated 14 July 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (b) *the existing roller door and proposed roller grilles at No. 412 (Lot (s) 37 and Part Y36) shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street;*
 - (c) *the selected roller grilles shall be designed as an integral part of the design and existing form of the building;*
 - (d) *a planning application shall be submitted to and approved by the Town prior to any modifications being undertaken to the roller door and grilles; and*
 - (e) *the existing two (2) non-complying roller doors shall be removed within 28 days of the notification of this approval;*
- to the satisfaction of the Chief Executive Officer;*
- (ii) *the Council AUTHORISES the waiving of the application for retrospective Planning Approval fees and applies the standard Planning Application fees for the above development;*
- (iii) *the Council AUTHORISES the withdrawal of the Planning and Building Notices issued for the unauthorised roller doors at No.412 (Lots 37 and Part Y36) William Street, Perth, upon completion of the installation of the above approved roller grilles; and*
- (iv) *the Council REQUESTS the Town Planning Appeal Tribunal to dismiss the current appeals lodged by the owners in respect to the Planning Notice and the Planning Refusal issued by the Town upon completion of the installation of the above approved roller grilles.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

Landowner:	J & A Huynh
Applicant:	D Cheung
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	1048 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:

The subject site is occupied by a series of retail/commercial properties.

- | | |
|------------------|---|
| 8 October 2003 | A site inspection was carried out by an officer from the Town's Planning and Building Services, in response to complaints from neighbouring property owners, about the construction of two (2) metal roller door structures (hereafter referred to as the "unauthorised structures"), which have been attached to the front facade of the building facing William Street, on the above mentioned property.

A search of the Town's records revealed that neither Planning Approval nor Building Licence had been granted for the unauthorised structures on the property. |
| 20 October 2003 | The Town served Planning and Building Notices to the owner and a copy of the Notices to the occupier, requiring removal of the unauthorised roller door. The owner has appealed against both Notices. |
| 12 November 2003 | The Town received subject planning application. |
| 13 November 2003 | The Town received a copy of notice of appeal to the Town Planning Appeal Tribunal (TPAT), relating to the Section 10 Notice issued. |
| 4 December 2003 | The Town submits its statement by respondent to the TPAT. |

- 5 December 2003 TPAT directions hearing heard and the Tribunal made the order to adjourn the matter to a further directions hearing on 20 February 2004.
- 10 February 2004 Council at its Ordinary Meeting resolved to refuse the application for retrospective roller doors due to non-compliance with the Town's Policy Relating to Security Roller Shutters, Doors and Grilles on Non Residential Buildings.
- 16 April 2004 TPAT directions hearing held and the Tribunal made the order to adjourn the matter to a further case management conference on 28 April 2004.
- 28 April 2004 TPAT adjourned matter to a further directions hearing on 2 July 2004.
- 2 July 2004 TPAT adjourned matter to a further directions hearing on 6 August 2004.

DETAILS:

The applicant seeks retrospective Planning Approval for an existing roller door to the front entrance, and two new roller grilles which fronts William Street.

CONSULTATION/ADVERTISING:

There was one objection and two non-objections received during the advertising period, involving the roller doors considered by the Council at its Meeting held on 10 February 2004. This proposal has not been readvertised as it is within the 12 month period of the initial advertising undertaken and that the matter is being considered and determined by Council.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

This portion of the William Street streetscape is dominated by non-residential development. The facades of these buildings provide active interaction and visual amenity within the streetscape. The existing roller door for the front entrance and the two (2) new roller grilles is supported as they comply with the Town's requirements and Policies.

The Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non Residential Buildings, which applied as from 11 June 2002 and adopted on 10 September 2002, states the following:

" The Town of Vincent may allow the installation of security roller shutters, doors grilles and the like on facades of non-residential buildings facing streets provided that:

- 1) *the selected security screen is to be visually permeable with a minimum 50 per cent visual permeability when viewed from the street; and*
- 2) *the selected security screen is to be designed as an integral part of the design and/or existing form of the building."*

Given the above, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters, and the Town does not undertake any further legal action in relation to the above roller door and grilles.

In terms of planning application fees, the applicant has paid \$100 for the current planning application. The Town's fees schedule state that for unauthorised structures, the planning application fee is to be four (4) times the normal planning fees. In this instance, the applicant is willing to install new roller grilles at their expense, which will in turn reduce further time spent by the Council and Town's Officers in defending an appeal in the TPAT. Overall this proposal will result in a positive outcome for the Town. On the above basis, it is recommended that the outstanding \$300 fees be waived in this instance.

10.1.5 No(s). 40 (Lot(s) 350, 35, 36 and 40) Mary Street and Lots 9 - 12 Harold Street, Highgate - Proposed Alterations to Car Parking for Existing Educational Establishment

Ward:	South	Date:	19 July 2004
Precinct:	Hyde Park, P12	File Ref:	PRO1520; 00/33/2243
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 Philip McAllister Architect on behalf of the owner Roman Catholic Archbishop for Proposed Alterations to Car Parking for Existing Educational Establishment, at No(s). 40 (Lot(s) 350, 35, 36 and 40) Mary Street and Lots 9-12 Harold Street, Highgate, and as shown on plans stamp-dated 10 May 2004, subject to:

- (i) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Mary Street and Harold Street verges adjacent to the subject property, including the provision of shade trees at a rate of one tree per four car bays shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ii) 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 Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iii) 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;*
- (iv) 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;*
- (v) all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (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 with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *prior to the issue of a Building Licence, the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (x) *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; and*
- (xi) *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 Mary Street and Harold 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;*

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 Torre on approved leave of absence. Cr Farrell was an apology.)

Landowner:	Roman Catholic Archbishop of Perth
Applicant:	Philip McAllister Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	School and Church
Use Class:	Educational Establishment
Use Classification:	"AA"
Lot Area:	8029 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.

BACKGROUND:

8 October 2002: Council at its Ordinary Meeting resolved to conditionally approve proposed alterations and partial demolition of, and additions to existing educational establishment-Sacred Heart Primary School.

SITE HISTORY:

The property is located on the northern side of Mary Street with dual frontage to Harold Street. The site accommodates the school buildings and convent of the Sacred Heart Primary School.

DETAILS:

Approval is sought for modification to the existing approved car park layout. In support of the application, the applicant has provided the following information (attached) which has been summarised as follows:

- F.E.S.A have advised that 2 car bays have to be deleted from the car park and signed "No Parking Fire Access" to facilitate 24 hour access to the school for fire fighting purposes. This has resulted in the number of car bays being reduced from 51 car bays to 49 car bays.
- Actual car bays used since occupation are as follows:
Sacred Heart Primary School-18-20 car bays; and
Catholic Pastoral Centre-12-20 car bays.
(Minimum of 40 car bays required for both the above uses).
Balance of 9 car bays (including 1 car bay for people with disabilities) available for visitors.

CONSULTATION/ADVERTISING:

No submissions were received during the advertising period conducted for the previous development application considered by the Council on 8 October 2002. The car parking provisions are at the discretion of the Council. It is therefore considered that further advertising is not necessary as the current proposal involves a minor reduction in car parking only.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The subject place is included on the State Register of Heritage Places, and was previously forwarded by the applicant to the Heritage Council of Western Australia (HCWA), as required by the Heritage of Western Australia Act 1990. The conditions required by HCWA relate primarily to the provision of a Schedule of Works, an interpretation strategy and photographic record of the place prior to commencement of works. The above car parking proposal would not impact on the heritage aspects relating to the existing building.

Car Parking

The Town's Policy relating to Parking and Access does not stipulate a parking requirement for educational establishments. The proposed reduction in the number of car bays from 51 to 49 car bays is considered to cater for the requirements of the school's staff, early childhood education centre and office uses of the Archdiocese. Provision of shade trees to the new parking areas nominated for the Archdiocese and staff is considered appropriate to maintain a reasonable level of amenity to the school grounds.

Given that the use and buildings exist and that the proposed works will essentially improve the amenity and integrity of the buildings and grounds, including the upgrade to the provision of new car parking, the proposal is supported. Accordingly, it is recommended that the application be approved, subject to standard and appropriate conditions to address the matters discussed above.

10.1.6 No(s). 19 (Lot(s) Pt 1 and Pt 2) Blake Street (Cnr Norham Street), North Perth - Proposed Additional Two-Storey Single House to Existing Single House

Ward:	North	Date:	20 July 2004
Precinct:	North Perth, P8	File Ref:	PRO2783; 00/33/2215
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico, 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 the application submitted by Civitella Building & Design on behalf of the owner S Di Girolamo for proposed Additional Two-Storey Single House to Existing Single House, at No. 19 (Lots Pt1 and Pt 2) Blake Street (Cnr Norham Street), North Perth, and as shown on plans stamp-dated 30 April 2004 (SK.PA1, SK.PA2 and SK.PA4) and 8 July 2004 (SK.PA3(a)), 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 Blake 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) 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) prior to the first occupation of the development, the full length and width of the right of way from Norham Street to the eastern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (vi) a bond and/or bank guarantee for \$4320 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*

- (vii) *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;*
- (viii) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (ix) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (x) *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;*
- (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);*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Blake 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);*
- (xiv) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (xv) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

Landowner:	S Di Girolamo
Applicant:	Civitella Building & Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	920square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	4 dwellings R 40	2 dwellings R 21.74
Plot Ratio	N/A	N/A

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

Requirements	Required	Proposed
Setbacks: Ground Floor - Front	4 metres	1.5 metres to porch 3 metres to main building
First Floor - Front	6 metres	4 metres to main building 3 metres to balcony
South Ground Floor Facing Right of Way	1.5 metres	0.3 metre to 1.3 metres
North Ground Floor	1.5 metres	0 metre
South First Floor Facing Right of Way	2.5 metres	0.3 metre to 1.3 metres
Privacy Setbacks: South and East Faces of Balcony to Bedroom 1	7.5 metres or privacy screening to the requirements of the R Codes	2.76 metres to west boundary 0.3 metre to south boundary
Wall Height	6 metres	6.7 metres at right of way level 5.25 metres at natural ground level of the subject lot.

SITE HISTORY:

The subject site has a single storey brick and tile dwelling which fronts Blake Street. The proposed dwelling is proposed to face Norham Street and have vehicular access via a 7 metres wide privately owned, unsealed the right of way.

A subdivision application was made to the Western Australian Planning Commission (WAPC) for the amalgamation and re-subdivision of the property to create two green title lots. A conditional approval has been issued by the WAPC.

DETAILS:

The applicant seeks approval for an additional two storey-single house to the existing single house.

CONSULTATION/ADVERTISING:

No written submissions were received during the advertising period.

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:

Overshadowing

Due to the orientation of the lot, the proposed single house shadows over the right of way. No undue overshadowing takes place over the adjoining lots and it is therefore deemed to comply with the overshadowing requirements of the R Codes.

Street Setback - Ground Floor

The proposed ground floor setbacks represent a variation however, there is provision in the Town's Street Setbacks Policy to support lesser setbacks to secondary streets. Town's Policy states the following;

"In the case of new dwellings at the rear of original corner lots, with frontage to the secondary street, setbacks which match adjoining dwellings fronting the street (if any) otherwise a minimum of 1.5 metres to a verandah, porch, portico and the like excluding balconies, and /or 2.5 metres to the main building."

The setbacks comply with the Town's Policy and are therefore considered acceptable and supported.

Street Setback - First Floor

The proposed main building wall on the first floor is setback 4.0 metres with the balcony setback 3.0 metres from the front boundary. The required setback as per the Town's Policy is 6.0 metres, however, there is a provision in the R Codes that allows a lesser setback for a minor incursion.

The R Codes states the following;

"A porch, balcony, verandah, chimney or the equivalent may...project not more than one metre into the building setback area, provided that the total of such projections does not exceed 20% of the frontage at any level."

The Town has supported similar balconies in the past based on the above provision. The balcony is therefore considered to be acceptable and supported in this instance.

The nature of Norham Street is characterised predominantly by corner lots, therefore Norham Street represents the secondary street for most of the lots that are adjoining. Furthermore, it is noted that if one, two-storey, single house was constructed on the subject two lots, the whole building, including the upper floor and the lower floor, could be setback 1.5 metres from Norham Street, which would be considered as acceptable development in terms of Town's Street Setback Policy. Therefore, a single house could result in a greater impact on the streetscape than the proposed development.

Norham Street currently lacks an interactive streetscape; it is considered appropriate to encourage developments as proposed in order to introduce more interaction between these lots and the street. This will further encourage street surveillance and therefore security within the immediate and surrounding area.

The first floor is considered to maintain adequate relief from the street through its setback distances provided. Furthermore, the first floor does provide some staggering with setbacks ranging from 3 metres at its closest point to 9.3 metres at its most distant point.

North Setback - Ground Floor

The applicant proposes variations to the north side setback on the ground floor. The required setback is 1.5 metres and a nil setback is proposed. Due to the single storey nature of the variations, and the setback being an internal boundary, the proposed setback is considered to be acceptable and therefore supported.

South Setback - Ground Floor and First Floor

The R Codes requires that the ground floor is setback 1.5 metres from the boundary and that the first floor be setback 2.5 metres. The setbacks provided vary from 0.3 metre to 1.3 metres. The R Codes allow for half the width of the right of way up to 2 metres to be included for setback purposes at the discretion of Council. In applying this provision within the R Codes, the resultant variation is 0.5 metre relating only to the first floor. This variation is considered minor due to there being a 7 metres wide right of way between the subject lot and the south neighbour. The variations are considered to be acceptable in this instance and therefore supported.

Privacy

With regard to the potential for unreasonable overlooking from the balcony adjoining bedroom 1, the applicant has sought and obtained signatures of consent by the adjoining affected neighbours to the south and east. Due to consent being obtained, the setback variations of the balcony are considered acceptable and therefore supported.

Wall Height

The wall height is non compliant when relating the height to the natural ground level of the right of way. The applicant has provided plans indicating the existing natural ground level at the boundary of the subject property. The R Codes state the following in relation to measuring the wall height;

"height shall be measured from the natural level immediately below the relevant point on the wall or roof;"

"natural ground level' may be taken as the levels resulting from development carried out as an approved part of a land subdivision or as the result of a pre-existing development;"

Based on the above, the natural ground level is taken from the pre-existing land level of the subject lot. When measuring the wall height with consideration to the above, the development complies with the wall height requirements.

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

10.2.3 Waste Management and Recycling Fund - Resource Recovery Rebate

Ward:	Both	Date:	4 February 2004
Precinct:	All	File Ref:	ENS0008&FINS0078
Attachments:	-		
Reporting Officer(s):	R Morphett		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Town's successful application for grant funding from the Waste Management and Recycling Fund Resource Recovery Rebate for Period 10; and*
- (ii) *NOTES that the grant funding received totals \$7,627.40 for Period 10 and these funds have been included as revenue in the 2003/2004 Recycling Operating budget;*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

BACKGROUND:

In July 1998, the State Government created the Waste Management and Recycling Trust Fund to assist Local Government, industry and the community to reduce waste and recycle, and to reduce the impact of waste on the environment. A levy on waste disposed to landfill in the Perth metropolitan area provides the revenue for the fund.

The State Government determined that the levy funds raised will:

- Be placed in a trust fund for waste reduction and related waste management programs.
- Not be disbursed unless approved by the Minister for the Environment on advice from the Advisory Council on Waste Management.
- Only be used for programs designed to assist the community, industry, government, educational and other institutions and local authorities in achieving the State's waste management, waste minimisation and recycling objectives.

DETAILS:

The objectives of the Waste Management and Recycling Fund - Resource Recovery Rebate Scheme are to:

- Encourage the conservation of resources and energy through waste reduction and recycling.
- Promote, support and encourage viable alternatives to landfill disposal of waste.
- Encourage the development of appropriate waste management, waste reduction and recycling infrastructure and markets.
- Support and encourage applied research and development into waste management, waste reduction and recycling that assists in meeting the State's objectives.
- Ensure that Western Australians have access to appropriate waste management, waste reduction and recycling services.
- To provide for an educated and aware community to assist in achieving these ends.
- Promote State and regional co-ordination of recycling and waste reduction.

Revenue for the fund is sourced from a levy on waste dumped in metropolitan landfill disposal sites.

The levy is currently \$3 per tonne for general waste and \$1 per tonne for inert waste.

Town of Vincent Submission

On 26 July 2003, the Technical Services officers submitted an application for a rebate from the Waste Management and Recycling Fund for the period January 2003 to June 2003, claiming 717.10 tonnes of recyclable material. The material also included the recycling of metals during the bulk verge collection and abandoned vehicles.

On 1 June 2004, the Minister for the Environment advised that the Town had received a grant of \$7,627.40 for Period 10.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.1 Protect and enhance environmental sustainability and biodiversity. “j) *Develop a waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and has positive environmental outcomes.*”

FINANCIAL/BUDGET IMPLICATIONS:

The grant funds have been recorded as revenue in the 2003/2004 Recycling Operating Budget. The budgeted amount on the budget is \$13,000 and the Town has received \$7,627.40.

COMMENTS:

In the Town's application for a rebate from the Resource Recovery Rebate Scheme, the Municipal Waste Advisory Council was advised that the grant monies received would be used to subsidise the Town's recycling operating budget.

10.2.4 St Michael Association - 2004 Street Procession

Ward:	North Perth	Date:	20 July 2004
Precinct:	Hyde Park P2, Mt Lawley Centre P11	File Ref:	CVC0006
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the annual St Michael Association street procession, to be held on Sunday, 26 September 2004; and*
- (ii) *REQUESTS the organisers of the procession to ensure that all emergency services and Main Roads WA Operations Centre, are notified and all relevant approvals have been obtained prior to holding the procession.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

BACKGROUND:

The St Michael Association is seeking the Council's approval to conduct its annual *Feast Day Celebration* street procession on Sunday, 26 September 2004, in honour of its patron saint, St Michael.

DETAILS:

The procession will commence at 3.30 pm on Sunday, 26 September 2004, from Sacred Heart Church in Mary Street, Highgate. It will travel, under Police escort, west via Mary Street turning left into William Street. From William Street the procession will turn left into Lincoln Street east bound and left again into Beaufort Street north bound. From Beaufort Street the procession turns left into Mary Street with proceedings concluding at approximately 4.15pm at Sacred Heart Church.

The procession will be under Police escort and no actual road closures are involved. The parade is scheduled for a Sunday and does not conflict with any other major events, however, there may be a short duration impact upon traffic in Beaufort Street.

CONSULTATION/ADVERTISING:

Given that the procession causes minimal disruption to residents or businesses and that the cost to advertise the procession would be an additional impost upon the applicants as a voluntary organisation, it is recommended that the applicants not be required to advertise this event.

LEGAL/POLICY

The WA Police Service will be responsible for traffic control in accordance with the relevant Australian Standards and Main Roads WA Code of Practice.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Draft Plan 2003-2008 – 2.1 *Celebrate and acknowledge the Town's cultural diversity. b) Develop and organise community events that engage the community and celebrate the cultural diversity of the Town.*

COMMENTS:

The annual street procession of the St Michael Association is a colourful Catholic celebration that draws many regular and first time visitors to the Town. The nearby cafes and restaurants will also gain from increased patronage as a result of the event suggesting that the Town not only benefits in cultural sense but also a commercial sense.

10.2.5 Introduction of on-road Parking Restrictions in Pier Street, Perth, South of Brewer Street

Ward:	South	Date:	21 July 2004
Precinct:	Beaufort P13	File Ref:	PKG0055
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 introduction of on-road Parking Restrictions in Pier Street, Perth, south of Brewer Street;*
- (ii) *APPROVES the introduction of two (2) hour parking restrictions from 8.00am until 5.30pm Monday to Friday and 8.00am to 12 noon Saturdays and the extension of an existing half (1/2) hour parking restrictions in Pier Street, Perth, between Brewer Street and Parry Street, as shown on attached plan 2282-PP.1A and B;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *ADVISES the adjacent residents and business proprietors of its resolution.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

BACKGROUND:

As a result of the recent introduction of paid ticket parking in the Members Equity Stadium carpark, Brewer and Pier Streets, Perth, it has come to light that two (2) short sections of Pier Street, south of Brewer Street, are currently unrestricted. As a consequence, commuters who had formerly parked free all day in the aforementioned locations, now park in the unrestricted zones to the detriment of local businesses.

DETAILS:

Prior to the recent introduction of paid ticket in the Members Equity Stadium carpark, Brewer and Pier Streets CBD commuters were increasingly utilising and dominating the free on-road parking in the area to the detriment of the Town's residents and businesses. Whilst the uptake of the paid ticket parking to date has been slow it has highlighted the determination of some CBD workers to find alternate 'free' all day parking within the Town.

As a result the currently unrestricted sections of Pier Street, south of Brewer Street, are now being 'parked' out resulting in a reduction in parking turnover to the detriment of the adjacent business.

In an endeavour to address this imbalance and to ensure regular turnover, while maintaining consistency with existing restrictions in surrounding streets, it is proposed to install the following restrictions in Pier Street between 8.00am and 5.30pm Monday to Friday and 8.00am to 12 noon Saturdays.

- east side, Brewer Street to Right of Way (ROW), two (2) hour restriction.
- east side, ROW to Edward Street, extend existing half (1/2) hour restriction by one (1) parking space.
- west side, Brewer Street to ROW, from existing loading zone to ROW, two (2) hour restriction.
- west side, ROW to Edward Street, extend existing half (1/2) hour restriction by two (2) parking spaces.
- east side, Edward Street to Parry Street, two (2) hour restriction.

CONSULTATION/ADVERTISING:

All adjacent business proprietors will be notified of the proposal via letter drop.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 - p) '*Develop a strategy for parking management in business, residential and mixed use precincts*'

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of new and relocating existing parking restriction signs and would be approximately \$600.00.

