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(9 NOVEMBER 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 9 November 2004, commencing at 6.04pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Deputy Mayor Ian Ker, declared the meeting open at 6.04pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Mayor Nick Catania, JP  
Cr Helen Doran-Wu                      North Ward

**(b) Present:**

Cr Ian Ker (Deputy Mayor)      Presiding Member  
Cr Simon Chester                      North Ward  
Cr Caroline Cohen                      South Ward  
Cr Basil Franchina                      North Ward  
Cr Sally Lake                              South Ward  
Cr Steed Farrell                          North Ward  
Cr Maddalena Torre                      South Ward (from 6.05pm)

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

Mark Fletcher                          Journalist – Voice News  
Beverley Ligman                          Journalist – Guardian Express (until 7.53pm)

Approximately 21 Members of the Public

**(c) Members on Leave of Absence:**

Nil.

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

1. Mr Joseph Miasi of 39 Bellevue Crescent, Dianella - on behalf of his grandparents who own 369 Fitzgerald Street – Item 10.1.7 – Stated that they object to the excessive nature of the development and the lack of setback on the common boundary, the height and length of the proposed wall on the boundary and the setback from Fitzgerald Street. Believes there will be a severe loss of direct light to their three rooms facing south. Also believes that the proposal does not comply. Requested Council to refuse the proposal.

2. Mr Mohamed Timol of 34A Gardiner Street, East Perth – Item 10.1.2 – Referred to the report regarding the retaining wall height. Stated that the unauthorised landfill material on this site still exists to a height of more than 1 metre. Requested that the Council postpone the approval until the landfill has been cleared to the natural ground level to permit compliance. Stated that he had written to Council requesting the dividing fence be a minimum of 1.8 metres as he has a swimming pool and the parapet wall be finished to the same standard as the rest of the house. Also stated that the parapet wall will be at the front of his property and will cut the light quite drastically to his living room.
3. Mr Laurie Pilgrim of 9 Summerhayes Drive, Karrinyup – Item 10.1.9 – Stated that the major section of the roof line is 25cm lower than the Council's regulation. Believes that in refusing the application the Council have taken an excessively narrow view of Council requirements and that they have been unfairly denied their plan. Stated that the property is a small green title subdivision approved some years ago when Council requirements may then have been different and there ought to be some latitude allowed in today's requirements. Advised that the design plan was the subject of consultation with the Council prior to it being submitted. Further stated that there is no shade problem, there is a wider than average verge, it has mature trees in front, it is a character house of an unobtrusive nature and believes that it should be approved.
4. Mr Colin Terry of 52 Hobart Street, Mt Hawthorn – Item 10.1.12 – Believes that the appeal process should be amended to include notification to adjoining owners of the appeal. Requested that condition (iii) include the obscuring to be prior and during occupation and if there were plans to move the bus shelter that there would be consultation with the local residents.
5. Mr John Ilian of 101 Eton Street, North Perth – Item 10.3.3 – Strongly objects to the request by SFC. Believes that the agreed consultation to take place at the end of the football season has not happened. Referred to several points from the Council's previous recommendation. Requested that the Council say "no" to more nights outside the existing agreement and to honour the needs of the residents who currently use the park and those of ratepayers who use the only off-leash dog exercise area for miles.
6. Mr Bruce Arnold of 12 Clotilde Street, Mt Lawley – Item 10.1.7 – Stated that the development is in the North Perth Centre Precinct and is a commercial site which calls for a mandatory nil setback to the streets, both Fitzgerald and Raglan and in addition, a nil setback on the side. Advised that the wall on the northern boundary is an articulated wall, varied in heights and finishes and while they could have built 3 storeys they have kept it to two. Believes the surplus carparking bay would be better used for the office rather than residential. Stated that there will be no overshadowing and the proposal complies.