COMMENTS:

The proposed changes will improve the availability of customer parking in this section of Pier Street to the benefit of the adjacent business. The nearby paid parking in Brewer Street, Pier Street (north of Brewer Street), the Members Equity Stadium carpark and the soon to be introduced Stirling Street is available for all day parking to both employees and CBD commuters.

10.3.1 Leederville Street Festival 2004

Ward:	North Perth	Date:	19 July 2004
Precinct:	Hyde Park Precinct	File Ref:	CMS0029
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council PERMITS the Leederville Community Action Group to organise the "Leederville Street Festival" on 5 December 2004, subject to;

- (a) a total sponsorship contribution of \$15,000 to assist with the costs of the event as allocated in the 2004-2005 budget;*
- (b) event application fees of \$11,082.50 for the festival at Oxford Street being waived;*
- (c) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the street;*
- (d) a suitable traffic and risk management plan being submitted to the Town at least twenty-eight days prior to the event;*
- (e) the Leederville Action Group, as event organisers, shall fully comply with conditions of use being imposed including Environmental Health and other conditions; and*
- (f) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

DETAILS:

The 2004 Leederville Street Festival is the fourth festival being coordinated by Leederville Action Group and is designed to promote the Leederville area.

The Festival will be held on Sunday 5th December, 2004 between 11am and 5 pm.

As a result of last year's festival there were complaints about the noise of the bands from stall holders, artists and businesses in the café strip. The Luna theatre had to refund patrons because of the band noise. As a result of these complaints the organising committee have decided to change the format of the festival.

The organisers have looked at changing the flavour of the festival to be more inclusive of the community and culture of the Town of Vincent. Following discussions with the Town's officers, organisers have decided to focus on the cultural diversity of the local community to highlight various cultural acts and have a greater focus on street artists. The festival will focus on promoting multiculturalism and harmony within our community. This will require the organisers and the Town of Vincent to work more closely to achieve a successful street festival.

The Festival is planned to be a fun filled variety day for all. The Festival will continue to be community oriented this year with acts drawn from the local community. The expected benefits will be the promotion of the Leederville community and feature local cultural performers which represent the ethnic communities of Perth. The Festival will be a benefit to all in a vibrant fun filled day.

It is estimated that such an event has in previous years drawn crowds of approximately 5,000 (five thousand) people.

It is recommended that the bond not be waived altogether, however, this could be reduced to the same level of bond (\$2,000) that is applied to other events which are sponsored by Council.

An internal working group was established to determine a management plan and facilitate the coordination of the event from the perspective of the Town's imposed conditions and requirements with the following representatives:

- Manager Community Development (Chairperson);
- Manager Law & Order Services;
- Senior Ranger;
- Senior Environmental Health Officer;
- Manager Engineering Services;
- Manager Parks Services;
- WA Police Service;
- Leederville Police Station;
- Plus representatives from the organising committee.

This group will meet with festival organisers to discuss the requirements of the Town in terms of organising a major public event which involves road closures. This process has worked well in the past and in other major events organised in the Town, dealing with issues before they surface as problems, providing the necessary support and advice to the event organisers.

This group has also assisted in the past with the compilation of the risk management plan for this event in 2001 and this will be reviewed annually. A Risk Management Plan is considered an essential part of any major event and clearly identifies potential risks and provides the organisers with an opportunity to show how they have addressed them. It also itemises the responsibilities of individual parties both prior to the event, during the event and after the event. This year's plan will be upgraded to address noise and other issues as raised by the working group.

As the festival is intended to be an annual event a debriefing meeting will be held. A report to Council should outline how the event was conducted and address any issues requiring attention prior to the following year's event.

CONDITIONS/POLICY:

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;
4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause.

In addition, it is recommended that the Council impose the same conditions for other events which will incorporate the following:

- (a) All applications for food vendors must be submitted by the specified closing date.
- (b) Assistance from LCAG committee to ensure unauthorised food activities closed by the Town's Environmental Health Officers remain non-operational.
- (c) LCAG is to inform the Town of all food and drinks stalls and coke and ice-cream vans, prior to commencement of the Festival.
- (d) All power, water supplies and waste water disposal to be fully operative in all food vans prior to the commencement of the Festival.
- (e) LCAG is to be responsible to ensure that parking permits are issued to stall holders.
- (f) All access ways into the event to be manned by personnel allocated by the organising committee.
- (g) **Noise**
 - No amplified music or public address to be permitted prior to 10:00am or after 9:00pm as detailed in the submissions.
- (h) **Food**
 - All food related stall holders to liaise with Environmental Health Officer to apply for a Temporary Food Handling Permit at least 14 days prior to the event. Please note only fresh food prepared in a commercial kitchen can be sold to the public.
 - It is confirmed that all perishable foods (including food tasting) are to be kept at safe temperatures and protected from contamination.
- (i) **Toilets**
 - In addition to the public facilities available, 4 temporary portable facilities shall be provided, with one be reserved for the use of food handlers (should food vans, and preparation be involved). It is highly recommended that one unisex disabled WC be provided.
 - The toilets to be readily accessible to the public and their location well advertised. Screening of toilets to be provided to ensure privacy and designated signage for which sex they are intended.

- Consumables (toilet paper, soap & paper hand towels) to be replenished during the event. In addition, sanitary bins to be provided in portable toilets designated for females.
- Servicing and cleaning of toilets to be carried out on a regular basis throughout the event. The contractor for the toilets is to be on call in case toilets become full or blocked.
- Should the event become an annual function it can be anticipated that connection to sewer will be required.

(j) **General**

- The Risk Management Plan referred to in the submission should also contain a noise management plan, which should be updated and provided to the Town's Health Services at least 28 (twenty-eight) days prior to the event.
- In regards to cleaning and rubbish disposal the event organisers should liaise with the Town's Technical Services. Rubbish and litter collection should occur during the event and a major clean up should be conducted by 12:00 noon the following day.
- Should Fire Works be intended then application should be made to the Department of Minerals and Energy, Police and Town of Vincent at least 14 days prior to the event.
- Structural Certification and a copy of Public Liability Cover to be submitted for entertainment such as Fly Motion.
- No external entertainment is permitted after 9:00pm.
- Only premises holding a current Alfresco Dining Licence will be permitted to have Alfresco Dining.
- It is recommended that the Office of Racing, Gaming and Liquor be contacted for the relevant approvals for Liquor Licences.
- The First Aid Posts be suitably positioned to cover the entire event (They should have direct communication with crowd controllers, Police and the event organisers).
- Please confirm the crowd controller/security company name and 2 mobile contact numbers.
- A clear site plan to be provided detailing location of all events, toilets, ambulances, entertainment, stalls, and street closures.
- All activities including displays, street theatre (buskers), amplified music to be contained in the specified area.
- Animal farm and animal rides to be located a minimum of 18 metres from any food vans, and all animal faeces to be regularly collected and bagged for immediate disposal in a waste receptacle.
- The event organisers are to require all artists/performers/participants to refrain from using offensive explicit language and behaviour and activities, which could impact on the safety and amenity of the patrons.
- The event organisers to provide a list of relevant contact mobile phone numbers. This should include at least two contacts for the event organiser and crowd controllers.

(k) **Public Building Matters**

- Provide details of any temporary public buildings (eg. marquees) that are to be constructed. Details should include, seating arrangements, exit widths, size and electrical compliance certification.
- Exclusion zones to be provided around the following:
 - Skate boarding demonstrations and displays, and entertainment such as Fly Motion.
- Certification for all stage(s) to be provided advising they are structurally sound, and fire safe.

- Overcrowding – all reasonable precautions to be taken to prevent overcrowding and crowd controllers to take steps where necessary.
- (l) **Street Entertainment**
- All street entertainment to be pre-approved with a site map on allocated spaces provided to the Town. Any inappropriate or hazardous activity will not be approved.
 - The location of street entertainment to be mutually agreed upon by the Town.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008

Key Result Area

2.1 Celebrate and acknowledge the Town's cultural diversity

- (a) *Seek community initiatives and involvement in the development of programs and provides facilities and other recreational resources appropriate to the Town's needs.*
- b) *Develop and organise community events that engage the community and celebrate the cultural diversity of the Town.*
- c) *Where appropriate, financially support and promote community initiated events.*

2.5(e) *Develop partnerships with Government agencies, businesses and the community.*

FINANCIAL/BUDGET IMPLICATIONS:

Grants have been requested from the Town of Vincent, Healthway, Year of the Built Environment, Lotteries Commission and ARTSWA and the monies received will help in setting up the Festival and provide for the infrastructure in securing contractors and all other parties involved.

An amount of \$15,000 has been listed in the 2004/2005 Budget for the 2004 Festival which is the same as provided last year. The budget amount will enable the group to cover costs such as traffic management and road including all-day attendance by qualified personnel, advertising and the hire of water-filled barriers.

Given the size of this activity they fall within Council's Policy 3.2.5 for Concerts and Events where significant fees and bonds are involved. The following fees (including GST) would apply for this event based on an estimate of 5000 to 12000 patrons:

Application Fee	\$ 82.50
Event Fee	\$11,000.00
Bond	<u>\$13,200.00</u>
Total	\$24,282.50

It is recommended that the Town waives the application fees and event management fees to assist with the organisation of the event. It is further recommended that the Bond be reduced to \$2,000.00, similar to the reduction approved in similar applications.

COMMENT:

Oxford Reserve has been redeveloped with pathways and public art installations, and therefore would be restricted in terms of any events being held at the reserve itself. This will be discussed further at the internal working group meetings.

The Town supports the Festival with the provision of allocated sponsorship funds and the availability of officers who have met with event organisers a number of times to advise on the appropriate processes and procedures relevant to organising an event of this nature. The Festival has proven to be a very popular event in the Town's calendar.

10.4.1 Use of Common Seal

Ward:	-	Date:	19 July 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 Torre on approved leave of absence. Cr Farrell was an apology.)

DETAILS:

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

Date	Document	No of copies	Details
18/06/04	Contact Documents	2	Town of Vincent and Leederville Gardens Retirement Estate re: Mr and Mrs Berville, Unit 9, Leederville Gardens, Britannia Road, Leederville
30/06/04	Lease	3	Town of Vincent and Multicultural Services Centre of WA Inc, 20 View Street, North Perth WA 6006
08/07/04	Easement in Gross	3	Town of Vincent and Ricciardello Nominees and R Ricciardello of Hodder Way, Karrinyup re: No. 28 (Lot 401) Carr Street, West Perth
09/07/04	Memorandum of Understanding Agreement	3	Town of Vincent and BMX Australia Dirt Jumping Ltd trading as Freestyle BMX of 20 Jolimont Road, Jolimont re: HQ Skatepark, Frame Court, Leederville
09/07/04	Deed of Acknowledgement	3	Town of Vincent and Lotteries Commission & Association for Services to Torture and Trauma Survivors (ASETTS) Inc re: 286 Beaufort Street, Perth

Date	Document	No of copies	Details
09/07/04	Deed of Priority	3	Town of Vincent and Bank of Western Australia (Bankwest) of St Georges Terrace, Perth and Allia Holdings Pty Ltd (Debtor), North East Equity Pty Ltd (Mortgagor), West Hills Farm Pty Ltd (Chargor) of Unit 25, 257 Balcatta Road, Balcatta re: Members Equity Stadium
09/07/04	Deed of Clarification	4	Town of Vincent and Allia Holdings Pty Ltd, Nicola Tana and David George Rodwell of Unit 25, 257 Balcatta Road, Balcatta re: Members Equity Stadium
09/07/04	Standard Deed of Licence	3	Town of Vincent and Allia Holdings Pty Ltd, c/o Unit 25, 257 Balcatta Road, Balcatta re: Members Equity Stadium
09/07/04	Deed of Licence	3	Town of Vincent and Allia Holdings Pty Ltd and Perth Glory Soccer Club Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta re: Members Equity Stadium
13/07/04	Lease	2	Town of Vincent and Perth Glory Soccer Club Pty Ltd of 310 Pier Street, East Perth re: Members Equity Stadium
14/07/04	Charge over Water Licences	1	Town of Vincent and West Hills Farms Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta re: Members Equity Stadium

**10.4.4 Audit Committee Report - Financial Management Review 2004 and
Receival of Unconfirmed Minutes for 1 July 2004**

Ward:	-	Date:	20 July 2004
Precinct:	-	File Ref:	FIN0106
Attachments:	001		
Reporting Officer(s):	John Giorgi, M Rootsey		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Audit Committee Report - Financial Management Review Report - March 2004, as detailed in this report together with the Chief Executive Officers' comments;*
- (ii) *RECEIVES the Interim Audit Report - 30 June 2004 as detailed in this report together with comments by management;*
- (iii) *RECEIVES the Minutes (unconfirmed) dated 1 July 2004 of the Town's Audit Committee, as shown in Appendix 10.4.4; and*
- (iv) *APPROVES of the Audit Committee recommendation to request the Chief Executive Officer to carry out a Fixed Asset Audit in 2004/2005 and that the necessary budget funding source be identified.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

BACKGROUND:

The Audit Committee met on 1 July 2004 to consider the Interim Audit Visit for the year ending 30 June 2004 and the Financial Management Review - March 2004, as detailed in this report.

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

"That the Council;

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
 - (a) *the process of selecting the Auditor;*
 - (b) *recommending to Council on the Auditor;*
 - (c) *managing the Audit Process;*

- (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
 - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
 - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *to oversee Risk Management and Accountability considerations; and*
 - (h) *to oversee Internal Audit/Accountability functions;*
- (ii) *APPROVES of amending the composition of the Audit Committee to comprise;*
- (a) *Mayor as Chair;*
 - (b) *Deputy Mayor;*
 - (c) *One Councillor;*
 - (d) *Chief Executive Officer;*
 - (e) *Executive Manager Corporate Services (non-voting); and*
 - (f) *Other Officers by invitation as required (non-voting);*
- (iii) *APPOINTS Cr Helen Doran-Wu to the Audit Committee for the term 26 August 2003 to May 2005;*
- (iv) *APPROVES of the Council's Auditors Barrett and Partners - DFK to conduct internal audits, as requested by the Chief Executive Officer or Audit Committee;*
- (v) *ADOPTS the Town's Internal Audit Charter, as shown in Appendix 10.4.3(a);*
- (vi) *RECEIVES the Minutes (unconfirmed) dated 5 August 2003 of the Town's Audit Committee, as shown in Appendix 10.4.3(b); and*
- (vii) *REQUESTS the Audit Committee prepare the development of an Audit Programme for presentation to Council, as a priority."*

The Town's Auditors, Barrett & Partners - DFK - have provided the following Financial Management Review - March 2004;

"OBJECTIVES AND SCOPE

Section 5(2)(c) of the Local Government (Financial Management) Regulations 1996 ("FM Reg") requires the Chief Executive Officer (CEO) to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the Local Government Council regularly (and not less than once in every 4 financial years) and report to the Local Government the results of those reviews.

We were appointed to undertake this review in order to assist you and in presenting a report to the Council as required by the above requirement.

Our Financial Management Review covered the following financial systems and procedures of the Council:

- *Receipts / Debtors*
- *Rates*
- *Payments / Creditors*
- *Wages / salaries*
- *Minutes of Meetings*
- *Financial Reports*
- *Annual Budget*

- *Acquisition and Disposal of Properties*
- *Tender Register*
- *Register of Financial Interests*
- *Fringe Benefit Tax (FBT)*
- *Fixed Assets*
- *Beatty Park Aquatic Centre*

Our examination was mainly an overview of the above areas, assessing major controls and considering whether the systems and procedures in place are appropriate and effective for the Town's current level of operations and structure. We did not necessarily examine compliance with provisions of the Act or Regulations which were not financial in nature.

A summary of our review and findings are documented below together with any recommendations that we believe would assist the financial systems to operate in a more efficient and effective manner.

CEO's Comments:

The Auditors were pleased with the overall level of compliance and control following the conduct of the review. The recommendations proposed reflected minor improvements to controls. The majority of these have already been implemented.

RECEIPTS / DEBTORS

We examined the procedures in place in relation to mail opening, receipting, banking, security of money and debtors control. In our opinion, the controls and procedures in existence are considered to be operating effectively and are appropriate for the Council's current scope of operations.

However, the following matters were noted during our review and are brought to your attention:

- (a) *Mail is opened by one officer who hands over the cash / money orders and cheques to the cashier.*

The cash / money orders received are recorded in a register. The monies with the register should then be passed to the cashier for receipting. After receipting, the cashier records the receipt number on the register and returns the register to the officer.

- (b) *There is no formal credit note request form for the raising of credit notes. Most credit notes were raised based on faxes and memos. There was no evidence that the credit notes were authorised by a senior officer in the accounts division before the credit notes were processed.*

A formal credit note request form should be designed and put in use to enable all relevant details relating to the credit note to be gathered and authorised by a senior officer before entry into the system. This control procedure will ensure that only authorised credit notes are entered in the system.

- (c) *The receipting system permits voiding of receipts. Although this function is necessary when errors are made in receipting, there were no procedures in place for the review and authorisation of the cancelled receipts.*

We recommend that all cancelled receipts be attached to the daily receipt listing and they should be reviewed and authorised by a senior officer. Cancelled receipts can be used to cover up misappropriation or cash discrepancies.

CEO's Comments:

- a) This recommendation has been implemented.
- b) A formal credit note form has been created.
- c) Cancelled receipts are to be authorised by the Manager Financial Services

RATES

We examined the rating system, the process of reconciliation of the Valuer General's report to the Rates ledger, the rate notice and compliance of the rating system and rate notice with the Local Government Act and the FM Reg.

Our examination did not reveal any matters of non-compliance. It is our opinion that the system in place is adequate and appears to be in compliance with legislative requirements.

CEO's Comments:

This is a very pleasing outcome as rates income represents a significant percentage of the Town's revenue.

PAYMENTS / CREDITORS

We examined the payment system including register of accountable forms, purchase of goods and services, credit cards and petty cash. Generally controls surrounding purchases, creditors and payments are appropriate to meet the Town's requirement.

The following matters were noted:

- (a) *The purchasing guidelines of the Council requires the following process with regard to calling for quotes:*

Purchase values
\$500 - \$2,000
\$2,000 - \$50,000
above \$50,000

Obtaining of Quotes / Tenders
a minimum of three verbal quotes
a minimum of three written quotes
tenders to be invited

The purchase orders and purchase requisitions did not bear evidence that these procedures had been adhered to or provide details of the tender number reference.

We recommend that the purchasing guidelines be strictly adhered to. Purchase orders should not be raised where the purchase requisitions do not bare evidence of this.

- (b) *Instances were noted where purchase orders had been raised after the supplier's invoices had been received.*

As this increases the risk of unauthorised purchases being made we request that purchase orders be raised when goods / services are ordered and not after they have been received.

- (c) *There was no segregation of duties between the person raising the purchase orders and the person taking delivery of goods and services.*

We recommend that the functions of raising purchase orders and taking delivery of goods be segregated to provide cross-checks.

- (d) *The Council had three credit cards on issue. Invoices relating to payments along with the statements are submitted to the officer performing the bank reconciliation. However, there was no evidence that the statements were authorised by an independent senior officer.*

We recommend that a guideline be put in place relating to the use of credit cards and their accountability.

- (e) *Where supplier invoices have been paid, they are not cancelled in order to prevent possible duplication of payments being made.*

If an invoice is not stamped "paid" or cancelled in some other manner, re-use of the invoice is possible. This increases the risk of duplicate and/or invalid payments being made.

We recommend that paid invoices should be stamped "paid" or cancelled in some other manner once payment has been authorised.

- (f) *The advance account currently requires only one cheque signatory by any one of the three authorised officers.*

We recommend that all cheques be signed by at least two cheque signatories to strengthen controls over the purchases and payments procedure.

CEO's Comments:

- a) Financial Services have been instructed not to accept requisitions without the correct supporting documentation.
- b) All staff have been reminded on the importance of this matter. Training in the purchasing process and procedures will be included in staff inductions for new staff.
- c) This recommendation related in particular to the depot and procedures will be implemented to segregate the respective duties.
- d) A guideline has been established that the credit cards for the Purchasing Office and Executive Assistant be authorised by the Manager Financial Services and the Chief Executive Officer respectively. The Chief Executive's card to be authorised by the Executive Manager Corporate Services or in his absence, Manager Financial Services.
- e) A 'paid' stamp has been purchased and a procedure implemented to ensure that the invoice is not duplicated. The financial accounting system does identify any duplicate payment prior to approval.
- f) This comment is noted and will be implemented.

WAGES / SALARIES

We examined the payroll system of the Council. In general, the system in place appears to be working reasonably well. We noted that although the payroll was being authorised by the Manager – Financial Services, there was no evidence that the payroll reports relating to the divisions were being circularised to the divisional heads for their approval.

We recommend that the divisional payroll reports be circularised to the divisional heads for their review and approval and filed and retained by the payroll officer. This procedure will provide assurance as to the existence of employees on the payroll and that they are being paid for the correct hours worked.

CEO's Comments:

The comment on the payroll section is pleasing as the Wages and Salaries represent a significant portion of the expenditure of the organisation.

The recommendation regarding the distribution of divisional reports to divisional heads for approval/verification has been implemented.

MINUTES OF MEETINGS

We examined the minutes of Meetings to ensure that they were submitted at the next meeting for confirmation, signed by the person presiding at the meeting and were preserved. The minutes examined revealed that they complied with Sections 5.22 and 5.25(f) of the Local Government Act. In our opinion, the procedures surrounding meetings and minutes of meetings were found to be of satisfactory standard in accordance with legislative requirements.

CEO's Comments:

The outcome of the audit on this matter is very pleasing. It is important that this area is performing well, for the good governance of the Town.

FINANCIAL REPORTS

We reviewed the following reports to ensure they were in compliance with the Local Government Act and with the Regulations.

- *Annual Financial Report*
- *Quarterly Financial Reports; and*
- *Monthly Financial Reports*

The reports were found to be of satisfactory standard and generally in compliance with the Act and the Regulations. However, the following matters were noted:

- (a) *The original budget figures reflected in the monthly financial reports differed from month to month and also with the adopted Budget figures. We have discussed this with the Manager – Financial Services, who advised us that the reporting issues are currently being addressed with the software provider.*
- (b) *Financial Management Reg 35(1)(c) requires quarterly financial reports to identify any significant variations between the year-to-date income and expenditure totals and the relevant annual budget provisions for those totals from 1 July to the end of the period. This requirement was not complied with.*

CEO's Comments:

- a) This matter has been rectified by our corporate system software suppliers.
- b) This reporting matter will be initiated in the forthcoming financial year.

ANNUAL BUDGET

We examined the 2003-04 Annual Budget. This was prepared in the form prescribed by regulations 22 to 32 of the Local Government (Financial Management) Regulations. The Budget was adopted by an absolute majority of the Council as required by Section 6.2 of the Local Government Act and had been submitted to the Department of Local Government and Regional Development on 11 July 2003.

The following matters should be considered in the preparation of the Annual Budget in the future:

- (a) *Regulation 28 of the FM Reg requires the disclosure of the following information in relation to investments:*
 - (i) *the amount to be earned from the investment of money held in reserve;*
 - (ii) *the amount to be earned from the investment of other money; and*
 - (iii) *the total earnings from investments.*

We could not sight this disclosure in the 2003-04 Annual Budget.

- (b) *Regulation 29(d) of the FM Reg requires the following information to be disclosed in relation to new borrowings:*
 - (i) *the purpose for which the money is to be borrowed;*
 - (ii) *an estimate of the amount to be borrowed;*
 - (iii) *the nature of the proposed financial accommodation;*
 - (iv) *an estimate of the term of the repayment;*
 - (v) *an estimate of the interest rate and the other charges payable;*
 - (vi) *an estimate of the amount of the borrowings to be used during the financial year;*
and
 - (vii) *an estimate of the amount which will remain unused at 30 June.*

Further, Regulation 29(f) of the FM Reg also requires information relating to the repayment of money borrowed.

The 2003-04 budget proposes to raise a loan of \$10,969,000. However, the budget document does not provide all the disclosures required by the above regulations.

CEO's Comments:

These two disclosures have been included in the 2004/05 budget and were omitted as an oversight in 2003/04.

ACQUISITION AND DISPOSAL OF PROPERTIES

All major acquisitions and disposals are initially budgeted and approved by the Council. Discussions with the officers of the Council, confirms that all acquisitions and disposals are processed in accordance with the requirements of the Local Government Act, Local Government (Functions and General) Regulations 1996 and any council policy.

CEO's Comments:

It is pleasing to note the full compliance in this area.

TENDER REGISTER

The tender register was reviewed. Generally, the tender register was maintained in accordance with Regulation 17 of the Local Government (Functions and General) Regulations 1996.

The following matter was noted:

In a few instances the persons who attended to the opening of tenders had not signed the register to confirm their presence although the name of the officers were recorded.

CEO's Comments:

The Purchasing Officer has been instructed to ensure all personnel sign the register if their name is recorded as being in attendance.

REGISTER OF FINANCIAL INTERESTS

The Council maintains a register of financial interests in which the primary and annual returns as required by Section 5.88 of the Local Government Act. In our opinion, the register generally complies with the requirements of the Act.

CEO's Comments:

It is pleasing to note that the register has complied with the requirements of the Act.

FRINGE BENEFIT TAX (FBT)

We reviewed the FBT return for the year ended March 2003 and workings. Adequate records were maintained to support the calculations. We conclude that the Town was complying adequately with its FBT obligations.

FBT calculations on motor vehicles currently are based on the statutory formula method as log books are not maintained to establish a proper basis for arriving the business/private use percentage. If log books are maintained, the employer is entitled to use the statutory formula method or the operating cost method in calculating the FBT liability for each vehicle, whichever method gives the maximum tax benefit.

For information only: Log books are to be kept for a period of at least 12 continuous weeks and are valid for 5 years unless circumstances changes.

CEO's Comments:

Financial Services have completed comparison of the two methods and the Statutory Method is most beneficial to the Town.

FIXED ASSETS

We examined the fixed assets register of the Council. The following matters were noted and brought to your attention:

- (a) *The asset take up sheet is not signed off to indicate that the assets acquired have been affixed with the asset identification number.*

It is important that asset identification numbers are affixed to all new assets acquired as asset identification numbers enable assets to be tracked easily.

- (b) *An inventory of fixed assets has not been carried out for some time.*

We believe that there are items in the asset register, which may have been scrapped, non-existent or not usable. Once identified these items should be written off from the asset register with Council approval.

CEO's Comments:

- a) The asset take up sheet now to be signed.
b) A verification audit of the Town's assets is to be undertaken in this financial year.

BEATTY PARK AQUATIC CENTRE

We made a general assessment of the controls and procedures at the Beatty Park Aquatic Centre. The recommendations made by the external auditors in the previous years in relation to stock and cash controls have been addressed and implemented by the management.

We noted the following matters:

- (a) *The centre sells magnetised multi user cards to patrons for the use of the various facilities. However, a register was not maintained to record the stock of these cards available for sale.*

As these cards are openly tradeable and provide access to the various facilities, control over these cards is important. Cards available for sale should be recorded in a register with their card identification numbers.

- (b) *The Centre hires various facilities to groups and clubs. The use of these facilities is recorded in the Centre's booking system. The information is recorded on an invoice request form and sent to the Council. There were no controls in place at the Aquatic Centre to follow up and ensure that all bookings have been invoiced. Control in this area may prevent any loss of revenue to the Council.*

Apart from the above comments, the controls in place at the Beatty Park Aquatic Centre appears to be adequate for its current level of operation."

CEO's Comments:

I am pleased to see that all the previous recommendations of the auditors have been implemented by management.

- a) The Assistant Manager Administration Beatty Park will implement the installation of a register for the magnetised multi-user cards.
- b) The Accounts Receivable Officer will provide, on a daily basis, a listing of the invoices raised for Beatty Park. This is to ensure that all requests for invoices will be raised.

The Auditors also carried out an interim audit of the Council for the year ending 30 June 2004 and provided the following comments;

"Our interim audit covered a review of the accounting and internal control procedures in operation, as well as testing of transactions, in the following areas:

- *Purchases*
- *Payments and Creditors*
- *Rate Receipts and Rate Debtors*
- *Receipts and Sundry Debtors*
- *Payroll*
- *General Accounting and Computer Environment*
- *Site Visits - Beatty Park Aquatic Centre and Council Depot*

Our review also covered an examination of some compliance matters which are required under the Local Government Act 1995 (as amended) and Financial Management Regulations 1996.

Please note that our examination of internal controls was carried out for audit purposes designed primarily for the purpose of expressing an opinion on the financial statements of Town of Vincent.

Our report is based on an "exception" basis and therefore we have not commented on the many strong internal controls in place within your accounting system.

Our review indicates that overall the controls in place were operating satisfactorily. However, there are a few matters which we consider should be brought to your attention.

SUNDRY DEBTORS

We carried out a review of sundry debtors as at 18 March 2004 and noted the following debts which, after discussions with the staff, appears to be non-recoverable.

<u>Debtor</u>	<u>Amount</u>	<u>Comments</u>
Willis Homes	\$4,348.30	<i>The company is now in the hands of Liquidators – Melson Robson. As debt is unsecured it is unlikely that Council will be able to recover this debt.</i>

Brazier \$3,421.49

External and internal correspondence on this matter suggest that the debt is not recoverable. The debt related to the recovery of legal costs on an illegal subdivision.

Management Comments:

At the Council meeting of 11 May 2004 it was approved by Council to write these debts and others off.

REGISTER OF TITLES

We noted that a Register of Titles is maintained of all land owned by the Council. We obtained the Asset Register for land and cross-checked a few entries recorded to the Register of Titles. There were a number of properties in the Register of Titles that we were not able to identify in the Asset Register.

We request that both registers be reconciled to ensure that they correspond to each other. This exercise may also identify land which were not previously recorded in the financial statements. "values" may need to be determined to record such land in the books of the Council.

Management Comments:

It is some time since this was reviewed and management will resource the updating of the register.

QUARTERLY FINANCIAL REPORTS

We reviewed the quarterly financial reports presented to the Council. The reports were found to be of satisfactory standard.

The following matter was noted :

The Local Government (Financial Management) Regulation 35(1)(c) requires quarterly financial reports to identify any significant variations between the year-to-date income and expenditure totals and the relevant annual budget provisions for those totals from 1 July to the end of the period. This requirement was not complied with.

We recommend that the quarterly financial reports presented to the Council be prepared to conform fully with the format required by Regulation 35 of the Local Government (Financial Management) Regulations 1996.

Management Comments:

This has been addressed with the software supplier and appears to have been resolved.

BANK RECONCILIATION

We noted that the bank reconciliation statement in respect of the Advance account had not been finalised for the month of January 2004, at the time of our audit visit. We request that the bank reconciliations be up-dated as soon as possible.

Management Comments:

The bank reconciliations are now fully up to date.

PURCHASING PROCEDURES

A review was carried out, as part of our audit, of the purchasing and payments system. The following procedural weaknesses were noted which we bring to the attention of the management:

- (a) *The purchasing guidelines of the Council requires the following process with regard to calling for quotes:*

<u>Purchase values</u>	<u>Obtaining of Quotes / Tenders</u>
\$500 - \$2,000	<i>a minimum of three verbal quotes</i>
\$2,000 - \$50,000	<i>a minimum of three written quotes</i>
above \$50,000	<i>tenders to be invited</i>

The purchase orders and purchase requisitions did not bear evidence that these procedures had been adhered to or provide details of the tender number reference.

We recommend that the purchasing guidelines be strictly adhered to. Purchase orders should not be raised where the purchase requisitions do not bare evidence of this.

Management Comments:

Finance staff have been asked to not accept requisitions that don't have the appropriate backing information.

- (b) *Instances were noted where purchase orders had been raised after the supplier's invoices had been received.*

As this increases the risk of unauthorised purchases being made we request that purchase orders be raised when goods / services are ordered and not after they have been received.

Management Comments:

Education of all staff in the correct procedure in the purchasing process should alleviate this problem.

- (c) *There was no segregation of duties between the person raising the purchase orders and the person taking delivery of goods and services.*

We recommend that the functions of raising purchase orders and taking delivery of goods be segregated to provide cross-checks.

Management Comments:

This is noted but practically with limited staff this can be difficult to implement.

- (d) *The Council had three credit cards on issue. Invoices relating to payments along with the statements are submitted to the officer performing the bank reconciliation. However, there was no evidence that the statements were authorised by an independent senior officer.*

We recommend that a guideline be put in place relating to the use of credit cards and their accountability.

Management Comments:

There are three credit cards used in the organisation. The Purchasing Officer and the Administration Officer from the Chief Executive Officer's section will both have the credit card statements authorised by the Manager of Financial Services. The Chief Executive Officer's credit card statement will be authorised by the Executive Manager of Corporate Services.

- (e) *Where supplier invoices have been paid, they are not cancelled in order to prevent possible duplication of payments being made.*

If an invoice is not stamped "paid" or cancelled in some other manner, re-use of the invoice is possible. This increases the risk of duplicate and/or invalid payments being made.

We recommend that paid invoices should be stamped "paid" or cancelled in some other manner once payment has been authorised.

Management Comments:

This will be implemented.

- (f) *The advance account currently requires only one cheque signatory by any one of the three authorised officers.*

We recommend that all cheques be signed by at least two cheque signatories to strengthen controls over the purchases and payments procedure.

Management Comments:

Comment noted."

FINANCIAL IMPLICATIONS:

The cost of providing the Internal Audit Program is \$32,000 over four (4) years or \$8,000 per annum. Funds of \$10,000 have been allocated to the 2003/04 Annual Budget for the introduction of an Internal Audit Program and these monies will be carried forward.

LEGAL/POLICY IMPLICATIONS:

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

Regulation 5(2) states; *"The CEO is to -*

- (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and the procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews."*

STRATEGIC IMPLICATIONS:

The Town's Draft Strategic Plan 2003-2008 - Key Result Area 4.1(c), *"Continue to develop a long term strategic vision and financial plan for the Town"*, Key Result Area 4.2(d), *"Ensure that processes comply with relevant legislation"* and Key Result Area 4.1(e) *"Monitor performance and achievements"*.

COMMENT:

The reporting of the Town's internal Audit Committee minutes to the Council Meeting is considered "best practice" and in keeping with the Audit Charter. It is pleasing to note that no major issues were identified at this meeting and that the Town's Auditors expressed their satisfaction at the action taken by the Town's Administration concerning the matters identified in both reports.

10.4.6 Information Bulletin

Ward:	-	Date:	21 July 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 27 July 2004 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

DETAILS:

The items included in the Information Bulletin dated 27 July 2004 are as follows:

ITEM	DESCRIPTION
IB01	Progress Report on Local Studies and History Collection: January - June 2004
IB02	Town Planning Appeal Tribunal - Appeal No. 52 of 2004 - No. 348 Lord Street, Highgate - Reasons for Decision
IB03	No. 196 (Lot 556) Anzac Road (corner Federation Street), Mount Hawthorn - Appeal No. 101 of 2004 - Statement by Respondent
IB04	No. 42 (Lot 101) London Street, North Perth - Appeal No. 145 of 2004 - Statement by Respondent

10.1.3 No(s). 15 (Lot(s) 29) Raglan Road, Mount Lawley - Proposed Partial Demolition of and Alterations, Additions, Carport and Workshop to Existing Single House

Ward:	South	Date:	19 July 2004
Precinct:	Norfolk, P10	File Ref:	PRO2615; 00/33/2313
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 the owner A M Bruechert for proposed partial demolition of, and alterations, addition, carport and workshop to existing single house at No. 15 (Lot 29) Raglan Road, Mount Lawley, and as shown on plans stamp-dated 23 June 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. 11 Raglan Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 11 Raglan Road in a good and clean condition;*
- (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 Raglan 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) 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;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) 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;*

- (viii) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
 - (ix) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
 - (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 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;*
 - (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 with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
 - (xiii) *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;*
 - (xiv) *the workshop structure shall not be used for habitable, commercial or industrial purposes;*
 - (xv) *no additional plumbing or sanitary facilities or fixtures shall be provided to, or within, the workshop structure without the prior approval of such by the Town; and*
 - (xvi) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (6-1)

For
Mayor Catania
Cr Cohen
Cr Doran-Wu
Cr Franchina
Cr Ker
Cr Lake

Against
Cr Chester

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

Landowner:	A M Bruechert
Applicant:	A M Bruechert
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:	577 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Location of and Vehicular Access to Car Parking	Vehicular access and car parking to be accessible from existing right of way where (legally) available.	Vehicular access and carport from primary street within the front setback area.
Setbacks		
East (workshop)	1.0 metre	Nil
South (workshop)	1.0 metre	Nil
West (extension and carport)	1.0 metre	0.69 metre

* 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 house. A privately owned right of way exists to the rear of the lot. The right of way is sealed and has a width of 4.0 metres.

The Council at its Ordinary Meeting held on 24 February 2004 conditionally approved a proposal for partial demolition of, and alterations, additions, carport and workshop to existing single house at the subject site.

DETAILS:

The current application is identical to the proposal previously determined and conditionally approved by Council at its Ordinary Meeting held on 24 February 2004. In this application, the applicant requests Council to reconsider and delete the following condition of the previous approval;

"(l) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the workshop being setback a minimum of 1.0 metre from the right of way. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"

A letter from the applicant justifying the request is provided as an attachment. In summary, the applicant requests Council to consider the imposition of the subject condition for the following reasons:

- plans were drawn up based on prior advice given by the Town;
- there are other buildings in the subject right of way which have walls built on the boundary;
- the right of way has ample room to accommodate both pedestrians and vehicles and therefore, does not require the 1 metre setback which was required as a 'safe haven' for pedestrians;
- the one- metre setback provides drug users an area to be obscure from the public; and
- there are no by-laws governing the restriction.

CONSULTATION/ADVERTISING:

The current proposal is not required to be advertised as the previous application for an identical proposal has been signed off by the adjacent affected landowners.

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:

Reconsideration of Rear Setback Condition

In the previous proposal considered at the Ordinary Meeting of Council held on 24 February 2004, a setback of the proposed workshop from the right of way was required by the Town's Technical Services and in accordance with the Western Australian Planning Commission's 'Right of Way or Laneways in Established Areas Guidelines'.

However, whilst the proposed 'nil' setback is a deviation from Town's requirements, the variation sought by the applicant has been further assessed in terms of the applicant's submission, and is now considered supportable from a streetscape perspective due to the precedence of walls/buildings on the boundary along the subject right of way. To illustrate the existence of walls with a 'nil' setback along this right of way, a photograph of the adjoining and nearby properties has been provided as an attachment.

Related Matters

The other matters relating to the proposal have been addressed in the Report, Item 10.1.12 to the Ordinary Meeting of Council held on 24 February 2004.

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters, including the deletion of condition (1) of the previous approval which required the workshop to be setback 1 metre, in lieu of the proposed nil setback.

10.1.11 No(s). 34 (Lot(s) 24 & 25) View Street corner Peach Street, North Perth - Change of Use from Single House to Office Building (Application for Retrospective Planning Approval)

Ward:	North	Date:	20 July 2004
Precinct:	Smith's Lake, P6	File Ref:	PRO2677; 00/33/2117
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by J Vincent on behalf of the owners A & T Fanowrios and M Vann for Change of Use from Single House to Office Building (Application for Retrospective Planning Approval) at No (s). 34 (Lots 24 & 25) View Street, corner Peach Street, North Perth, and as shown on elevations dated 4 March 2004, and site and floor plans stamp-dated 8 June 2004, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the Town's Policy relating to Monastery Locality Plan 19; and*
 - (c) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas;*
- (ii) *the Council ADVISES the owner and applicant that they are required to pay the outstanding fees of \$600 for the above planning application for retrospective Planning Approval, within 14 days of the notification by the Town; and*
- (iii) *the Council ADVISES the owner and occupier of No. 34 (Lots 24 & 25) View Street, corner Peach Street, North Perth, that the unauthorised office use of this property is to cease operation within 14 days of the notification by the Town, and the Council AUTHORISES the Chief Executive Officer to initiate legal proceedings, if this unauthorised office use is still operating after the 14 days period.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

LOST (0-7)

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

Reasons:

1. **Extent of heritage work done on the property.**
2. **Value of retaining the property.**
3. **Owner is willing to add the property to Municipal Heritage Inventory.**
4. **Commercial uses in close proximity.**
5. **Ability to manage the ongoing impacts through conditions on approval.**

Moved Cr Ker, Seconded Cr Chester

ALTERNATIVE RECOMMENDATION

That;

- (i) ***in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Vincent on behalf of the owners A & T Fanowrios and M Vann for Change of Use from Single House to Office Building (Application for Retrospective Planning Approval) at No (s). 34 (Lot(s) 24 & 25) View Street, corner Peach Street, North Perth, and as shown on elevations dated 4 March 2004, and site and floor plans stamp-dated 8 June 2004, subject to:***
 - (a) ***compliance with all relevant Environmental Health, Engineering and Building requirements, including provision of access and toilet facilities for people with disabilities;***
 - (b) ***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;***
 - (c) ***prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);***
 - (d) ***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 Town's Policy 3.1.78 Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";***
 - (e) ***the front and rear opening for the existing garage accesses from Peach Street, shall be one hundred (100) per cent open at all times (open type gates/panels are permitted),***
 - (f) ***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;***

- (g) *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);*
- (h) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the View Street and Peach 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);*
- (i) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (j) *prior to the issue of a Building Licence the applicant shall pay a \$275 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (k) *a standard visual truncations, in accordance with the Town's Policies and 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 accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (l) *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 View Street and Peach 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;*
- (m) *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;*
- (n) *a maximum of two(2) consultants and one (1) administration staff member are permitted to operate at the property at any one time;*
- (o) *the office building shall be used only for human resources consultancy and secretarial services; and*

(p) should the office use (human resources consultancy and secretarial services) or owners (Anthony John Fanowrios, Timothy Gordon Fanowrios and Michelle Maria Vann) of the property change, or the property is subdivided, the office use (human resources consultancy and secretarial services) shall cease immediately;

to the satisfaction of the Chief Executive Officer;

- (ii) the Council NOTIFIES the owners of No(s). 34 (Lot(s) 24 and 25) View Street, corner Peach Street, North Perth, of the intention to include the place on the Town of Vincent Municipal Heritage Inventory and give the owners the right of reply and comment within 28 days of notification;*
- (iii) should no objection to the proposed listing of the subject place be received from the owners within the 28 days as stated in clause (ii) above, the Council LISTS No(s). 34 (Lot(s) 24 and 25) View Street, corner Peach Street, North Perth on the Town of Vincent Municipal Heritage Inventory;*
- (iv) the Council INCLUDES the historical information relating to the subject place, as provided by the applicant, in the Town of Vincent Local Studies Collection; and*
- (v) the Council ADVISES the owners and applicant that they are required to pay the outstanding fees of \$600 for the above planning application for retrospective Planning Approval, within 14 days of the notification by the Town.*

CARRIED (7-0)

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

Landowner:	A & T Fanowrios and M Vann
Applicant:	J Vincent
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R 30
Existing Land Use:	Single House
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	936 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.