7. Mr Fred Reid of 55 Shakespeare Street, Mt Hawthorn – Item 10.2.2 – Stated that residents of Shakespeare Street have not been consulted about this proposal. Does not believe that calming is warranted in this street and if Council proceeds then the people who requested the calming should pay for it and not all ratepayers. Stated that he was advised that if the proposal goes ahead, Transperth will cancel bus 276. Requested that Council not proceed with this matter.

*The Presiding Member advised that the recommendation states that Transperth would be invited to the LATM Advisory Group Meeting and that Transperth does operate buses along Carr and Cleaver Streets which have similar types of humps.*

8. Mr Matt Callahan of 52 Fairfield Street, Mt Hawthorn – Item 10.1.10 – Stated that they will have a garage off the rear right of way and they have requested a front driveway off Fairfield Street as they have a daughter with special needs.
9. Mr John Littleton, Secretary of Loton Park Tennis Club – Item 10.1.14 – Requested that the Council consider as an alternative to what was asked in the petition, the sixteen parking permits for those days that Perth Glory are not playing be continued and there be a relaxation of the two hour parking on Saturday and Sunday afternoons during the tennis season.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.32pm.

**(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**

Nil.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**6.1 Ordinary Meeting of Council held on 26 October 2004**

**Moved Cr Lake, Seconded Cr Cohen**

*That the Minutes of the Ordinary Meeting of Council held on 26 October 2004 be confirmed as a true and correct record.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

Nil.

**8. DECLARATION OF INTERESTS**

8.1 Deputy Mayor - Cr Ian Ker declared a proximity interest in Item 10.1.3 - No(s). 628-630 (Lot(s) 303) Newcastle Street, Leederville - Proposed Alterations and Additions to Existing Shop and Change of Use from Shop to Office Building. The nature of his interest being that he works in an adjoining building.

8.2 Deputy Mayor - Cr Ian Ker declared a financial interest in Item 10.4.1 - Economic Development Strategy - Appointment of Consultant. The nature of his business being that he has a business relationship with one of the tenderers.

8.3 Chief Executive Officer - John Giorgi declared a financial interest in Item 10.4.2 - CEO's Annual Review 2004. The nature of his interest being that it relates to his contract of employment.

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

Nil.

**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 10.1.7, 10.1.2, 10.1.9, 10.1.12, 10.3.3, 10.2.2, 10.1.10 and 10.1.14

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

Nil.

Presiding Member, Deputy Mayor Ian Ker, 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 Lake	Item 10.1.13
Cr Chester	Items 10.1.1, 10.2.1 and 10.2.4
Cr Torre	Nil
Cr Farrell	Item 10.3.5
Cr Cohen	Item 10.1.6
Cr Franchina	Nil
Cr Ker	Item 10.1.8

Presiding Member, Deputy Mayor Ian Ker, requested the Chief Executive Officer to advise the Meeting of:

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

Items 10.1.3, 10.4.1 and 10.4.2

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

Items 10.1.4, 10.1.5, 10.1.11, 10.2.3, 10.3.1, 10.3.2, 10.3.4, 10.4.3 and 10.4.4

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 10.1.4, 10.1.5, 10.1.11, 10.2.3, 10.3.1, 10.3.2, 10.3.4, 10.4.3 and 10.4.4

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

Items 10.1.7, 10.1.2, 10.1.9, 10.1.12, 10.3.3, 10.2.2, 10.1.10 and 10.1.14

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

**Moved Cr Torre, Seconded Cr Cohen**

*That the following unopposed items be moved en bloc;*

*Items 10.1.4, 10.1.5, 10.1.11, 10.2.3, 10.3.1, 10.3.2, 10.3.4, 10.4.3 and 10.4.4*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

The Chief Executive Officer advised the Presiding Member that there had been a request from the applicant to defer Item 10.1.11 – No(s) 219 (Lot(s) 2) Brisbane Street, Perth – Proposed Partial Demolition of and Alterations and Three Storey Additions to Existing Single House and there was an amendment to Item 10.4.4 – Information Bulletin and as these items were moved "en bloc" they should be recommitted.