BACKGROUND:

The subject site is occupied by a single storey house, which has car parking access off View Street and Peach Street.

DETAILS:

The proposal is for the conversion of an existing house to an office (human resources and consultancy and secretarial services).

The planning application did not specify that Retrospective Planning Approval was being sought. However, a subsequent site inspection revealed that the proposed office use has already commenced on-site, using 30 square metres of the building. In light of the above, the outstanding application fee for retrospective Planning Approval (\$800 required, \$200 paid) is still required to be paid.

The applicant has submitted a detailed submission (attached), which has been summarised as follows:

- Built in 1906 and arguably one of North Perth's grandest house.
- There is currently a high mix of residential and business properties along View Street. Currently the east end and the Fitzgerald Street end of View Street is made up of predominantly business properties, inclusive of a chiropractors clinic, a delicatessen, former Town Hall, St Hilda Anglican Church, Australia Post Office, Migration Centre and St Rita Nursing Home.
- The proposed human resources and consultancy and secretarial services are human and social services, which is keeping with the low key commercial uses of nearby properties and also provide services to local residents and those in the surrounding community. The business will also draw outside persons into the Town of Vincent community. The staffing is made up of 2 consultants, who spend the majority of time out of the office, visiting clients and 2 administrative staff. On an average, a maximum of 5 persons visit the office for a time not exceeding 30 minutes. The times of operation are Monday to Friday from 8am to 5pm, and by appointment on Saturdays and Sundays.
- View Street is usually used as a thoroughfare between Fitzgerald and Charles Streets. The traffic generation from the use is no more than a normal residence along the street.
- Three on-site (3) car bays are provided for the proposed use. There are also 4 to 6 on-street car bays available.
- Favourable response received from boundary neighbours.
- A main entrance is proposed at the rear of the building to provide access for persons with disabilities from a parking area, as a ramped access to the existing front verandah is not possible without compromising the heritage value of the building. All other requirements relating to facilities for persons with disabilities will be designed to meet the relevant legislation.
- The house has been restored at substantial cost for reasons that include sentimental values, existing character and for the purpose of running a human resources and consultancy and secretarial services, rather than the option of demolition of the house. Also intended is to subdivide the subject site into three green title lots.
- The existing building meets the criteria for inclusion in the Town of Vincent Municipal Inventory.

CONSULTATION/ADVERTISING:

This proposal was advertised for public comment for a period of twenty one (21) days in accordance with the "SA" advertising procedures. No submission was received at the end of the advertising period, however the applicant had submitted two (2) letters in support of the change of use.

The matters raised in one of the above submission state that the sewer location is in the wrong location and that any works undertaken such as retaining walls and sewer is to be at the cost of the applicant. Since then, the person who lodged the submission has sold the rear adjoining lot to the owner of the above site. Also brought up is the issue of the office already operating and that there were no car parking problems being encountered.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Car Parking

Requirements	Required No. of Car bays
Office: 1 car bay per 50 square metres gross floor area (existing 140 square metres).	2.8 car bays
Total car parking required before adjustment factor (nearest whole number)	3 car bays
Apply the parking adjustment factors.	(0.85)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) 	2.55car bays
Car parking provided on site	3 car bays
Resultant surplus	0.45car bays

Use

The land is zoned Residential R30 under Town of Vincent Town Planning Scheme No.1. The TPS No.1 and the Monastery Locality Plan 19 state that a number of dwellings in the area have undergone exterior extensions, indicative of the era in which the Locality was developed. The Locality Plan also states that *"a limited number of non-residential uses which serve the day-to-day needs of residents (such as shops, local parks and child care facilities) are also considered appropriate if they are not likely to cause any significant disturbance to adjacent residents."* The current non-residential uses operating along View Street are a chiropractor's clinic, a delicatessen, former North Perth Town Hall, St Hilda Anglican Church, Australia Post Office, Migration Centre, St Rita Nursing Home and a school which is also within close proximity of the subject site.

The subject office use is considered not to fall under the category of serving the day-to-day needs of the residents and is more suited to be located in areas which have been appropriately zoned and developed for such uses, that is the District Centre and Commercial areas along View Street and Fitzgerald Street, which are incidentally within close proximity of the subject site. The proposed office use is considered to attract additional vehicular traffic and create other effects that would not normally be expected from a property zoned Residential R30, and is likely to encourage further commercial intrusion within an established residential area. It is to be further noted that if the office use if approved and at a latter date ceased to operate, a more intensive office use such as a real estate office, accounting or law firm could operate from the above site.

It is to be noted that the owners have also submitted a green title subdivision to subdivide the lots into three (3) lots, which are of concern due to the size of 2 of the 3 lots to be created. The subdivision proposal is currently been assessed by the Town's Planning and Building Services.

Heritage

The subject property is considered an excellent example of a single-storey, Federation Queen Anne, brick and tile house. The applicant has recognised the heritage potential of the property and has engaged in a positive conservation program undertaking considerable building works to restore the place.

The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base, however, the place is considered to have local heritage significance, especially as part of a View Street precinct incorporating the former North Perth Town Hall, the Vincent Multicultural Gardens, the former North Perth Fire Station, the North Perth Post Office and other residences.

The application for change of use has some minor heritage implications as the integrity of the place would be slightly lessened due to the cessation of its use as a residential house. However, as the internal structure and layout of the building would not be compromised in changing the use, there is no objection on heritage grounds to the application.

Health and Building

The Town's Health Services and Building Surveyors have advised that the proposal generally complies with the relevant health and Building Code of Australia (BCA) standards. However, the owners will be required to provide facilities for people with disabilities in accordance with the BCA requirements, which can be provided at the Building Licence stage.

Traffic and Access

The Town's Technical Services have advised that the parking layout complies with the Town's standards, and that there is no traffic related concerns along View Street.

Summary

It is to be noted that the owners are living on-site and also operating at "low key", using 30 square metres of a total floor space of 140 square metres. The proposal represents an inappropriate use for the above site, and as such would set an undesirable precedent in the locality for further commercial style development of a similar scale and nature in the future, within a predominantly established residential area. Accordingly, it is recommended that the proposal be refused. It is also recommended that the owners pay the outstanding \$600 fee for the subject application for Retrospective Planning Approval. It is further recommended that the owners be given 14 days to cease operating an unauthorised office use from the date of notification by the Town, and if the office use continues to operate after the 14 days period given, that the Council authorises the Chief Executive Officer to commence legal proceedings against the above unauthorised use.

At 6.35pm Mayor Catania introduced the Town's Safer Vincent Co-ordinator, Megan Wendt to the Elected Members.

10.1.4 No(s). 56 (Lot(s) 168) Matlock Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	North	Date:	19 July 2004
Precinct:	Mt Hawthorn, P1	File Ref:	PRO2830; 00/33/2275
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 C Pendlebury on behalf of the owner A Monisse for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 56 (Lot 168) Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 28 May 2004, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) 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;*
- (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) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*

- (vi) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (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 all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (viii) *standard visual truncations, in accordance with the Town's Policies and 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 accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (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) *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 Matlock Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xi) *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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (7-0)

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

Landowner:	A Monisse
Applicant:	C Pendlebury
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:	470 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Setbacks:		
Ground -Northern	1.5 metres	1.168-1.8 metres
Upper -Northern - Southern	4.1 metres 4.1 metres	1.168-1.8 metres 1.56 metres
Height	6 metres to top of walls and 9.5 metres to top of roof pitch	6.7-6.9 metres to top of wall and 9.3-9.8 metres to top of roof pitch
Privacy-Cone of Vision Encroachment		
Bedrooms 1,2,3 and 4	Bedroom windows are to be 4.5 metres from the boundary or suitably screened, as per the R Codes requirements	Bedroom 1 windows is 1.5 metres (south facing window) and 2.5 metres (west facing window) to the south boundary Bedroom 2 window is 3.5 metres to the south boundary Bedroom 3 window is 3 metres to the north boundary Bedroom 4 windows is 1.8 metres (north facing window) and 2.5 metres (west facing window) to the north boundary

* 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 subject site abuts a 5.8 metres wide sealed right of way on the eastern side and is privately owned.

DETAILS:

The proposal comprises the partial demolition of and alterations, and two-storey additions to the existing single house.

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

" ...the only issue with my plans for the proposed addition to 56 Matlock Street is that the height of my proposed southern wall on the east side is 6.33m high, however Council guidelines require 6m For the reasons which follow would the Town of Vincent please approve the greater height:

- i) *I understand that the northern wall is within the 6m mark;*
- ii) *The block has a small incline away from the street (drops approximately 500mm), and to a lesser degree also slopes away from the northern boundary, thereby causing the south wall on the east side to go above the 6m mark.*
- iii) *The proposed kitchen/family/meals area requires three 0.36m high steel beams to support the ceiling/roof for that room;*
- iv) *I wish to avoid having internal steps into that room because I would like the level of its floor to be the same as the existing ground floor level for easy disabled access throughout that entire floor;*
- v) *I wish to keep the height of the proposed 2nd storey addition in keeping with the character of the rest of the house, including the height of the ground floor;*
- vi) *The owners of 54 and 58 Matlock Street (the adjoining land) have both given their approval to the proposed addition including the wall in question."*

CONSULTATION/ADVERTISING:

The proposal was not advertised, as the applicant provided letters of consent from all the adjoining, affected neighbours.

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 variations sought by the applicant in regards to the setback for the southern upper floor and the northern setbacks for both the ground and upper floors is supported as it is regarded as minor, is not considered to unduly affect the neighbours' amenity and the affected neighbours have signed plans stating they have no objections to the proposal.

Privacy

The proposal involves cone of vision encroachments into the adjoining northern and southern properties. However, as both affected neighbours have indicated they have no objections to the proposed windows and setbacks, the variation is regarded as acceptable and screening is not considered to be necessary.

Height

To avoid the construction of internal steps and to enable access for people with disabilities, the applicant is proposing the finished floor level of the proposed addition to be level with the finished floor level of the existing house. In order to achieve this, the applicant is proposing a height of 9.3-9.8 metres to the top of roof pitch and a height of 6.7-6.9 metres to the top of wall. Whilst the proposed height of the development is a deviation from the requirements of the R Codes, the variation in the instance is supported as it is regarded to be keeping in character with the existing house and surrounding areas and not considered to compromise the privacy or the amenity of the adjoining neighbours. It is further noted that the change of ground levels of 0.5 metres exacerbates the building and wall height and the applicant has obtained the affected neighbours consent.

Conclusion

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

10.1.15 LATE ITEM - Further Report- No(s). 405-407 (Lot(s) 301 & 300) William Street, Perth - Change of Use from Vehicle Sales Premises to Shop, Warehouse and Office (Application for Retrospective Planning Approval) and Proposed Change of Use to Eating House and Take Away Food Outlet and Associated Alterations and Additions

Ward:	South	Date:	26 July 2004
Precinct:	Beaufort, P13	File Ref:	PRO0173; 00/33/2163
Attachments:	001		
Reporting Officer(s):	M Bonini		
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 M Ryan on behalf of the owner Duva Holdings Pty Ltd, J Tjohjono & F Young for Change of Use from Vehicle Sales Premises to Shop, Warehouse and Office (Application for Retrospective Planning Approval) and Proposed Change of Use to Eating House and Take Away Food Outlet and Associated Alterations and Additions, at No(s). 405-407 (Lot(s) 301 & 300) William Street, Perth, and as shown on plans stamp-dated 13 May 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;*
- (iii) the applicant/owner shall pay a cash-in-lieu contribution of \$10,725 for the equivalent value of 4.29 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget.;*
- (iv) 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;*
- (v) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) the maximum floor area of the uses shall be limited as follows: 13 square metres of public area for the eating house, 19 square metres of gross floor area for the offices, 264 square metres of gross floor area for the warehouse and 116 square metres of gross floor area for the shop; and*

(vii) *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;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Franchina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Franchina

That the existing clause (iii) be deleted and replaced with a new clause (iii) as follows:

"(iii) all carbays shall be open and accessible to staff and customers at all times the business is operating;"

AMENDMENT CARRIED (4-3)

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

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

Debate ensued.

MOTION AS AMENDED CARRIED (6-1)

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

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

Mayor advised that as the deletion of clause (iii) (as originally recommended) is a significant amendment, in accordance with the Local Government Act 1995, reasons must be stated for the amendment.

Reason:

The property has been operating effectively without carparking in pre-existing uses for a long period of time without problems in the area and providing we can guarantee accessible parking on the site, it will be an improvement.

Cr Lake stated that she was concerned about the reason stated as she is of the opinion that there are parking problems in the area.

The Presiding Member advised that he would not allow comment on the matter and if Councillors were dissatisfied with the stated reason, then a point of order can be raised or a motion of dissent to change the reason can be moved.

MOTION

Moved Cr Lake, Seconded Cr Doran-Wu

That the stated reason be amended and alternative wording be provided.

Debate ensued.

Cr Ker stated that there was no intention in the stated reason to make statements about the adequacy or otherwise of parking in the area and as the proposer of the wording of the reasons he would be happy to rephrase the reason given.

Debate ensued.

CEO read out the wording of the reason and this was amended by Cr Ker to read as follows:

"The property has been operating effectively without carparking in pre-existing uses for a long period of time area and providing we can guarantee accessible parking on the site, it will be an improvement. The six bays being provided for use by customers and staff is considered an improvement."

Cr Lake advised that as the mover of the motion she would now withdraw it, as she was satisfied with the revised wording of the reason.

The seconder, Cr Doran-Wu, agreed with the withdrawal of the motion.

MOTION WITHDRAWN

COUNCIL DECISION ITEM 10.1.15

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Ryan on behalf of the owner Duva Holdings Pty Ltd, J Tjohjono & F Young for Change of Use from Vehicle Sales Premises to Shop, Warehouse and Office (Application for Retrospective Planning Approval) and Proposed Change of Use to Eating House and Take Away Food Outlet and Associated Alterations and Additions, at No(s). 405-407 (Lot(s) 301 & 300) William Street, Perth, and as shown on plans stamp-dated 13 May 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;*

- (iii) *all carbays shall be open and accessible to staff and customers at all times the business is operating;*
- (iv) *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;*
- (v) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *the maximum floor area of the uses shall be limited as follows: 13 square metres of public area for the eating house, 19 square metres of gross floor area for the offices, 264 square metres of gross floor area for the warehouse and 116 square metres of gross floor area for the shop; and*
- (vii) *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;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 13 July 2004, considered the subject application and resolved to defer the item to allow for further investigation and information to be obtained with regard to an existing parking shortfall.

Further investigation into archival documents retrieved from the City of Perth, has indicated that no parking shortfall has previously been approved. Approved plans dated 10 February 1981 were found in relation to a proposed warehouse and office use. Both these uses are less intensive to those proposed in the current application. The car parking calculation therefore results in a surplus in car parking bays. A car parking calculation has been included in relation to the plans dated 10 February 1981.

Car parking requirement (nearest whole number) -Office - 104 square metres require 2.08 bays -Warehouse - 370 square metres require 3 bays for the first 200 square metres and 1 bay per 100 square metres. Total: 4.7 bays	7 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of one or more existing public car parking place(s) with in excess of a total 25 car parking spaces) 	(0.686) 4.80 car bays
Minus the car parking provided on site	6 car bays
Resultant surplus	1.19 car bays

In light of the above, the previous Officer Recommendation remains unchanged, except for an amendment to clause (iii) to reflect the current financial year 2004/2005.

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 13 July 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 M Ryan on behalf of the owner Duva Holdings Pty Ltd, J Tjohjono & F Young for Change of Use from Vehicle Sales Premises to Shop, Warehouse and Office (Application for Retrospective Planning Approval) and Proposed Change of Use to Eating House and Take Away Food Outlet and Associated Alterations and Additions, at No(s). 405-407 (Lot(s) 301 & 300) William Street, Perth, and as shown on plans stamp-dated 13 May 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;*
- (iii) the applicant/owner shall pay a cash-in-lieu contribution of \$10,725 for the equivalent value of 4.29 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2003/2004 Budget;*
- (iv) 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;*
- (v) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) the maximum floor area of the uses shall be limited as follows: 13 square metres of public area for the eating house, 19 square metres of gross floor area for the offices, 264 square metres of gross floor area for the warehouse and 116 square metres of gross floor area for the shop; and*
- (vii) 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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That the Item be DEFERRED to allow for further investigation and information to be obtained with regard to an existing parking shortfall.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

Landowner:	J & F Duva Holdings Pty Ltd & Tjohjono & Young
Applicant:	M Ryan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
Existing Land Use:	Shop, Warehouse, Office
Use Class:	Shop, Warehouse, Office Building, Eating House
Use Classification:	"P"
Lot Area:	671 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Car Parking	15 car bays	6 car bays

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

SITE HISTORY:

The Council at its Ordinary Meeting of Council dated 26 March 2002 granted conditional Planning Approval for a proposed change of use from office/showroom/warehouse to vehicle sales premises.

DETAILS:

The applicant seeks to change the current approved use of vehicle sales premises to eating house (take away food outlet) and also seeks retrospective Planning Approval for the existing use of Shop and Office at the premises. The alterations and additions relate to the take away food outlet, which is proposed as part of this application.

The applicant has provided comments in support of the application. These comments are attached.

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 applicant is proposing a dining eating house use within the existing fabric of the building. The application also needs to address the shop use and office currently operating at the premises without planning approval.

Car Parking

<i>Car parking requirement (nearest whole number) -Office - 19 square metres require 0.38 bay -Eating House - 13 square metres require 2.88 bays -Warehouse - 264 square metres require 3 bays for the first 200 square metres and 1 bay per 100 square metres. Total: 3.64 bays -Shop - 116 square metres require 7.73 bays</i>	<i>15 car bays</i>
<i>Apply the adjustment factors.</i>	<i>(0.686)</i>
<i>▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of one or more existing public car parking place(s) with in excess of a total 25 car parking spaces)</i>	<i>10.29 car bays</i>
<i>Minus the car parking provided on site</i>	<i>6 car bays</i>
<i>Resultant shortfall</i>	<i>4.29 car bays</i>

The car parking shortfall as represented in the above table is 4.29 car bays when applying the adjustment factors and accounting for the provided car parking bays on-site. Additional car parking bays are difficult to accommodate on-site as it is an established development. The Town's Policy relating to Parking and Access, suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. This would equate to a payment of \$10,725. The parking shortfall is not considered excessive and is therefore supported with the cash-in-lieu payment.

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

10.1.2 No(s). 20 (Lot(s) 39) Bondi Street, Mount Hawthorn - Proposed Carport Additions to Existing Single House

Ward:	North	Date:	19 July 2004
Precinct:	Mt Hawthorn, P1	File Ref:	PRO2678; 00/33/2325
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 the owner D Mercadante for Proposed Carport Additions to Existing Single House, at No. 20 (Lot 39) Bondi Street, Mount Hawthorn, and as shown on plans stamp-dated 15 July 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. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) 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;*
- (iv) standard visual truncations, in accordance with the Town's Policies and 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 accessways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum overall height of the carport being 3.0 metres on the northern elevation and 3.15 metres on the southern elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Cohen, Seconded Cr Lake

That clause (v) be deleted.

Debate ensued.

AMENDMENT CARRIED (7-0)

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

MOTION AS AMENDED CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner D Mercadante for Proposed Carport Additions to Existing Single House, at No. 20 (Lot 39) Bondi Street, Mount Hawthorn, and as shown on plans stamp-dated 15 July 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. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) 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; and*
- (iv) standard visual truncations, in accordance with the Town's Policies and 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 accessways to ensure that the safety of pedestrians and other road users is not compromised;*

to the satisfaction of the Chief Executive Officer.

Landowner:	D Mercadante
Applicant:	D Mercadante
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:	513 square metres

COMPLIANCE:

Requirements	Required	Proposed*
Western side setback	1.0 metre minimum	0.5 metre
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.

BACKGROUND/SITE HISTORY:

A similar application has been determined by Council at its Ordinary Meetings on 27 April 2004 and 13 July 2004. Details of the outcomes from these meetings are as follows;

27 April 2004 The Council at its Ordinary Meeting resolved to conditionally approve an application for a similar proposal. The plans approved at this meeting differ from the current plans in that the setback from Green Street was 7.7 metres, in lieu of the currently proposed 8.0 metres. In addition to standard conditions, the following condition was applied by Council:

"...(ii) prior to issuing the Building Licence, revised plans shall be submitted and approved demonstrating the following:

- (a) the carport being setback a minimum of 1.0 metre from the western side boundary; and*
- (b) the maximum internal ceiling height of the carport being a maximum of 2.4 metres from the finished floor level, with the maximum overall height of the carport being 2.7 metres.*

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

13 July 2004 The Council at its Ordinary Meeting resolved to conditionally approve an application for a similar proposal. The plans approved at this meeting differ from the current plans in that the height of the car port was 3.0-3.15 metres, in lieu of the currently proposed 3.2-3.35 metres. The application was approved subject to standard approval conditions, including the omission of condition/clause (ii) (as above) of the previous approval granted at the 27 April 2004 Ordinary Meeting of Council.

DETAILS:

The applicant seeks approval for the proposed carport addition to the existing single house. The carport is proposed to the rear of the existing dwelling, with access from Green Street. The site currently accommodates parking at the front of the house, which is accessed from Bondi Street. The current proposal differs from the previous proposal approved by Council on 13 July 2004, in that the height of the carport is increased from 3.0-3.15 metres to 3.2-3.35 metres.

A letter from the applicant justifying the proposal is provided as an attachment. From this letter, it is noted that the applicant requests Council to consider the carport height being increased to 3.2-3.35 metres as the carport is intended to accommodate a caravan and the proposed height of the carport is to enable works for the roof of the caravan to be carried out and to allow space for a future caravan roof top air conditioner and a larger motor home.

CONSULTATION/ADVERTISING:

The current proposal is not required to be advertised as an application for an identical proposal has been advertised and determined at an Ordinary Meeting of Council within the previous twelve months, as per the Town's Policy relating to Community Consultation. One submission was received during the original advertising period.

The concerns raised in the submission are summarised below:

- (1) The proposed building will be too close to the dividing fence.
- (2) The bulk and scale of the carport will decrease the amenity of the neighbouring property.

In another letter received by the Town on 5 July 2004, the eastern adjoining neighbour has also raised concerns over the potential removal of the dividing fence due to the reduced setback of the carport.

The initial application was referred to the Department for Planning and Infrastructure (DPI) for comments regarding access from Green Street. The DPI provided a written response stating the application is supported.

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:

Side Setback and Response to Objections Regarding Dividing Fence

The above matter relating to the proposal has been addressed in the Report, Item 10.1.7 to the Ordinary Meeting of Council held on 13 July 2004.

Height of Carport and Response to Objections Regarding Bulk and Scale

With reference to concerns regarding the bulk and scale of the proposed carport, it is noted that both adjoining neighbours are multi-storeyed and have enclosed garages adjacent to Green Street with heights of 2.85-3.0 metres and 3.1 metres, respectively. The proposed carport is open on all four sides and is 3.2-3.35 metres in height. With this and the proposed setback in mind, it is recommended that the maximum overall height of the carport be reduced to 3.0 metres on the northern elevation and 3.15 metres on the southern elevation (as approved by Council on 13 July 2004). This will limit any potential impact on the amenity of the adjoining neighbour, and be consistent with the height of the adjacent garages. This has been conditioned accordingly in the Officer Recommendation.

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

10.1.7 No. 35 (Lot 36) Fairfield Street, Mount Hawthorn - Proposed Additional Two-Storey Grouped Dwelling to and Partial Demolition of Existing Single House

Ward:	North	Date:	20 July 2004
Precinct:	Mt Hawthorn, P1	File Ref:	PRO2835; 00/33/2288
Attachments:	001		
Reporting Officer(s):	K Batina		
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 Manica Developments Pty Ltd for a proposed Additional Two-Storey Grouped Dwelling to and Partial Demolition of Existing Single House, at No. 35 (Lot 36) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 8 June 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate of Title or 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.*
- (iii) 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;*
- (iv) all stormwater produced on the subject land shall be retained on site 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 new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*

- (vii) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (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) *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;*
- (x) *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 Fairfield 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;*
- (xi) *standard visual truncations, in accordance with the Town's Policies and 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 accessways 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 with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Fairfield 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*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved and demonstrating the following:*

 - (a) *the existing front dwelling being provided with a store, not visible from the adjacent street(s), accessible from the outside, and of a minimum area of 4 square metres and a minimum dimension of 1.5 metres;*
 - (b) *the pedestrian access way/ side pathway being a minimum width of 1.5 metres, except where it abuts an existing house to be retained;*
 - (c) *the proposed sites/lots having "common property" in order to satisfy the requirements for grouped dwelling under the Residential Design Codes; and*

- (d) *as advised by the applicant, Manica Developments Pty Ltd, on 20 July 2004, the finished ground floor level of the proposed grouped dwelling not being more than 100 millimetres above the natural ground level.*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for further information to be obtained.

CARRIED (7-0)

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

Landowner:	Manica Developments Pty Ltd
Applicant:	Manica Developments Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	594 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	1 dwelling R 30	2 dwellings R 33.67 1.01per cent density bonus
Setbacks: North (lower) North (upper) East (store)	1.5 metres 1.8 metres 1.0 metre	1.0 metre 1.0 metre Nil
Store	4 square metre store per dwelling	No store shown for existing dwelling.
Plot Ratio	N/A	N/A
Pedestrian Accessway	1.5 metres (minimum width)	1.2 metres

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

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

SITE HISTORY:

The site is occupied by a single storey single house. Rights of way, each being 5.03 metres wide, sealed and Town owned, abut the property on both the northern and eastern boundaries.

Council at its Ordinary Meeting on 18 November 2003 refused an application for a two lot green title subdivision for the following reasons:

- "(a) The proposed subdivision did not comply with the average site area per dwelling/lot size requirement of 300 square metres as per the Residential R30 density code;*
 - (b) The proposed green title subdivision cannot benefit from consideration of the performance criteria provision and would therefore result in the development being inconsistent with the orderly and proper planning and preservation of the amenities of the locality;*
 - (c) Proposed Lot 2 is not provided with a gazetted road frontage; and*
 - (d) Approval of the proposed subdivision would create an undesirable precedent for subdivision of lots with similar sizes within the area; and*
- (ii) the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision."*

On 3 December 2003, the above subdivision application was refused by the Western Australian Planning Commission for the following reasons:

- 1. The proposed subdivision does not comply with the Commission's Policy DC 1.1 - Subdivision of Land, a provision of Planning Policy No.1 - State Planning Framework, by reason of the proposed lots being below the average area of lot per dwelling indicated for single houses under the R30 Residential Planning Code.*
- 2. The proposed subdivision does not comply with the Town of Vincent Town Planning Scheme No.1 by reason of the proposed strata lots being below the average area of lot per dwelling required by the R30 Coding in the Town of Vincent Town Planning Scheme No.1.*
- 3. Approval to the subdivision would result in the creation of a lot not having frontage to a gazetted road.*
- 4. The proposed subdivision does not comply with the Commission's Policy DC2.2, a provision of Statement of Planning Policy No.1, by reason of the proposed rear lot being provided with inadequate vehicular, pedestrian and bicycle access in accordance with the standards in the Western Australian Planning Commission's Planning Bulletin No.33.*
- 5. Approval of subdivision would set an undesirable precedent for the further subdivision of surrounding lots in a similar manner."*

DETAILS:

The applicant seeks to construct a two storey grouped dwelling at the rear of the existing single storey house. The two storey dwelling will comprise a combined living, dining and kitchen area, a laundry and a courtyard on the ground floor and three bedrooms and two bathrooms on the upper floor.

A 1.2 metres wide access leg is proposed along the southern boundary, providing pedestrian access to the site, from Fairfield Street.

CONSULTATION/ADVERTISING:

No written submissions were received during the advertising period.

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 proposal to add a two storey grouped dwelling to the rear of the existing house at No.35 Fairfield Street, requires the removal of the rear laundry and a small amount of building fabric from the existing dwelling, which is not considered to compromise the authenticity of the place. Although the subject place is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage Database, the Locality Statement for the Anzac Locality encourages the retention and/or restoration of existing houses which contribute to the overall character of the Locality. The retention of the existing dwelling and proposed application for a density bonus are therefore generally supported subject to general provisions of the Town Planning Scheme No.1 and associated Policies.

Density

The subject site has a density of R30. The minimum site area permitted is 270 square metres and the minimum average site area requirement is 300 square metres. The proposed site areas are 324 square metres (Lot 1) and 270 square metres (Lot 2), achieving an average of 297 square metres. The proposal involves a variation to the maximum permissible R30 density and a 1.01 percent variation to the average lot area requirements outlined in the Residential Design Codes. These variations can be applied and accepted under the provisions of Clause 20 of the Town's Town Planning Scheme No.1, which allows for variations to the Residential Design Codes under certain circumstances, including a proposal that involves an existing dwelling worthy of retention being conserved or enhanced.

Setbacks (north side)

The setback variations to the upper and lower level to the northern boundary are considered acceptable for the following reasons:

- The subject site abuts a 5.03 metres wide right of way, which adjoins a public car park for use by the patrons of the Paddington Alehouse. The reduced setbacks will not impinge on the amenity of any nearby residential properties;
- The reduced setback will still enable adequate manoeuvring distance for vehicular access and egress;
- The openings on the north elevation, predominantly have raised sill heights; and
- No objections were received relating to the reduced setback.

Setback (east side)

A nil setback on the eastern boundary is proposed for the store, which forms part of the double carport proposed as part of this development. The nil setback will have no undue impact on the residential amenity of the existing residential property at the front of the subject site, and is considered acceptable.

Store

The Residential Design Codes require that for grouped dwelling developments, each grouped dwelling be provided with an enclosed, lockable storage area, with a minimum dimension of 1.5 metres with an internal area of 4 square metres. The submitted plans do not show any store for the existing dwelling. This store should be provided accordingly.

Pedestrian Access Way

A pedestrian access way measuring 1.2 metres in width is proposed alongside the existing house, on the southern boundary, providing access to the rear portion of the lot. Grouped dwelling developments such as that proposed require that the rear lot be provided with access to a gazetted road. The Town requires that pedestrian access ways afford a minimum width of 1.5 metres, unless it abuts an existing residence, whereby the width can be reduced to a minimum of 1 metre. The proposed 1.2 metres wide pedestrian access way can be supported.

Finished Floor Level

The plans submitted do not indicate a finished floor level for the proposed dwelling. Notwithstanding this, the applicant has provided the Town with verbal and electronic mail confirmation that the finished floor level for the ground floor of the proposed dwelling will not exceed 100 millimetres above the natural ground level. A condition stipulating that this requirement be met is included in the Officer Recommendation.

Conclusion

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

10.1.8 No(s). 41 (Lot(s) 4) Norfolk Street, North Perth - Patio Additions To Existing Single House (Application for Retrospective Planning Approval)

Ward:	South	Date:	15 July 2004
Precinct:	Norfolk, P10	File Ref:	PRO2676; 00/33/2104
Attachments:	001 002		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners J & T Nikoloski for Patio Additions To Existing Single House (Application for Retrospective Planning Approval), at No(s). 41 (Lot(s) 4) Norfolk Street, North Perth, and as shown on plans stamp-dated 4 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) *the non-compliance with the building setback requirements of the Residential Design Codes; and*
 - (c) *the non-compliance with the Town's Policy - Street Setbacks;*
- (ii) *the Council ADVISES the owner/applicant that they are required to pay the outstanding fees of \$300 for the above planning application for retrospective Planning Approval, within 14 days of notification by the Town; and*
- (iii) *the Council ADVISES the owner of No. 41 (Lot 4) Norfolk Street, North Perth, that the unauthorised patio at No. 41 (Lot 4) Norfolk Street, North Perth, shall be removed within twenty eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings to remove the unauthorised patio should the patio remain after this period.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

LOST (1-6)

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

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

Reason:

The structure is a pergola not a patio and replaces an old structure.

Moved Cr Ker, Seconded Cr Cohen

ALTERNATIVE 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 owners J & T Nikoloski for Patio Additions To Existing Single House (Application for Retrospective Planning Approval), at No(s). 41 (Lot(s) 4) Norfolk Street, North Perth, and as shown on plans stamp-dated 4 March 2004, subject to:*
- (a) *compliance with all Building, Environmental Health and Engineering requirements;*
 - (b) *a road and verge security deposit bond and/or bank guarantee of \$220 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 footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
 - (c) *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 Norfolk 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;*
 - (d) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
 - (e) *standard visual truncations, in accordance with the Town's Policies and 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 accessways to ensure that the safety of pedestrians and other road users is not compromised;*
 - (f) *the patio shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the front elevation of the existing dwelling;*
 - (g) *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;*
 - (h) *the structure shall be unroofed;*
- to the satisfaction of the Chief Executive Officer; and*

- (ii) *the Council ADVISES the owner/applicant that they are required to pay the outstanding fees of \$300 for the above planning application for retrospective Planning Approval, within 14 days of notification by the Town.*

CARRIED (6-1)

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

Landowner:	J & T Nikoloski
Applicant:	J & T Nikoloski
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:	453 square metres

COMPLIANCE:

Requirements	Required	Proposed
Plot Ratio*	N/A	N/A
Patio Location	No substantial structures are allowed within the front setback area.	Patio proposed within the front setback area.
Street Setback	4 metres	0 metre

* 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 subject lot is currently occupied by a single storey single house. The rear of the subject lot abuts an unsealed, privately owned right of way, which is 3 metres in total width.

DETAILS:

The applicants/owners are seeking retrospective Planning Approval for patio additions to existing single house.

The owners have not paid all the fees (\$400 required, \$100 paid) relevant for the subject application for retrospective Planning Approval. The Town's Officer has approached the owners to obtain all the fees, however, this has not been successful.

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 applicant/owners seek retrospective Planning Approval for a patio structure located within the front setback area.

Town's Policy relating to Street Setbacks states the following;

"Other than carports no substantial structures are allowed within the street setback areas. Structures that may be allowed are:

- i) fences or walls, which are the subject of a separate Policy contained in this Policy Manual;*
- ii) landscape or sculptural structures, such as fountains, designed to enhance the relationship between street and house; and*
- iii) appropriately scaled archways or gateways, in character with the streetscape."*

Norfolk Street is characterised as an "open" streetscape, with no patio structures or the like located within the front setback area of properties along the subject section of Norfolk Street. Based on the above, the patio is considered to be substantial and not permitted as per the above statement.

In view of the above, it is recommended that the proposal be refused due to the nature and extent of variations involved. It is also recommended that the owner/applicant be required to pay the outstanding application fees of \$300 within 14 days, and remove the unauthorised patio within 28 days. It is further recommended that the Chief Executive Officer be authorised to initiate legal proceedings should the unauthorised patio remain after this period.

10.1.9 No(s). 21 (Lot(s) 28) Grosvenor Road, Mount Lawley - Proposed Carport Additions and Street Fencing to Existing Single House

Ward:	South	Date:	15 July 2004
Precinct:	Norfolk P10	File Ref:	PRO2832; 00/33/2283
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 REFUSES the application submitted by the owners N & A Karalis for proposed Carport Additions and Street Fencing to Existing Single House, at No. 21 (Lot 28) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 3 June 2004, for the following reasons:

- (i) the development is not consistent with orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policies relating to Street Setbacks and Vehicular Access.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (6-1)

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

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

Landowner:	N & A Karalis
Applicant:	N & A Karalis
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:	450 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Vehicle Access Policy and Street Setbacks Policy	Carport accessed, where available, solely from an unsealed right of way.	Carport accessed from primary street frontage, not from the available sealed right of way.

* 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. A privately owned right of way exists to the rear of the lot. The right of way is sealed and has a width of 4 metres.

DETAILS:

The applicant seeks approval for the proposed carport addition and street fencing to the existing single house. The carport is proposed in the front setback area of the lot with access from Grosvenor Road. The proposed fencing is to be constructed of a 0.6 metre high solid brickwork and 1.8 metres high piers; the infill is visually permeable. The site currently accommodates a verandah and grassed garden area within the front setback area.

The applicant writes the following in support to situate the proposed carport within the front setback area:

- *"The right of way is very narrow and therefore access is difficult;*
- *Often the right of way is blocked with cars parked along the right of way;*
- *There is no way of passing other cars along the right of way and therefore when cars are coming in the opposite direction this will cause a problem;*
- *There is no lighting to the right of way and therefore it is dangerous and especially to elderly people such as my clients;*
- *There is already an existing workshop to the right of way and a solid brick screen wall that will be costly to remove and not at all good planning;*
- *The main access to the right of way is through a car park and is often blocked by parked cars;*
- *Locating the parking to the front setback to the primary street will not detract to the streetscape and make access a lot easier; and*
- *Will prevent my clients from having to park often up to 100 metres from their home on the street as there are so many patrons near the pubs, cafes and shops".*

CONSULTATION/ADVERTISING:

No objections were received during the advertising period.

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 Town's Policies relating to Street Setbacks and Vehicular Access does not permit carports to be located in the front setback area where there is opportunity to utilise the right of way. In this case there is sufficient room for the carport to the rear. The intent of the Town's Policies is to maintain the front aspect of the existing house and to preserve the general streetscape, while promoting safety and security via casual surveillance of both the street and the right of way. The proposed carport is considered to depart from the relevant requirements of the Town's Policies. The proposed fencing generally complies with the Town's Policy relating to street Walls and Fences, including the Town's requirement for visual permeability.

The following is provided in response to the comments provided by the applicant:

- The right of way is sealed;
- The width of the right of way is 4 metres and this may be considered narrow but the problems associated with manoeuvrability can be overcome by creating a 2 metres setback to the garage/car port entry;
- There has been no complaints registered with the Town with regard to cars blocking the right of way and there is a sign at the entrance to the right of way from the car park that states "Strictly No Parking in Right of Way";
- Traffic along the right of way is considered minimal and therefore no problems are envisaged with the regard to cars travelling in opposite directions at the same time;
- The promotion of vehicular access via the right of way will lead to better lighting surveillance by adjacent residents through regular vehicle movements and subsequent safer conditions in rights of way;
- The economic implications for the applicant in demolishing a brick wall does not create sufficient planning grounds to recommend approval;
- Locating the car port within the front setback will detract from the streetscape and have negative implications to the amenity of the area. There are currently no car ports built up to the front setback line; only driveways accessing rear garages built behind the front setback line; and
- Building a carport/garage with access from the right of way will prevent the applicant from parking up to one (100) metres from their residence.

This variation to the Town's Policies is not supported and it is therefore recommended that the carport addition be refused.

10.1.12 Nos. 2-28 Moir Street, Nos. 1-32 Brookman Street and No. 40 Forbes Lane, Perth (Brookman and Moir Streets Precinct) - Proposed Interim Entry on the State Register of Heritage Places

Ward:	South	Date:	19 July 2004
Precinct:	Hyde Park, P12	File Ref:	PLA0128
Attachments:	001		
Reporting Officer(s):	R Jarman-Walker		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council advises the Heritage Council of Western Australia that it:

- (i) *SUPPORTS the entry of Brookman and Moir Streets Precinct, at Nos. 2-28 Moir Street, Nos. 1-32 Brookman Street and No. 40 Forbes Lane, in the State Register of Heritage Places on an interim basis; and*
- (ii) *NOMINATES the Executive Manager Environmental and Development Services or delegate, to attend the meeting of the Heritage Council when the proposed interim registration of the above place will be considered.*

Moved Cr Lake, Seconded Cr Ker

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

- "(i) *SUPPORTS the entry of Brookman and Moir Streets Precinct, at Nos. 2-28 Moir Street, Nos. 1-32 Brookman Street and No. 40 Forbes Road, in the State Register of Heritage Places on an interim basis subject to the following matters being addressed by the Heritage Council to the satisfaction of the Town of Vincent;*
 - (a) *that all references to Forbes Lane being the southern boundary of the Precinct be changed to Forbes Road (including any maps or plans), being the correct road name for the southern boundary;*
 - (b) *that the documentation remove references to No. 2 Brookman Street being currently unoccupied and update the report to reflect that No. 2 Brookman Street is currently being renovated by new owners; and*
 - (c) *that the documentation be updated on pages 22 and 23 to reflect that No. 8 Brookman Street has been demolished since the assessment was undertaken and that a new dwelling has been constructed in modern materials, approximately to the original pattern, but with many new features; and"*

CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.12

That the Council advises the Heritage Council of Western Australia that it:

- (i) *SUPPORTS the entry of Brookman and Moir Streets Precinct, at Nos. 2-28 Moir Street, Nos. 1-32 Brookman Street and No. 40 Forbes Road, in the State Register of Heritage Places on an interim basis subject to the following matters being addressed by the Heritage Council to the satisfaction of the Town of Vincent;*

- (a) *that all references to Forbes Lane being the southern boundary of the Precinct be changed to Forbes Road (including any maps or plans), being the correct road name for the southern boundary;*
 - (b) *that the documentation remove references to No. 2 Brookman Street being currently unoccupied and update the report to reflect that No. 2 Brookman Street is currently being renovated by new owners; and*
 - (c) *that the documentation be updated on pages 22 and 23 to reflect that No. 8 Brookman Street has been demolished since the assessment was undertaken and that a new dwelling has been constructed in modern materials, approximately to the original pattern, but with many new features; and*
- (ii) *NOMINATES the Executive Manager Environmental and Development Services or delegate, to attend the meeting of the Heritage Council when the proposed interim registration of the above place will be considered.*

ADDITIONAL INFORMATION:

In addition to providing the above comments, Councillor Lake has also raised the issue of how development applications from within the Precinct will be dealt with once the Precinct is registered by the Heritage Council.

As yet, no formal arrangement between the Heritage Council and the Town of Vincent has been discussed regarding the processing of development applications. However, following the Heritage Council's support of the Brookman and Moir Streets Development Guidelines, Officers of the Town will discuss with the Heritage Council the possibility of developing a Memorandum of Understanding relating to development applications. These discussions will investigate the possibility of all development applications that comply with the Brookman and Moir Streets Development Guidelines being dealt with by the Town under delegated authority from the Heritage Council.

An arrangement to this effect between the Town and the Heritage Council would have the benefit of reducing the timeframe for processing development applications. From recent dealings, the Heritage Council is taking up to two months to respond to development referrals if the matter needs to be referred to the Development Committee of the Heritage Council. Responses that are completed under delegated authority by Heritage Council Officers are currently taking two to three weeks for a response.

SITE HISTORY:

The subject precinct is a section of a substantial residential estate developed by the Colonial Finance Corporation in 1897-1898. The original estate was the largest of its type developed in Western Australia.

On 11 May 2004, the Council at its Ordinary Meeting resolved to adopt the final amended version of the Policy relating to the Brookman and Moir Streets Development Guidelines, being Appendix No. 6 of the Town of Vincent Planning and Building Policy Manual.

DETAILS:

On 6 July 2004, the Town received correspondence from the Heritage Council of Western Australia advising that Brookman and Moir Streets Precinct was being considered for entry in the State Register of Heritage Places.