**Moved Cr Lake, Seconded Cr Chester**

*That Items 10.1.11 – No(s) 219 (Lot(s) 2) Brisbane Street, Perth – Proposed Partial Demolition of and Alterations and Three Storey Additions to Existing Single House and Item 10.4.4 – Information Bulletin be recommitted.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

**At 6.35pm The Presiding Member ruled that the request for deferral by the applicant of Item 10.1.11 and the amendment to Item 10.4.4 would be considered.**

**10.1.11 No(s). 219 (Lot(s) 2) Brisbane Street, Perth - Proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	2 November 2004
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO1691; 00/33/2289
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Batina, L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Repetition and Difference (RAD) on behalf of the owner J Puls for the proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Single House, at No(s). 219 (Lot(s) 2) Brisbane Street, Perth, and as shown on plans stamp-dated 12 October 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 setbacks, plot ratio, number of storeys, open space and privacy requirements of the Residential Design Codes, and the requirements of the Robertson Locality Plan; and*
- (iii) consideration of the objection received;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Torre, Seconded Cr Lake**

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

**Debate ensued.**

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

<b>Landowner:</b>	J Puls
<b>Applicant:</b>	RAD
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	223 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	0.65 (151.45 square metres)	0.91 (204 square metres)
Open Space	45 per cent (104.85 square metres)	40 per cent (89.5 square metres)
Setbacks:		
East - Basement	1.5 metres	Nil
-Ground floor	2.3 metres	Nil
-First floor	1.8 metres	Nil
West - Basement	1.5 metres	100 millimetres to 300 millimetres
-Ground floor	1.9 metres	100 millimetres to 350 millimetres
-First floor	1.4 metres	500 millimetres
	Consideration can be given to parapets abutting existing parapet walls on boundaries. In addition, in areas coded R30 and higher, consideration can be given to a parapet on one side boundary subject to certain provisions	
Building Height	7.0 metres to the top of the external wall (concealed roof)	Maximum height of 9.0 metres
Privacy-		
First Floor - (Sleeping Room) Balcony	7.5 metres Note: Southern neighbour provided consent for previous application.	Less than 7.5 metres to eastern and western boundaries.

\* 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 slopes down from Brisbane Street to the rear of the property. The site is occupied by a single storey dwelling, which is listed on the Interim Heritage Database. The dwelling has a single storey presentation to the street, and a two-storey presence to the rear, as a result of the slope in the land. An unsealed privately owned right of way 3.4 metres wide abuts the property to the south.

Council at its Ordinary Meeting held 4 November 2003, resolved to conditionally approve an application for alterations and three storey additions to the existing single house, which included the following condition (and not a condition relating to height as stated in the report presented to Council on 25 May 2004):

"(i) *Prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following;*

(a) *Significant design features being incorporated into the parapet walls, to reduce the visual impact on adjoining properties;"*

Revised plans that incorporated a design response to the abovementioned condition of approval were subsequently submitted by the applicant. The design response included:

- Increasing the side setback distance relating to the north-western side of the proposed extension for all levels, with the resultant setback distances proposed being a minimum of 0.2metre (ground floor level) to 1.0metre (first floor);
- Amending both the side (north-west) and rear elevations to create more visual interest in lieu of the previous featureless parapet wall and 'boxy' form;
- Blade walls being incorporated as part of the outdoor living area, to improve visual privacy for both the subject site and adjoining properties; and
- Significantly reducing the overall bulk and scale of the development on the western elevation.