A copy of the attached documentation is included as an attachment (Appendix 10.1.12) to this report. The document states as follows:

"Brookman and Moir Streets Precinct, two streets in Perth comprising 58 semi-detached residences and one detached residence in two types of the Federation Queen Anne style, constructed of limestone and brick with corrugated-iron roofs in 1897-98, and a shop at the corner of Moir Street and Forbes Lane built in 1940, has cultural heritage significance for the following reasons:

it is an almost-complete example of two late nineteenth century streets of modestly-scaled residential buildings in the Federation Queen Anne style of architecture, built between 1897-8 in the wake of the rapid population expansion following the Western Australian gold boom;

it is a substantial section of the residential estate developed by the Colonial Finance Corporation in 1897-1898. This estate, comprising the historic precinct in Brookman and Moir Streets, and Baker's Terrace in Lake Street, was the largest estate of its type developed in Western Australia;

it is rare in Western Australia as two streets in which a single basic design was utilised for all the residences in a large scale estate, with the exception of Numbers 2 and 4 Brookman Street, which are grander variations of the same pattern used throughout the precinct, that is relatively intact;

the buildings contained within the precinct are representative of what was considered in the 19th century to be working class rental accommodation from the late 19th and early 20th Centuries;

the one-way thoroughfares and modest lot sizes of the semi-detached dwellings contained within the precinct give it a particular character and sense of enclosure;

the homogeneity of the modestly-scaled, semi-detached residential buildings creates a visually striking precinct in a form no longer constructed in inner city residential areas; and,

it was developed by the Colonial Finance Corporation who named Brookman and Moir Streets after two of the principal investors in the company who were prominent Western Australians.

Generally, the present property fencing and most plantings are of little significance.

Recent additions are of little significance.

Parking areas in front of houses, and carports in the front setbacks, are intrusive. A small number of high masonry construction fences in the precinct are intrusive."

CONSULTATION/ADVERTISING:

The Town has until 20 August 2004 to provide comments to the Heritage Council of Western Australia on the proposed entry of the place on the State Register of Heritage Places.

In addition to notifying the Town, the Heritage Council has written to every property owner within the Precinct asking for their comments on the documentation.

LEGAL POLICY:

Town Planning Scheme No.1 and associated Policies, and Heritage of Western Australia Act 1990.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2003-2008: Key Result Area One: Environment and Infrastructure -

"1.2 Recognise the value of heritage in providing a sense of place and identity.

Action Plans to implement this strategy include:

- a) Protect heritage through the on-going review of the Municipal Heritage Inventory.*
- b) Undertake a community survey to determine community values and community aspirations in regard to the heritage character of the Town.*
- c) Investigate further options to conserve the heritage of the Town of Vincent.*
- d) Foster activities which add to the community's understanding of heritage values."*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town has had the opportunity to consider the assessment of cultural heritage significance for the Brookman and Moir Streets Precinct and concurs with the statement of significance for the place. As a place included on the Register, the Town is required to refer any development proposals to the Heritage Council of Western Australia for consideration. Listing on the State Register qualifies the owners for eligibility for financial grants to undertake certain works and projects, which protect or enhance the significance of the place.

The recently adopted Brookman and Moir Streets Development Guidelines were endorsed by the Heritage Council of Western Australia and will serve as its guiding document for development applications received from owners within the Precinct. The interim listing is unlikely to impact on the Town of Vincent.

It is recommended that the Council advises the Heritage Council of Western Australia that it supports the proposed interim entry of the Brookman and Moir Streets Precinct in the State Register of Heritage Places and that it nominates the Executive Manager Environmental and Development Services, or delegate to attend the meeting of the Heritage Council when the proposed interim registration of the above place will be considered.

10.1.13 No. 55 (Lot 617) Egina Street (Cnr Ashby Street), Mount Hawthorn - Proposed Alterations and Additions to Approved Garage to Existing Single House

Ward:	North	Date:	21 July 2004
Precinct:	Mt Hawthorn, P1	File Ref:	PRO2287; 00/33/2338
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 REFUSES the application submitted by the owner J Velios for proposed Alterations and Additions to Approved Garage to Existing Single House, at No. 55 (Lot 617) Egina Street (Cnr Ashby Street), Mount Hawthorn, and as shown on plans stamp-dated 20 July 2004, for the following reasons:

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

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

LOST (2-5)

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

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

Reasons:

1. Consideration of the safety reasons as put forward by the applicant.
2. No objections from adjoining property owners.

Moved Cr Doran-Wu, Seconded Cr Franchina

ALTERNATIVE 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 J Velios for proposed Alterations and Additions to Approved Garage to Existing Single House, at No. 55 (Lot 617) Egina Street (Cnr Ashby Street), Mount Hawthorn, and as shown on plans stamp-dated 20 July 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. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) 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;*
- (iv) standard visual truncations, in accordance with the Town's Policies and 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 accessways to ensure that the safety of pedestrians and other road users is not compromised;;*
- (v) all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (vi) prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (vii) 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;*
- (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) *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 Egina Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (x) *the solid portion of the secondary street frontage fences and gates adjacent to Ashby Street shall be a maximum height of 1.8 metres above the ground level and incorporate a minimum of two (2) design features to the satisfaction of the Town. Details shall be submitted to and approved by the Town prior to the erection of such fences and gates;*

to the satisfaction of the Chief Executive Officer.

CARRIED (5-2)

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

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

Landowner:	J Velios
Applicant:	J Velios
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
Street Setback Policy	Garages to be setback from the secondary street at or behind the front main building wall.	Nil 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.

BACKGROUND:

10 March 2003 Applicant submitted development application for alterations and two storey and basement/store additions to and partial demolition of existing single house. The proposal also included a one (1) metre setback from the proposed garage to Ashby Street.

- 8 April 2003 The abovementioned proposal was conditionally approved at the Ordinary Meeting of Council where the Officer Recommendation was adopted with the exception of clause (vi). Clause (vi) stated;
"prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage being setback a minimum of 1.5 metres to Ashby Street. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."
- 19 July 2004 Development application submitted to amend approved plans to include a reduction in garage setback from Ashby Street from one (1) metre to nil.
- 23 January 2004 Building Licence No. 20/2054 issued for approved development.

SITE HISTORY:

The subject and surrounding properties are zoned Residential R30. There is currently an existing single storey dwelling on-site with construction of the approved alterations and additions underway.

DETAILS:

The applicant seeks approval to amend approved plans to include a reduction in the setback of the garage to the secondary street. The amended plans submitted for approval do not include any other amendments to the plans approved at the Ordinary Meeting of Council held on 8 April 2003, apart from those outlined above. Construction has begun on the abovementioned development.

CONSULTATION/ADVERTISING:

No advertising was required for the development. A signature from an adjoining landowner at No. 54 Federation Street, behind the subject property affected by the variation, was provided with the application. The owner of No. 54 Federation Street has supported the application for the setback to the garage being nil because they also wish to build a garage to the boundary in the future.

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 Town's Policies relating to Street Setbacks requires the garage to be at or behind the front main building wall from a secondary street (Ashby Street). This provision was varied to one (1) metre by the applicant and approved at the Ordinary Meeting of Council held on 8 April, 2003. It is considered unreasonable to reduce this setback any further on planning grounds.

Garages and carports in the immediate surrounding area are setback a minimum of one (1) metre from secondary streets.

The previous approved plans demonstrates that there is sufficient room for the garage to exist at and behind the one (1) metre setback area, and there is no apparent justification for the setback to be reduced to nil. The intent of the Town's Policies is to preserve the general streetscape, while promoting safety, security and the amenity of the area. The proposed garage alterations are considered to depart from the relevant requirements of the Town's Street Setbacks Policy, and the proposed alterations and additions to the approved garage has the propensity to set a precedent for similar development in the area.

This variation to the Town's Policy is not supported and it is therefore recommended that the alteration to the garage secondary street setback be refused.

10.1.14 Community Crime Prevention Partnerships

Ward:	All Wards	Date:	20 July 2004
Precinct:	All Precincts	File Ref:	ORG0064
Attachments:	001 002 003		
Reporting Officer(s):	M C Wendt		
Checked/Endorsed by:	J Maclean, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the new structure for community crime prevention in the Town;*
- (ii) *APPROVES the Terms of Reference for the Safer Vincent Community Crime Prevention Partnership, as shown in Appendix 10.1.14A;*
- (iii) *APPROVES the implementation of the new structure for community crime prevention in the Town as detailed in the Safer Vincent Community Crime Prevention Partnership, Terms of Reference;*
- (iv) *ACCEPTS the Community Safety and Crime Prevention Partnership agreement shown in Appendix 10.1.14B;*
- (v) *AUTHORISES the Mayor and/or Chief Executive Officer to sign the Crime Prevention Partnership Agreement between the Town and the Minister for Community Safety and affix the Council's Common Seal;*
- (vi) *APPROVES the discontinuation of the Safer Vincent Advisory Group (as it is replaced by the Safer Vincent Crime Prevention Partnership);*
- (vii) *AUTHORISES the Chief Executive Officer to advertise for community representatives for the Safer Vincent Crime Prevention Partnership; and*
- (viii) *acknowledges the work of the current members of the Safer Vincent Advisory Group and invites them to apply for the new Safer Vincent Crime Prevention Partnership.*

Moved Cr Lake, Seconded Cr Ker

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

- "(ii) *APPROVES the Terms of Reference for the Safer Vincent Community Crime Prevention Partnership, as shown in Appendix 10.1.14A, with the following amendments:*

Clause 1.2 Seven Community Representatives

The existing wording be deleted and replaced by the following:

"Having a knowledge and interest in the safety and security issues within the Town of Vincent and able to represent the various ethnic communities in the Town, Precinct Groups, resident and business interests and providing a geographic spread from across the Town."

Clause 6.0 OBJECTIVES

The existing wording be deleted and replaced by the following:

"It is important that Local Government considers the concerns of its residents, and addresses as many issues as possible that relate to community concerns about safety and security.

This partnership must address community concerns and respond appropriately by facilitating the development of strategies which are based on evidence and information received by the Group, providing suggestions to the Town of Vincent Council on possible solutions."

CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.14

That the Council;

- (i) *RECEIVES the report on the new structure for community crime prevention in the Town;*
- (ii) *APPROVES the Terms of Reference for the Safer Vincent Community Crime Prevention Partnership, as shown in Appendix 10.1.14A, with the following amendments:*

Clause 1.2 Seven Community Representatives

The existing wording be deleted and replaced by the following:

"Having a knowledge and interest in the safety and security issues within the Town of Vincent and able to represent the various ethnic communities in the Town, Precinct Groups, resident and business interests and providing a geographic spread from across the Town."

Clause 6.0 OBJECTIVES

The existing wording be deleted and replaced by the following:

"It is important that Local Government considers the concerns of its residents, and addresses as many issues as possible that relate to community concerns about safety and security.

This partnership must address community concerns and respond appropriately by facilitating the development of strategies which are based on evidence and information received by the Group, providing suggestions to the Town of Vincent Council on possible solutions.";

- (iii) *APPROVES the implementation of the new structure for community crime prevention in the Town as detailed in the Safer Vincent Community Crime Prevention Partnership, Terms of Reference;*

- (iv) *ACCEPTS the Community Safety and Crime Prevention Partnership agreement shown in Appendix 10.1.14B;*
 - (v) *AUTHORISES the Mayor and/or Chief Executive Officer to sign the Crime Prevention Partnership Agreement between the Town and the Minister for Community Safety and affix the Council's Common Seal;*
 - (vi) *APPROVES the discontinuation of the Safer Vincent Advisory Group (as it is replaced by the Safer Vincent Crime Prevention Partnership);*
 - (vii) *AUTHORISES the Chief Executive Officer to advertise for community representatives for the Safer Vincent Crime Prevention Partnership; and*
 - (viii) *acknowledges the work of the current members of the Safer Vincent Advisory Group and invites them to apply for the new Safer Vincent Crime Prevention Partnership.*
-

BACKGROUND:

Following a State Government review, changes have been made to the structure of crime prevention in the State. The new structure seeks to streamline the current process and to adopt a more strategic approach to community safety and crime prevention. The new approach seeks to promote local community safety partnerships based on the local plans facilitated by Local Governments.

In 2003, the State Government decided that the previous State Government crime prevention strategy, Safer WA, was not functioning properly and they introduced a Community Safety and Crime Prevention Partnership Program, administered through the Office of Crime Prevention.

The new approach depends on the establishment of formal partnership relationships particularly with Local Government. Given that there are already established structures and networks in place, which facilitate an existing consultative process, for many local Governments, including the Town of Vincent, this new structure will enhance their effectiveness.

At the Ordinary Meeting of Council held on 24 February 2004, an in-principle approval was given for the State Government's new Community Safety and Crime Prevention Partnership Program and the Safer Vincent Co-ordinator was directed to arrange a public information session presented by the Office of Crime Prevention to inform Elected Members, residents and ratepayers of the changes to the crime prevention structure and how it will impact on the Town. Direction was also given by Council to convene a meeting of the Safer Vincent Advisory Group to develop a structure that will improve the alignment with the required partnership agreements between the State Government and the Town and to report back to the Council.

"COUNCIL DECISION ITEM 10.1.23

That the Council:

- (i) *RECEIVES the report on Western Australian State Government Community Safety and Crime Prevention Partnership Programme;*
- (ii) *APPROVES IN PRINCIPLE the State Government's new Community Safety and Crime Prevention Partnership Programme;*

- (iii) *DIRECTS the Safer Vincent Co-ordinator to arrange for the Office of Crime Prevention to present a community information session, as soon as possible, to make the Elected Members, ratepayers and residents of the Town of Vincent aware of the changes in the crime prevention and community safety and security programmes. Further, that community groups, precinct groups and key stakeholders be invited by mail; and*
- (iv) *DIRECTS the Safer Vincent Advisory Group to meet to develop a structure that will improve its alignment with the required partnership agreements between the State Government and the Town and to report back to the Council as soon as practicable, but no later than the Ordinary Meeting of Council to be held on 27 April 2004."*

DETAILS:

Office of Crime Prevention Community Presentation - 6 April 2004

On Tuesday 6 April 2004, a presentation by the Office of Crime Prevention was conducted at the Town. Over seventy invitations were sent and an advertisement was placed in the local media, however only 15 people attended. Invitees included representatives of Precinct and Community Groups, Administration staff, Beatty Park staff and Police, among others.

Extensive discussions have been undertaken between many stakeholders including Police, community and government agencies at the Information evening, the Safer Vincent Advisory Group and in general at different forums. There is an understanding that an agreement with State Government could be advantageous in many aspects and whilst there are some reservations, the consensus has been that the partnership is a viable opportunity for Local Government to participate in the State's crime prevention program.

The new structure will require a formalisation between a number of stakeholders with Local Government providing the facilitation and general administration for the development of a committee and the development and implementation of an appropriate three year Crime Prevention Business Plan. The process of restructure would be as follows:

- The Town engages with the Office of Crime Prevention and enters into a formal Partnership Agreement.
- Agreement signed by Mayor, Chief Executive Officer and Minister for Community Safety.
- The Town would apply for funding of up to \$10,000 to develop a business plan,
- A locally based Community Safety and Crime Prevention Partnership formed with a suggested name of "Safer Vincent Community Crime Prevention Partnership".
- The local Safer Vincent Community Crime Prevention Partnership undertakes a planning exercise to develop a Community Safety and Crime Prevention Plan as part of the business plan.
- The Safer Vincent Community Crime Prevention Partnership presents the Plan to the Council for its approval and endorsement.
- Office of Crime Prevention endorses the Plan.
- A \$20,000 incentive payment is made to the Safer Vincent Community Crime Prevention Partnership for use for specific issues.
- Local Government registers the Community Safety and Crime Prevention Plan with the Office of Crime Prevention.
- Local Government houses the Plan on behalf of the local community.
- The local Safer Vincent Community Crime Prevention Partnership implements the Plan, and the Plan is integrated into the review cycle to ensure monitoring of programs on a regular basis.

Government Agencies may be invited to participate in the partnership on a needs basis. That is as issues become evident or are identified, an appropriate agency representative would be engaged to respond to and provide a level of support and direction based on their expertise.

Safer Vincent Advisory Group

On 21 April 2004, the Safer Vincent Advisory Group met to develop the new structure based on amended Terms of Reference, which is attached at Appendix 10.1.14A. The changes are not extensive; however, they now reflect a broader membership with a more flexible process under which to operate.

The Safer Vincent Advisory Group will cease and will be replaced by the new Partnership. The name of the new group will be changed to the "*Safer Vincent Community Crime Prevention Partnership*" and would meet on a monthly basis. This Partnership will be responsible for the development, implementation and review of a 3 year Business Plan, which will be developed with community consultation and address evidence based issues of safety, security and crime prevention in the Town. The Office of Crime Prevention will provide detailed information from the Crime Research Centre at the University of WA identifying Town specific issues.

The Town is being asked to facilitate this partnership and provide a certain level of administrative support. To this end, the Safer Vincent Program will provide the structure in which the partnership can operate. A level of funding is provided by the Office of Crime Prevention for the establishment of the Business Plan, then a sum as an incentive payment for the implementation of that Plan and an on-going annual sum to offset administrative costs. Grants will be made available regularly to carry out various strategies as identified by the Partnership.

The Business Plan will be developed on the information received from the Crime Research Centre and based on the extensive existing information through the Safer Vincent Program. With endorsement of the Plan by the Office of Crime Prevention and Council, the Partnership will be charged with the responsibility to ensure the identified issues as reflected in the Business Plan are addressed.

A Community Crime Prevention Partnership report was presented for deliberation at the Ordinary Meeting of Council scheduled for 27 April 2004. This item was withdrawn by the Chief Executive Officer prior to the meeting for further information and clarification of funding arrangements including a forum presentation.

Office of Crime Prevention Presentation to Elected Members Forum - 20 July 2004

An information session was presented by Kay Johnson and Sue Ellen Shea from the Office of Crime Prevention (OCP) at the Elected Members Forum on Tuesday 20 July 2004. This forum was open to the public. A copy of the PowerPoint presentation is attached for information at Appendix 10.1.14C.

Elected Members present during the Elected Members Forum held on the 20 July 2004 were satisfied that the agreement could be submitted for consideration at the Ordinary Meeting of Council to be held on 27 July 2004.

The issues that were raised by the Elected Members during the Forum mostly centred on the financial support and reporting requirements of the OCP should the partnership be accepted by the Town. The financial incentives and funding opportunities were outlined by the OCP in their presentation. The OCP reinforced that this was a partnership between the OCP and Local Governments, as opposed to a cost shifting exercise.

Once the initial incentives have been presented to the Council, additional funds can be accessed in order to run projects outlined in the Business Plan. The level of funding made available is determined by a number of criteria, including whether a Local Government is a low, medium or high risk community. This decision is made by the OCP based on a number of criteria, including Police data and community diversity.

The Partnership is about promoting community ownership in relation to developing strategies and projects to address community safety and security, crime prevention and the fear of crime.

A copy of the Community Crime Prevention Partnerships is attached at Appendix 10.1.14B.

CONSULTATION/ADVERTISING:

Not applicable at this stage. However, future programs depend on extensive consultation with a diverse group of ratepayers, residents, business proprietors and government agencies. Advertising would form part of any crime prevention strategy, whether to promote the actual program or to promote awareness of a specific crime prevention strategy/initiative.

LEGAL/POLICY:

Other than the legalities associated with the formal partnership agreement, there are no other legal implications associated with this proposal. The Agreement has a break clause, allowing the Local Government to rescind the Agreement any time during the three (3) years.

STRATEGIC IMPLICATIONS:

Area 2.5 of the Town of Vincent Strategic Plan 2003 – 2008 “*Develop and implement community programs for law order and safety*” requires the Town to:

- (a) *Initiate research to identify needs and expectations of the community.*
- (b) *Implement a holistic and proactive community safety program.*
- (c) *Develop and promote safety and security education programs.*
- (d) *Identify and utilise appropriate funding sources (e.g. grants and budget allocations).*
- (e) *Develop partnerships with Government Agencies, businesses and the community.*

Participation in the Community Safety and Crime Prevention Partnerships program will assist in all of the above strategies.

FINANCIAL/BUDGET IMPLICATIONS:

On entering into an agreement with the Office of Crime Prevention, the funding and steps involved include:

- up to \$10,000 upon sign up of the Partnership agreement;
- develop plan, identify priorities and strategies;
- submit plan for endorsement and registration;
- receive a one off payment of \$20,000;
- co-ordinate, implement, assess and evaluate Plan;
- annual administrative support contribution of \$1,200; and
- submit applications to grant rounds:
 - ~ up to \$20,000 - low to medium risk community
 - ~ up to \$40,000 - medium to high-risk community

COMMENTS:

Entering into the Community Crime Prevention Partnership is seen as an opportunity to formalise and streamline Local Government's involvement in the State Crime Prevention Strategy. Importance is being placed on evidence based strategies and it is the intention of the Office of Crime Prevention to ensure funding is available for these programs. The information received from the Crime Prevention Research Centre and the established local knowledge through the Safer Vincent Program will provide a strong basis for an effective partnership.

Access to State funding and agency expertise is vital and can be provided through the partnership. In entering into the Partnership Agreement, the Office of Crime Prevention seeks to encourage a broad, consultative program and, in seeking the involvement of Local Government, it recognises the unique position held by Councils, in providing local, relevant and responsible service.

It is recommended that the Town participate and enter into this Partnership.