Council at its Ordinary Meeting held 25 May 2004 resolved to refuse the application for the partial demolition and alterations and three storey additions to the existing single house based on the following reasons;

- "1. *Negative impact on existing streetscape.*
2. *Bulk and Scale.*
3. *Impact on the amenity of the area. "*

#### **DETAILS:**

The plans submitted as part of this application are the same as those plans submitted with the previous application, dated 17 March 2004, with the exception that screening on the western elevation (ground floor- outdoor living/terrace and kitchen/food preparation area, and first floor - study/desk room), has been increased to 1.65 metres to comply with the privacy requirements of the Residential Design Codes (R-Codes).

The applicant has requested Council to revisit its decision to refuse the application, based on a written submission prepared in direct response to Council's reasons for refusal. The written submission forms as an attachment to this report.

The proposal is for alterations to the existing single storey residence and a three-storey rear addition. The works proposed will comprise:

- The external and internal refurbishment of the original front section of the single storey residence;
- The demolition of the rear skillion portion of the original dwelling and three outbuildings from the site; and
- A three-storey addition with a portion of the addition being located below natural ground level. The proposed addition will include a double garage (accessed off the right of way), two bedrooms, a small balcony, kitchen and dining room and an elevated outdoor living area/terrace, located above the proposed garage).

#### **CONSULTATION/ADVERTISING:**

The application was not advertised as it is similar to an application advertised in the past twelve months. One objection was received during the previous consultation process.

The letter of objection raised the following concerns:

*"The owners of 221 Brisbane Street, Perth have expressed concerns that the proposed development does not comply with the R Codes as per your letter dated 21/04/04".*

*"By developments abiding to the codes you have an equal standard and this allows for communities to live and work together in harmony".*

*"Residential design codes have been established and introduced in order to allow for proper and responsible developments and also allow neighbours not to be disadvantaged".*

The applicant has also provided the Town with six letters of support from local residents.

**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 matters relating to the proposal have been addressed in the Report, Item 10.1.12 to the Ordinary Meeting of Council held on 25 May 2004.

On the basis that the applicant has submitted the same plans as the previous application (with the exception of changes to screening) and in light of Council's previous decision to refuse that application, it is considered that the applicant has not adequately addressed the reasons of refusal. Accordingly, refusal is recommended for the subject proposal.

**10.4.4 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	3 November 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 9 November 2004 as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Torre, Seconded Cr Farrell**

*That the recommendation be adopted subject to IB12 – Notice of Forum being amended as follows:*

**"4.3 Concept Forum (All Items are Behind Closed Doors)**

	<b>Item</b>	<b>Indicative Time</b>
4.3.1	<b>Progress Report - State Indoor Multi Use Sports Centre - Presentation by Architect, Graham Hunt</b>	<b>7.00pm-7.30pm</b>
4.3.2	<b>Beatty Park Leisure Centre - Financial Performance Review - Presentation by Executive Manager Corporate Services</b>	<b>7.30pm-8.00pm</b>
4.3.3	<b>Development Approval Process - Progress Report on Review - Presentation by CEO and Executive Manager Environmental &amp; Development Services</b>	<b>8.00pm-8.30pm</b>
4.3.4	<b>Completion of Review of Discretionary Clauses and Delegated Authority (Carried Forward from Forum of 2 November 2004)</b>	<b>8.30pm-9.30pm</b>
4.3.5	<b>General Discussion to be raised by Elected Members and Matters Senior Staff would like to raise</b>	<b>9.30pm-10.00pm"</b>

Debate ensued.

**CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**DETAILS:**

The items included in the Information Bulletin dated 26 October 2004 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Department of Environment – Environmental Protection (Unauthorised Discharge) Regulations 2004 – Delegation of Powers
IB02	Fire & Emergency Services – 2004 FESA Community Safety Awards
IB03	Letter to Town Planning Appeal Tribunal – Appeal 221 of 2004 – Daniel Das and Eliza Nair v Town of Vincent – Respondent Statement
IB04	Letter of Appreciation – Town's Parks and Gardens
IB05	Letter of Appreciation – Storage of Hockey Goals at Charles Veryard Reserve
IB06	Register of Petitions – Progress Report – November 2004
IB07	Register of Notices of Motion – Progress Report – November 2004
IB08	Register of Reports to be Actioned – Progress Report – November 2004
IB09	Register of Legal Action
IB10	Register of Town Planning Appeals
IB11	Forum Notes – 19 October 2004
IB12	Notice of Forum – 16 November 2004