10.2.1 Proposed Installation of Pedestrian Safety Fence - Beaufort Street, Mt Lawley

Ward:	South	Date:	21 July 2004
Precinct:	Mt Lawley Centre, P11	File Ref:	TES0173/TES0067
Attachments:	001;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed pedestrian safety barrier fence to be installed in the vicinity of 580 Beaufort Street, Mt Lawley,*
- (ii) *APPROVES the installation of the proposed fence as shown on attached Plan No 2281-CP-1 at an estimated cost of \$7,500, and*
- (iii) *ADVISES the respondents of its decision.*

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Franchina

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

- "(ii) *APPROVES the installation of the proposed fence as shown on attached Plan No 2281-CP-1A at an estimated cost of \$78,500 subject to clarification of the location of the bus stop;*"

AMENDMENT CARRIED (7-0)

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

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

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

- "(iv) *ADVISES the adjacent shops that a 2.5 metre accessway should be maintained on the footpath.*"

Debate ensued.

AMENDMENT CARRIED (7-0)

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

Moved Cr Doran-Wu, Seconded Cr Ker

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

"(v) REFERS the intersection of Beaufort, Vincent and Clarence Streets to the Local Area Traffic Management Advisory Group for investigation."

AMENDMENT CARRIED (7-0)

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

Debate ensued.

Moved Cr Lake, Seconded Cr Chester

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

"(iii) ADVISES the respondents including property owners of its decision and advising that only clear plastic may be attached to the fencing and no advertising banners would be allowed."

Debate ensued.

AMENDMENT LOST (1-6)

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

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

MOTION AS AMENDED CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) RECEIVES the report on the proposed pedestrian safety barrier fence to be installed in the vicinity of 580 Beaufort Street, Mt Lawley,*
- (ii) APPROVES the installation of the proposed fence as shown on attached Plan No 2281-CP-1A at an estimated cost of \$8,500 subject to clarification of the location of the bus stop;*
- (iii) ADVISES the respondents of its decision;*
- (iv) ADVISES the adjacent shops that a 2.5 metre accessway should be maintained on the footpath; and*

- (v) ***REFERS the intersection of Beaufort, Vincent and Clarence Streets to the Local Area Traffic Management Advisory Group for investigation.***
-

BACKGROUND:

In May of this year, the Town's Technical Services division received a letter written on behalf of several businesses located in the vicinity of No. 580 Beaufort Street, Mt Lawley, raising concerns about pedestrian safety and drainage issues.

The premises in question are situated on the eastern side of Beaufort Street, between Clarence Street and the Town's Barlee Street carpark and directly opposite the Vincent Street intersection.

The proprietors' concerns were two fold, that stormwater 'ponding' on the road adjacent their premises was being splashed over pedestrians and into their shops by passing traffic and that pedestrians were crossing Beaufort Street at an inappropriate location.

DETAILS:

Given the diversity and number of retail, service, food and entertainment businesses within the Mt Lawley Centre Precinct, there is significant pedestrian traffic the length of Beaufort Street throughout the day.

Pedestrian Safety

No. 580 Beaufort Street is located at the head of the 'T' of the three way intersection with Vincent Street. Beaufort Street is classified as a District Distributor 'A' road and carries in excess of 27,000 vehicles per day (Main Roads WA data 1997/98), while Vincent Street, between Beaufort and William Streets is classified as a District Distributor 'B' road and carries in excess of 8,000 vehicles per day (Town of Vincent data July 2004).

The traders were concerned that pedestrians, rather than crossing at the designated crossing points either side of the Vincent Street intersection, tend to cross the intersection diagonally, which, given the volume and speed of traffic, is potentially fraught with danger.

Unfortunately the traders' concerns were realised when a pedestrian was seriously injured in late June 2004 having stepped in front of a vehicle travelling south in Beaufort Street while endeavouring to cross to the median island in the centre of the intersection.

Drainage

Beaufort Street, from Walcott Street to Clarence Street, has a gradual but considerable slope down with a minimal grade in the vicinity of No. 580 Beaufort Street. During rain periods the stormwater flows along the gutter line from Barlee Street round into Clarence Street. However in heavy downpours the gutter flow is considerably wider and temporarily builds up directly opposite Vincent Street before draining away once the rain eases.

As there is a significant right turn movement into Vincent Street, west bound Beaufort Street traffic travelling south bound use the kerbside lane. If they are travelling at speed, which is often the case, during rain periods plumes of water are thrown up, over both the façade of the shops and pedestrians using the footpath.

While there is no drainage problem as such, other than temporary build-up of water during heavy downpours, to find a permanent fix would be an expensive exercise.

Suggested solution

The traders suggested that as a simple but effective method to rectify both problems, if the town installed a pedestrian barrier fence, they would attached a clear plastic, purpose made, sheeting or awning to the inside of the fence during trading hours.

CONSULTATION/ADVERTISING:

Nil.

LEGAL AND 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. “e) *Continue to develop and implement streetscape enhancements.*”

FINANCIAL/BUDGET IMPLICATIONS:

The proposed \$7,500 expenditure, which includes the cost of installing the barrier fence and relocating a rubbish bin and bicycle parking rail, would be funded equally from the 2004/2005 Drainage - Miscellaneous Works and Miscellaneous Traffic Requests budget allocations.

COMMENTS:

While it is both difficult to predict and control where pedestrians will cross busy roads, the Beaufort Street traders’ concerns were unfortunately borne out with the aforementioned traffic accident.

In light of the large volume of vehicles and the number of conflicting traffic movements through the intersection, this is a particularly perilous location for pedestrians to attempt to cross diagonally. Therefore, the proposed barrier fence will not only enhance pedestrian safety by forcing pedestrians to cross at the designated locations, but will also provide a simple solution to the traders’ drainage issue.

10.2.2 Extension of the Two (2) Hour Parking Restriction in Brisbane Street Between Stirling and Pier Streets, Perth

Ward:	South	Date:	14 July 2004
Precinct:	Beaufort Precinct (P13)	File Ref:	PKG0055
Attachments:	001:		
Reporting Officer(s):	A. Munyard,		
Checked/Endorsed by:	R. Lotznicher	Amended by:	R.Lotznicher

RECOMMENDATION:

That the Council;

- (i) *APPROVES the extension of the existing two (2) hour parking restriction from 8.00 am to 5.30 pm Monday to Friday and 8.00 am to 12 noon on Saturday on both sides of Brisbane Street between Stirling and Pier Streets, as illustrated on attached Plans 2278-PP-1A and B;*
- (ii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iii) *ADVISES adjacent business proprietors and residents of Council’s resolution.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (7-0)

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

BACKGROUND:

The Town has received a request from the Centre for Association Management, which provides facilities for a large number of “not for profit” industry associations. The request was supported by individual letters from thirteen of the Associations housed at the Centre. Frequent meetings are conducted at the Centre, with the attendees being volunteers who are experiencing difficulty finding available parking in this section of Brisbane Street.

DETAILS:

There are several businesses located in this section of Brisbane Street, all dependent on kerbside parking to accommodate customers and clients. Sections of the street are currently unrestricted, and therefore occupied early in the day by commuters or employees of nearby businesses.

Seventeen (17) letters were distributed to residents and businesses in this section of Brisbane Street, drawing six (6) responses – five (5) in favour and one (1) against the introduction of a two (2) hour restriction on the north side of the street, between the western “NO STOPPING” zone and the existing half (1/2) hour restriction, and on the South side between Stirling and Lacey Streets.

It is proposed that the two (2) hour restriction be in place from 8.00 am to 5.30 pm Monday to Friday and 8.00 am to 12.00 noon Saturday. This is consistent with the existing restrictions south of Bulwer Street.

The two (2) hour restriction will adequately service the requirements of those conducting business in the vicinity, while ensuring there is regular turnover of occupancy.

CONSULTATION/ADVERTISING:

Consultation with adjacent residents and businesses was carried out and is detailed previously in this report.

STRATEGIC IMPLICATIONS:

In accordance with the Town's Strategic Plan 2003-2008 Key Result Area 1.4 - *p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes:*

- *parking facilities that are appropriate to public needs;*
- *a clear indication that it is the developer's responsibility to provide on-site parking;*
- *protection of the rights of local residents to park in their streets where limited off road parking is available*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of line marking and installation of new parking restriction signs would be approximately \$450.00.

COMMENTS:

The proposed changes will improve customer parking in this section of Brisbane Street and this will be of benefit to the adjacent businesses. The nearby Brisbane Street Car Park and Stadium Car Park are available to employees seeking all day parking.

10.3.2 Menzies Park Pavilion - Proposed Verandah Extension to Provide Shelter to Spectators - Town of Vincent Cricket Club

Ward:	Mount Hawthorn	Date:	19 July 2004
Precinct:	Mt Hawthorn; P1	File Ref:	PRO1226 & FIN0074
Reporting Officer(s):	D Brits, K Steicke		
Attachments:	001		
Checked/Endorsed by:	R Boardman, M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed two phase option regarding the proposed verandah extension at Menzies Park Pavilion;*
- (ii) *NOTES that Stage 1 will be actioned with the \$32,000 available on the 2004/05 Budget and that a progress report will be submitted after Stage 1; and*
- (iii) *ACKNOWLEDGES that the Town of Vincent Cricket Club indicated a willingness to contribute up to \$5,000 towards the project.*

Moved Cr Chester, Seconded Cr Cohen

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

"(iv) CONSIDERS funding for Stage 2 in the 2004/05 mid year Budget Review."

CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.3.2

That the Council;

- (i) *RECEIVES the report on the proposed two phase option regarding the proposed verandah extension at Menzies Park Pavilion;*
- (ii) *NOTES that Stage 1 will be actioned with the \$32,000 available on the 2004/05 Budget and that a progress report will be submitted after Stage 1;*
- (iii) *ACKNOWLEDGES that the Town of Vincent Cricket Club indicated a willingness to contribute up to \$5,000 towards the project; and*
- (iv) *CONSIDERS funding for Stage 2 in the 2004/05 mid year Budget Review.*

BACKGROUND:

The Council resolved at its Ordinary Meeting held on 11 March 2003 as follows:

"That the Council authorises the Chief Executive Officer to;

- (i) *investigate the proposal by the Town of Vincent Cricket Club for extensions to the Menzies Park Community Pavilion at Menzies Park, Mount Hawthorn; and*

- (ii) *prepare a report on the proposal, including usage, financial and budget implications for consideration during the 2003/2004 Budget deliberations."*

In addition, the Council resolved at its Ordinary Meeting held on 22 April 2003 as follows:

"That the Council list for consideration in the Draft 2003/04 Budget an amount of \$32,000 for the construction of an external shelter building at Menzies Park Pavilion Mount Hawthorn."

At the Ordinary Meeting of Council held on 21 October 2003, the Council resolved as follows:

"That the Council;

- (i) *ENDORSES the following applications in support of Community Sport and Recreation Facility Funds (CSRFF), prior to their lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support these applications through the CSRFF program;*
- (ii) *APPROVES the applications listed in the following order of priority:*

<i>Ranking</i>	<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council contribution</i>
<i>1</i>	<i>High</i>	<i>Town of Vincent: Forrest Park</i>	<i>\$91,000</i>
<i>2</i>	<i>High</i>	<i>Town of Vincent Cricket Club</i>	<i>\$32,000</i>
<i>3</i>	<i>High</i>	<i>Loton Park Tennis Club</i>	<i>TBA</i>

Subsequently, at the Ordinary Meeting of Council held on 13 April 2004, the Council was advised under Information Bulletin Item Number IB10 in correspondence from the Department of Sport and Recreation that the Community Sporting and Recreation Facilities Fund (CSRFF) Applications in relation to Menzies Park Pavilion was unsuccessful.

It is understood that Councillors Cohen, Lake and Chester met with Mr Oliver Douglas on 8 May 2004 at Menzies Park to discuss the matter further. The Club was advised that the available \$32,000 will be carried forward to the financial year 2004/2005 for this project and the Town's Officers will be requested to review options and potential funding.

DETAIL:

Further to previous reports \$32,000 has been carried forward and is currently available to partially address the request for a verandah area in front of the building, facing the oval. This area would be covered to offer players and spectators protection from the weather as well as a sun-smart and more comfortable area for viewing. This Park is a centrally located facility in Mount Hawthorn that caters for Cricket teams, Football teams as well as a child care facility. A pool style fence is to be used for the protection of children and the area would be accessible to people with a disability. Architect Peter Jones has provided working drawings and Scott & Associates Structural Engineers design and drafting services for the proposed construction of the covered shelter area at Menzies Park Reserve. Consultation on the proposed works has been made, with verbal acceptance on perusal of the proposed plans, on behalf of both the Town of Vincent Cricket Club Inc and Aranmore Junior Football Club, the two main users of this venue. However, quotations exceeded the budgeted figure and a subsequent CSRFF application was unsuccessful.

On 9 July 2004, Officers requested Mr Graham Earnshaw's (Secretary of Club) comment on a proposal to construct the approved structure in two stages that is, stage 1 with the available \$32,000, and remainder of work next financial year. It is considered that another CSRFF application can be lodged for stage 2. As back-up potential funding the Council can place the remainder on the 2005/2006 Draft Budget. Additionally, the Club indicated a willingness to contribute by around \$5,000. A recent suggestion by the Club to utilise as much as possible volunteer work, lead to Officers expressing concerns in relation to potential non-compliance with Council's Purchasing Policy regarding obtaining three quotations.

Consequently, the proposed two phase option can be addressed as follows:

- Stage 1: 2004/2005 - retaining walls, concrete slab, corner posts, railings and interim shade cloth (can be removed later and used by Town elsewhere). Indicative cost \$32,000; and
- Stage 2: 2005/2006 - provide roof structure, corrugated iron roof and cladding of sides. Indicative cost \$27,000.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003 – 2008:

Key Result Area One:
Environment and Infrastructure

"1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."

FINANCIAL IMPLICATIONS:

\$32,000 is currently listed in the 2004/2005 Budget for this purpose. The additional \$27,000 is to be listed for consideration on the 2005/2006 Draft Budget.

UNIVERSAL ACCESS IMPLICATIONS:

Universal access is provided to the pavilion and toilet facilities in accordance with the supported proposal.

COMMENTS:

As the Clubs have indicated support for the two staged option, it is considered that the matter be actioned as outlined.

10.4.2 Delegations to the Chief Executive Officer 2004-2005

Ward:	All	Date:	21 July 2004
Precinct:	-	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegation Register, as shown in Appendix 10.4.2.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Franchina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY(7-0)

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

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The CEO exercises the delegated authority in accordance with the Council's policies.

The CEO has reviewed the current delegation register. The register is the same as that adopted last year and includes delegations which have been approved during the year by the Council.

Planning and Building Delegations

The Independent Organisational Review dated April 2003, Recommendation 6 stated:

"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."

The review of Planning and Building Delegations has been carried out and is currently in draft form for Elected Members' comments. The matter is yet to be considered by the Council as part of the implementation of the Independent Organisational Review recommendations. A further report will be submitted to the Council at the completion of this task, which is envisaged in September 2004.

It is recommended that the Council approve of the Delegations for 2004-2005 which are identical to last year, and as amended at the Ordinary Meetings of Council held on:

- 7 October 2003 - issue of residential parking permits;
- 27 April 2004 - approve and apply conditions to planning applications and building licence applications, for proposed car parking, carports and garages to a dwelling that directly fronts onto a street where vehicular access to such is from that street, regardless whether a right of way is available to the property; and
- 8 June 2004 - recovery of outstanding debts and rates.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the delegations for 2004-2005 be approved by the Council.

**10.4.3 Amendment to Town of Vincent Local Law Relating to Parking Facilities -
Gazettal**

Ward:	-	Date:	20 July 2004
Precinct:	-	File Ref:	LEG0047
Attachments:	-		
Reporting Officer(s):	A Smith, J MacLean		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 the Council APPROVES BY A SPECIAL MAJORITY the proposed amendment to the Town of Vincent Local Law Relating to Parking Facilities to include Newcastle Street, Leederville as a Ticket Machine Zone as follows:*

LOCAL GOVERNMENT ACT 1995 (as amended)

TOWN OF VINCENT PARKING FACILITIES LOCAL LAW

AMENDMENT

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on to amend the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000 by:

- (a) *Amending the existing First Schedule relating to Ticket Machine Zones – Periods and Fees, as follows:*
- (1) *by inserting in column 1 “North and South sides of Newcastle Street, Leederville”;*
 - (2) *by inserting in column 2 “Between Carr Place and Loftus Street”;
and*
 - (3) *by inserting in column 3 “8.00am to 8.00pm Monday to Sunday”;
and*
- (ii) *the amendment be published in the Government Gazette.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED BY A SPECIAL MAJORITY (7-0)

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

BACKGROUND:

At the Ordinary Meeting of Council held on 11 May 2004 the Council resolved to advertise the proposed amendment to the Local Law Relating to Parking Facilities. The purpose of the proposed amendment is to create a facility for all-day parking by including ticket machine zones on the north and south sides of Newcastle Street, Leederville between Carr Place and Loftus Street.

DETAILS:

For some time, the Town's Law and Order Services Officers have identified that parking in the Leederville area is extremely congested and there are few regularly available parking spaces in most of the streets. In Part 2.2 of the Town of Vincent Car Parking Strategy, dated January 2002 (on page 3), it was identified that the nature of the businesses in the Oxford Centre area tends to generate demand for parking facilities. The report specifies:

"The Leederville Car Parks are consistently utilised throughout the day. Generally the streets surrounding the popular car parking-generating uses, such as restaurants, entertainment facilities and Leederville TAFE, are in demand."

CONSULTATION/ADVERTISING:

The proposed amendment was advertised in The West Australian newspaper on 24 May 2004, in a local paper on 25 May 2004 and on the Town's Notice Board and Website and in the Library. No submissions were received at the close of the six (6) week statutory advisory period, which closed on 19 July 2004.

LEGAL/POLICY:

The Town's Parking Facilities Local Law was gazetted on 23 May 2000 and there have been various amendments since.

STRATEGIC IMPLICATIONS:

The proposal reflects the directions defined in the Town's Strategic Plan 2003 – 2008, Key Result Area One; Section 1.4 (p)

"Develop a strategy for parking management in business, residential and mixed use precincts, that includes

- *parking facilities that are appropriate to public needs*
- *a clear indication that it is the developer's responsibility to provide on-site parking;*
- *protection of the rights of local residents to park in their street where limited off street parking is available".*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$72,000 for ticket machines has been listed in the 2004/2005 Budget.

COMMENTS:

As no submissions have been received, it is recommended that the proposed amendment be approved and submitted for gazettal.

10.4.5 Delegations for the Period 1 April 2004 to 30 June 2004

Ward:	Both	Date:	19 July 2004
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, T Prout		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 April 2004 to 30 June 2004 as shown in Appendix 10.4.5; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices to the value of \$24,312.00 for the reasons detailed in this report.*

COUNCIL DECISION ITEM 10.4.5

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

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

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer and Executive Managers exercise the delegated authority in accordance with the Council's policies.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.5. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's auditors recommend that infringement notices be reported to Council for a decision to write-off the value of the infringement notice. In these cases it is the opinion of the Manager Law and Order Services that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice. The details of the infringement notices are as follows:

Description	Amount \$
Ranger/Clerical Error	\$ 4,415.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$ 3,185.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$ 1,575.00
Breakdown/Stolen (Proof Produced)	\$ 1,220.00
Details Unknown/Vehicle Mismatched	\$ 1,095.00
Interstate or Overseas Driver	\$ 2,725.00
Signage Incorrect or Insufficient	\$ 290.00
Equipment Faulty (Confirmed by Technicians)	\$ 245.00
Failure to Display Resident or Visitor Permit #	\$ 6,195.00
Modified Penalties	\$ 1,195.00
Litter Act	\$ 1,400.00
Dog Act	\$ 600.00
Pound Fees Modified	\$ 172.00
TOTAL	\$24,312.00

The majority of reasons are that the resident or a resident's visitor failed to display the required residential parking permit – proof was provided.

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.16pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Jacinta Anthony	Acting Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Secretary (Minutes Secretary)
Megan Wendt	Acting Safer Vincent Co-ordinator
Matt Zis	Journalist – Guardian
Mark Fletcher	Journalist – Voice News

3 Members of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 July 2004.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2004



TOWN OF VINCENT

SAFER VINCENT COMMUNITY CRIME PREVENTION PARTNERSHIP

TERMS OF REFERENCE

1. MEMBERSHIP

The membership of the Safer Vincent Community Crime Prevention Partnership comprises:

1.1 Three Elected Members

Mayor (Chair)
Two Elected Members

1.2 Seven Community Representatives

Having a knowledge and interest in the safety and security issues within the Town of Vincent and able to represent the various ethnic communities in the Town, Precinct Groups, resident and business interests and providing a geographic spread from across the Town.

1.3 Council Staff

Manager, Law and Order Services
Safer Vincent Coordinator

1.4 Police

Officer in Charge, Leederville Police Station
Officer in Charge, Perth Police Station

2. TERM OF OFFICE

Membership shall be for a period of two (2) years from the period of the ratification of the Partnership by the Council. Generally for the term from 1 July to 30 June of the second year.

3. EXTENT OF TENURE

A community representative will not hold the position for more than two (2) consecutive terms of 2 years unless approved by the Council.

If a representative does not attend three (3) consecutive meetings, without receiving approval of the group, their membership will cease.

4. VACANCIES

Vacancies shall be filled by calling for nominations from either the Council or community for representatives. Members filling a vacated position will hold that position for the duration of two (2) years, as approved by Council.

5. MEETING PROCEDURES

- 5.1 Meet on a monthly or bi-monthly basis, as required.
- 5.2 A quorum will be by simple majority plus one.
- 5.3 A record will be made of the Minutes of the Meeting and distributed to members not less than one week prior to the next scheduled meeting date.
- 5.4 The Partnership will fulfil the endorsed Business Plan or may propose matters for the consideration of the Council which have become apparent or been identified as a priority by Police, community representatives or the Safer Vincent Coordinator or has been referred to them by the Council.
- 5.5 Any items which are dealt with by the Partnership will be prioritised in terms of urgency or required response as deemed by the Partnership. If the issue has a considerable budgetary consideration or has a broad or wide spread implication for the Town then the Town's Administration will not implement any strategy until a report has been submitted to the Council for a decision.
- 5.6 The Town's staff will not action requests unless in accordance with 5.4 and 5.5 above.
- 5.7 The Town's code of Conduct shall apply to members of the Partnership.
- 5.8 All Partnership members shall be required to declare any conflicts of interest in matters being considered by the group.
- 5.9 The Partnership will not deal with specific complaints as these will be dealt with by the Town's Administration.
- 5.10 A member of the community shall only be permitted to be on one (1) of the Town's Advisory Groups at any one time, except for the Arts Advisory Group.
- 5.11 The name of the Group will be known as the "Safer Vincent Community Crime Prevention Partnership".

6. OBJECTIVES

It is important that Local Government considers the concerns of its residents, and addresses as many issues as possible that relate to community concerns about safety and security.

This partnership must address community concerns and respond appropriately by facilitating the development of strategies which are based on evidence and information received by the Group, providing suggestions to the Town of Vincent Council on possible solutions.

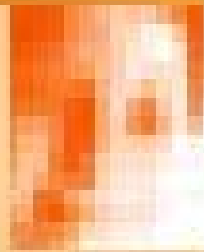
- 6.1 To address the concerns of the residents, ratepayers and visitors to the Town. Some of the issues to be addressed by the Partnership should include:
- the perception of the rate of crime;
 - police effectiveness;
 - crime prevention programs;
 - security lighting;
 - transport security;
 - crime prevention through environmental design;
 - graffiti prevention;
 - Neighbourhood Watch; and
 - Any other issue which is seen to be relevant to safety and security.
- 6.2 To advise the Town of Vincent Council on a wide range of issues some of which are listed below:
- Public concerns about law and order issues;
 - Security and safety of residents, businesses and visitors within the Town;
 - Security and safety of children in areas surrounding schools;
 - Graffiti Control strategies;
 - Strategies to curb anti-social behaviour (including prostitution, drug use, excessive alcohol consumption and excessive vehicle speeds);
 - Noise Control;
 - Community Policing and Neighbourhood Watch programs; and
 - Local Emergency Management Planning.
- 6.3 To provide a forum for advocacy to the State or Federal Government on issues which may affect residents, ratepayers or visitors to the Town.

7. FUNCTIONS

- 7.1 Develop, execute and review the Community Crime Prevention Business Plan as required under the Community Crime Prevention Partnership Agreement.
- 7.2 Provide information and make recommendations to the Council on issues relating to Graffiti, Safety and Security, Neighbourhood Watch and Local Emergency Management matters.
- 7.3 Provide information and make recommendations to the Council on strategies to control Graffiti, Safety and Security and Neighbourhood Watch.
- 7.4 Provide information and make recommendations to the Council on actions to be undertaken to inform, educate and raise awareness in the community with regard to safety and security issues.
- 7.5 Develop strategies to address specific issue as they relate to public safety.
- 7.6 Facilitate the preparation of various strategies and initiatives.
- 7.7 Carry out a review of the Safer Vincent Program.

Date of Adoption: **27 July 2004**

OFFICE OF | CRIME PREVENTION |



“All WA’s are entitled to be & feel safe and secure in their homes, at work and in the community”

Geoff Gallop

Premier

REVIEW OF CRIME PREVENTION 2002

Key findings from the review

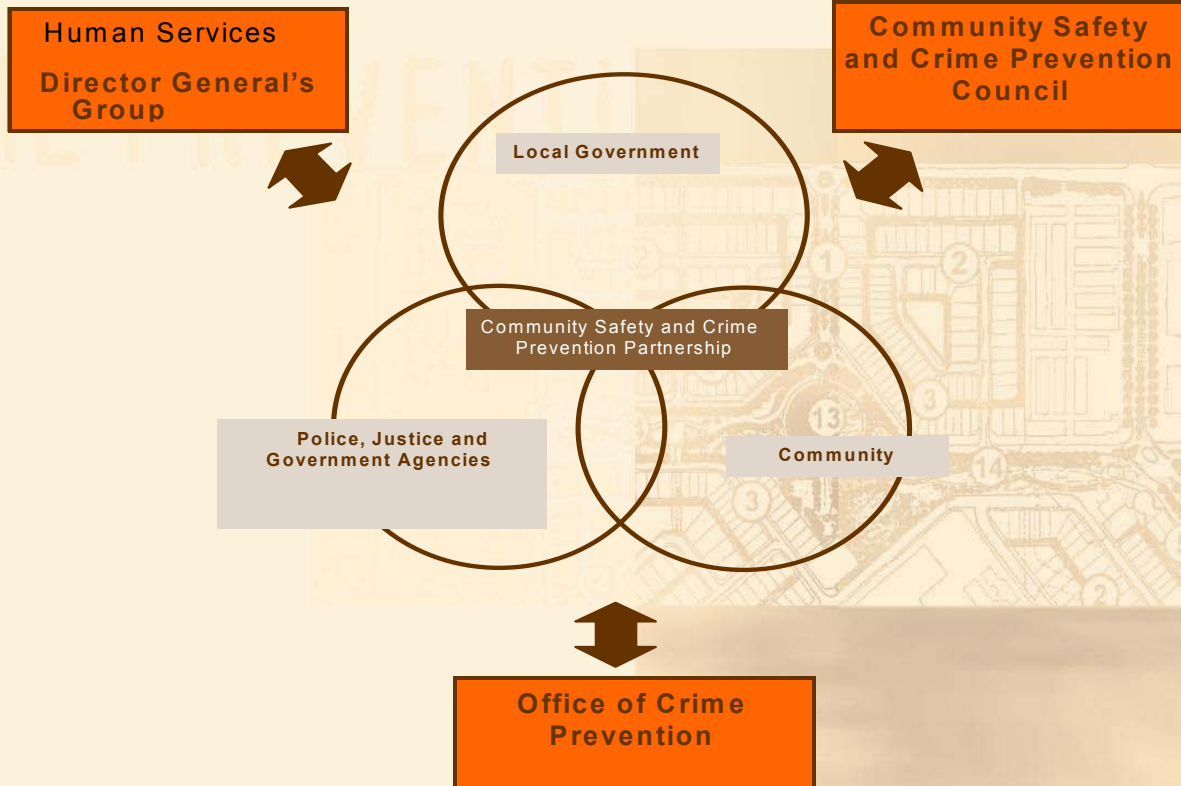
- Reduce duplication and overlap
- More effective ways to engage
- Recognise the important role of LG
- Formal agreements with State Government Agencies
- Evidence based decision making

THE STRATEGIC ALLIANCE

Holistic approach

- The State has prime responsibility for crime prevention;
- The local government has a key role in supporting crime prevention;

COMMUNITY SAFETY AND CRIME PREVENTION STRATEGIC FRAMEWORK



PARTNERSHIP AGREEMENT

Key findings from the review

- Purpose
- Defines roles, responsibilities and principles
- The agreement has a break clause
- The partnership agreement is ongoing
- The plan is valid for 3 yrs



COMMUNITY SAFETY AND CRIME PREVENTION PARTNERSHIP PROCESS

The Steps

- Decision to proceed
- Sign the Partnership Agreement
- Receive up to \$10,000 contribution



COMMUNITY SAFETY AND CRIME PREVENTION PARTNERSHIP PROCESS

The Steps (cont..)

- Develop plan, identify priorities and strategies
- Submit plan for endorsement and registration
- Receive a one off \$20,000
- Co-ordinate, implement, assess and evaluate Plan

COMMUNITY SAFETY AND CRIME PREVENTION PARTNERSHIP PROCESS

Ongoing annual funding

- Administrative support contribution of \$1,200
- Grant rounds:
 - up to \$20,000 - low to medium risk community
 - up to \$40,000 - medium to high-risk community.

COMMUNITY SAFETY AND CRIME PREVENTION PLAN

Planning process requirements

1. Evidence based
2. Consults widely
3. Ongoing consultation and monitoring



COMMUNITY ENGAGEMENT TEAM

Our Support

- Briefings
- Strategic Support
- Information and advice
- Bring partners to table





**COMMUNITY SAFETY AND
CRIME PREVENTION
PARTNERSHIP GUIDE**

**PRODUCED BY
THE OFFICE OF CRIME PREVENTION
DECEMBER 2003**

DISCLAIMER

While the Office of Crime Prevention has taken care in preparing the Community Safety and Crime Prevention Partnership Guide, the Office of Crime Prevention does not accept responsibility or liability for the results of specific action taken on the basis of this information nor for any errors or omissions.

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PERTH WA 6000

Telephone: 9222 9733
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I. INTRODUCTION

The Government of Western Australia recognises that improvements in community safety, short-term reductions and long term prevention of crime can only be achieved by everyone working together.

At a statewide level this means government departments must work together across traditional boundaries. It also means that Government is committed to working cooperatively with Local Government, community and non-government organisations.

The State Government recognises the strong role that Local Government can play in facilitating and supporting activities that make our communities safer. An agreement is necessary to recognise the valuable role of Local Government in partnership with State Government agencies, Police, the non-government and business sectors, and the community in the Community Safety and Crime Prevention Partnerships.

1.1 What is the purpose of this guide?

The *Community Safety and Crime Prevention Partnership Guide* will assist in the understanding and enrolment of partners in a Community Safety and Crime Prevention Partnership Agreements.

This agreement will be between The Government of Western Australia and individual Local Government or regional groupings when this is agreed.

This guide should be read in conjunction with the Community Safety and Crime Prevention Planning Manual.

1.2 Proposed Partnership Agreement

At the end of this document is a proposed partnership agreement to assist in the development of Local Government / State Government partnerships. The Office of Crime Prevention will work with Local Government to ensure the agreement reflects the needs of Local Government, their community and the State Government of Western Australia.

1.3 Defining the Partnership

The partnership agreement exists to clearly define the roles and responsibilities of each of the partners. It is necessary to ensure that each partner fully understands the principles by which the partnership exists and how each partner to the agreement desires to proceed.

The Government of Western Australia accepts that all State Government departments and agencies have a role in crime prevention. This includes responsibility for law enforcement, policing, and community safety and crime

prevention. This will be supported by the Human Services Director Generals Group and the Cabinet Standing Committee on Social Policy.

Local Government is already involved in many responsibilities that relate to crime prevention. These roles include the ability to communicate effectively with the community, engage in social and community planning and the development of policy and programs that reflect local needs, values and objectives.

1.4 Communication between Partners

An agreement is to be based on principles of shared responsibility and effective communication.

Open Communication

Parties to this agreement accept the need to develop open communications. The Office of Crime Prevention will be the State Government organisation responsible for forming of the partnership agreement and for assisting in developing the Community Safety and Crime Prevention Plan.

The Community Safety and Crime Prevention Plan and regular reviews, developed and housed by Local Government, will be the chief mechanism of communicating needs, values and objectives to all stakeholders.

Sharing Information

Throughout this planning and implementation process it is essential to share information with State Government, Local Government, Agencies and communities to create and maintain group synergy around Community Safety and Crime Prevention.

The Office of Crime Prevention undertakes to post all plans onto a website, along with best practice case studies and other resources.

1.5 Review and Evaluation

Effective crime prevention strategies need to be based on sound and credible knowledge about the size of the problem and demonstrated evidence about what does and does not work. Successful crime prevention programs include:

- a proactive, evidence based approach;
- targeted priorities; and
- supported and enabled collaborative partnerships that engage the community.

Partners to this agreement accept that an evidence-based approach is strengthened by targeted evaluations to measure whether significant programs have been successful in meeting their objectives. These evaluations will enable program improvements to further deliver safer communities and reduced crime.

Community Safety and Crime Prevention Agreements, will be reviewed after the first 12 months and thereafter every three years.

1.6 Break Clause

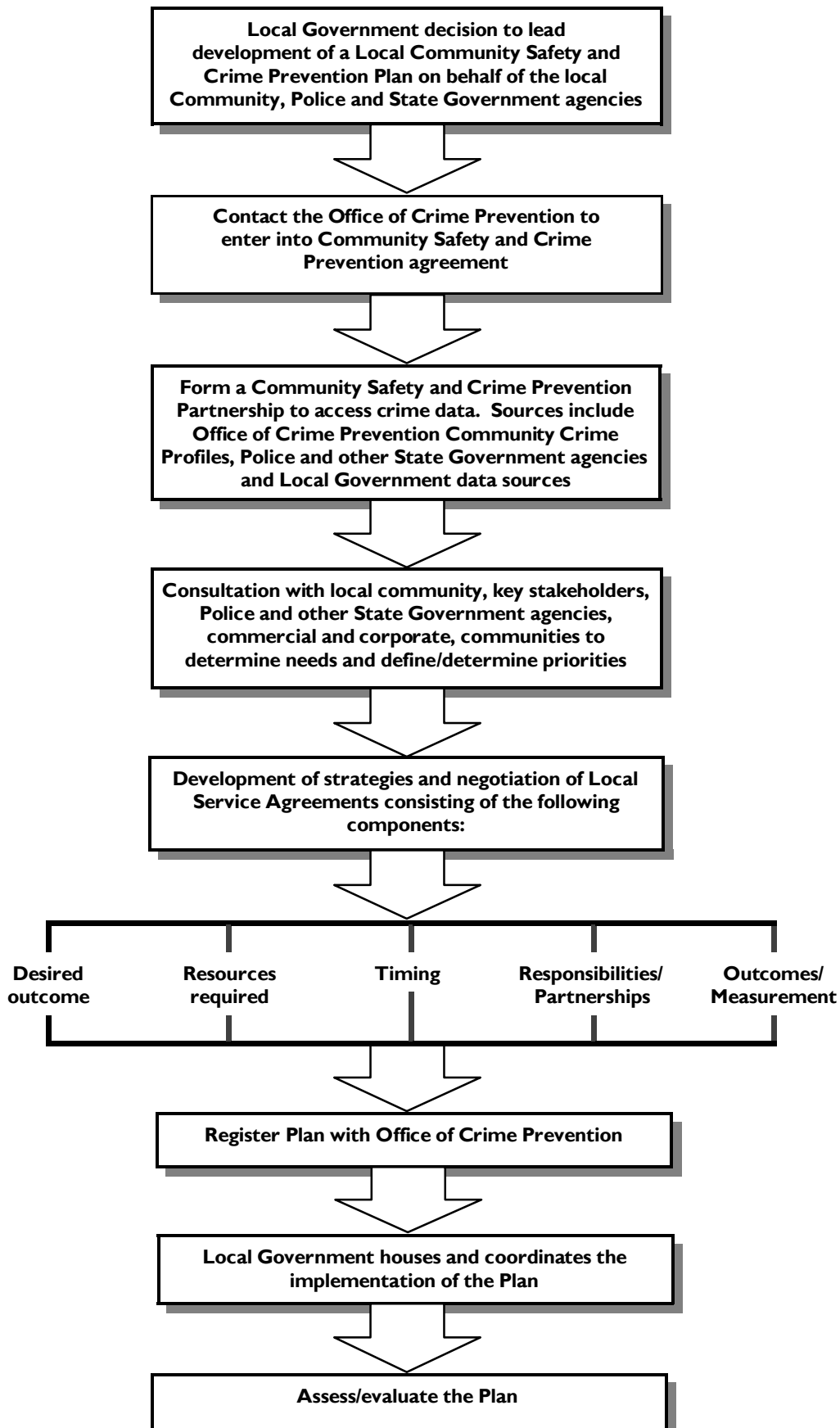
The Community Safety and Crime Prevention Agreement can be modified or amended with the consent of the parties. This Agreement can be terminated by either of the parties giving written notice to the other party. On termination of this agreement uncommitted grant monies must be returned within 3 months.

2. SUMMARY OF THE COMMUNITY ENGAGEMENT PROCESS

Through the Office of Crime Prevention the State Government will provide funding to Local Governments for the development of Community Safety and Crime Prevention Plans. This will be achieved by the following process:

1. Local Governments engage with the Office of Crime Prevention and enter into a formal partnership agreement;
2. Applications for planning funding are received and assessed by the Office of Crime Prevention, and funding released;
3. A locally based Community Safety and Crime Prevention Partnership is formed;
4. The local Community Safety and Crime Prevention Partnership undertakes planning exercise to develop a Community Safety and Crime Prevention Plan (see Chapter 2 of the Community Safety and Crime Prevention Planning Manual);
5. The local Community Safety and Crime Prevention Partnership endorses the plan. Local Government houses the plan on behalf of the local community;
6. Local Government registers the Community Safety and Crime Prevention Plan with the Office of Crime Prevention; and
7. The local Community Safety and Crime Prevention Partnership implements the plan, and the plan is integrated into the review cycle to ensure monitoring of programs on a regular basis.

Process of Developing a Local Community Safety and Crime Prevention Plan



3. COMMUNITY SAFETY AND CRIME PREVENTION PROPOSED PARTNERSHIP AGREEMENT TEMPLATE

PROPOSED TEMPLATE PARTNERSHIP AGREEMENT

A COMMUNITY SAFETY AND CRIME PREVENTION PARTNERSHIP AGREEMENT

BETWEEN

THE GOVERNMENT OF WESTERN AUSTRALIA

AND

<COUNCIL NAME>

The prevention and reduction of crime and its causes is the responsibility of each and every Western Australian. The parties to this agreement recognise that the most effective approach to tackling crime and its causes to enhance community safety is through partnerships involving the WA Police Service, State Government agencies, Local Government and the community.

1. Title

<Year> <Council name> Community Safety and Crime Prevention Partnership Agreement.

2. Partners

The partners to this agreement are the Government of Western Australia (State Government) and the <Council name>.

3. Purpose of the Agreement

The State Government and the <Council name> recognise the important role each party has in the prevention of crime and sustainable community safety and security.

The purpose of this agreement is to:

- i. Acknowledge that the State Government has primary responsibility for law enforcement, policing, community safety and crime prevention.
- ii. Acknowledge the important role the <Council name> has to play in the area of community safety and crime prevention.

- iii. Promote the development and implementation of a *Community Safety and Crime Prevention Plan* for the <Council name>community.
- iv. Develop effective lines of communications between the State Government and the <Council name>.

4. Principles

The community safety and crime prevention principles that underpin this agreement are:

- i. Recognise that partnerships between the community, and State and Local Government are essential to achieve sustainable community safety and crime prevention outcomes.
- ii. Recognise and respect the role that State and Local Government plays in enhancing sustainable community safety and crime prevention.
- iii. Engage all levels of the community in working to reduce and prevent crime.
- iv. Develop an evidence-based and planned approach to crime prevention that focuses on areas of highest need and where outcomes can be observed.
- v. Continually work to improve the efficiency and effectiveness of government service delivery.
- vi. Promote fairness, openness and transparency in managing community safety and crime prevention planning and service delivery.

5. Scope of the Agreement

This partnership agreement commits the parties to:

- i. Supporting, coordinating and administering a local community safety and crime prevention partnership and developing and implementing a local *Community Safety and Crime Prevention Plan*.
- ii. Engaging and involving the whole community in planning and implementing community safety and crime prevention strategies.
- iii. Evidence-based decision making that targets areas of greatest need, and monitors and evaluates policies, programs and services.
- iv. Sharing information and experiences between the State Government and the <Council name>.
- v. Promoting greater community awareness and involvement in community safety and crime prevention efforts to reduce fear of crime levels.

- vi. Coordinating and integrating community safety and crime prevention activities through local service agreements between local government and State Government agencies.
- vii. Establishing measures to monitor progress towards improving community safety and reducing crime.

6. Responsibilities

State Government

- i. To provide leadership and direction for crime prevention in Western Australia.
- ii. To develop a State Crime Prevention Strategy.
- iii. To ensure that appropriate law enforcement strategies are maintained.
- iv. To support the <Council name> community safety and crime prevention activities.
- v. To provide funds to support the <Council name> community safety and crime prevention planning and initiatives.
- vi. To adopt a whole of Government approach to community safety and crime prevention and ensure that relevant State Government agencies participate in local *Community Safety and Crime Prevention Partnerships*.
- vii. To produce relevant data to assist the <Council name> in its community safety and crime prevention planning and activities.
- viii. To support the development of the <Council name> capacity to participate in community safety and crime prevention by providing information and advice about “what works” and “what does not work” in crime prevention.

<Council name>

- i. To support, coordinate and administer local *Community Safety and Crime Prevention Partnership*.
- ii. To support and facilitate the development and implementation of a local *Community Safety and Crime Prevention Plan*.
- iii. To ensure that the *Community Safety and Crime Prevention Plan* is consistent with the overall State Crime Prevention Strategy.
- iv. To engage and involve the community, State Government agencies and non-government organisations in local *Community Safety and Crime Prevention Partnerships*.
- v. To build the community’s capacity to participate in the *Community Safety and Crime Prevention Partnership*.
- vi. To adopt evidence-based decision-making processes that target areas of greatest need.
- vii. To monitor and evaluate the effectiveness of community safety and crime prevention activities.
- viii. To build community capacity to participate in community safety and crime prevention by providing information and advice about “what works” and “what does not work” in crime prevention.

7. Management

The Office of Crime Prevention and <Council name> will manage this agreement jointly.

8. Reviews

This agreement will be reviewed in twelve months and thereafter every three years.

9. Break Clause

This Agreement can be modified or amended with the consent of the parties. This Agreement can be terminated by either of the parties giving written notice to the other party.

10. Agreement in Good Faith

This agreement is made in good faith based on the party's commitment to an effective and sustainable relationship.

Signed on behalf of the Government
of Western Australia by the Minister
for Community Safety

Signed on behalf of the <Council
Mayor/President> by <insert name>

DATED: _____ *DAY OF* _____ *2003*