**10.1.4 No(s). 52 (Lot(s) 104) Buxton Street (Corner Ashby Street), Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 November 2004
<b>Precinct:</b>	Mt Hawthorn, P1	<b>File Ref:</b>	PRO2871; 00/33/2328
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Statesman Homes on behalf of the owner K & S Sweeney for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No(s). 52 (Lot(s) 104) Buxton Street (corner Ashby Street), Mount Hawthorn, and as shown on plans stamped 13 October 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*
- (ii) 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);*
- (iii) subject to first obtaining the consent of the owners of No. 50 Buxton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 50 Buxton Street in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Buxton 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. Any solid front wall adjacent to Ashby Street shall not exceed a maximum height of 1.8 metres above the ground level and shall include two significant design features being incorporated into the solid front fence or wall, adjacent to Ashby Street. The significant design features are to include a combination of at least two of the following features: different materials, differing height, different textures, indentations, portions of visual permeability, landscaping or equivalent;*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (vi) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

*to the satisfaction of the Chief Executive Officer.*



**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

<b>Landowner:</b>	K & S Sweeney
<b>Applicant:</b>	Statesman Homes
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	491 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Boundary Wall	In areas coded R30 and higher, wall not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary only.	Boundary wall height is an average height of 3.4 metres.

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

**SITE HISTORY:**

The subject lot is currently occupied by a single storey single house.

**DETAILS:**

The applicant seeks approval for demolition of existing single house and construction of a proposed two storey single house. The proposal is considered to comply with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non compliances.

**CONSULTATION/ADVERTISING:**

The applicant advertised the proposal to the adjoining neighbours and written consent has been received from the owners of No. 50 Buxton Street

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

A detailed heritage assessment of the existing place is included as an attachment to this report.

The subject dwelling is dated circa 1935 and represents a part of the building stock built during the inter-war period of 1919 and 1939. The dwelling is constructed from brick and is tiled. Most interior features and fittings are intact. While original features such as leadlight windows and ceilings are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks and building style.

The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

**Boundary Wall**

The proposed boundary wall is non-compliant with the average height requirement of 3 metres. The average height proposed is 3.4 metres. The adjoining affected neighbours have consented to the boundary wall height, the wall is 6.611 metres from Buxton Street, and is therefore considered acceptable and supported.

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

**10.1.5 No(s). 370 & 372 - 374 (Lot(s) 70 & 69) William Street (Corner Little Parry), Perth - Proposed Demolition of Existing Shop Warehouse and Outbuildings**

<b>Ward:</b>	South	<b>Date:</b>	1 November 2004
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO2959; 00/33/2495
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Buchan Group Architects on behalf of the owners E, JJ & C Rossi for proposed Demolition of Existing Shop, Warehouse and Outbuildings, at No(s). 370 & 372 - 374 (Lot(s) 70 & 69) William Street (corner Little Parry), Perth, and as shown on plans stamped 23 September 2004, subject to:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing buildings valued by the community;*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (vii) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements; and*
- (viii) the applicant/owner is required to provide the Town with an appropriate historic interpretation proposal for the site, which is to be submitted to the Town as part of the redevelopment of the site and shall be approved by the Town prior to the issue of a Building Licence for the redevelopment;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

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<b>Landowner:</b>	E, JJ & C Rossi
<b>Applicant:</b>	The Buchan Group Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Shop & Warehouse
<b>Use Classification:</b>	"P & P"
<b>Lot Area:</b>	405 & 493 square metres

**SITE HISTORY:**

Prior to 1954 the site contained a timber building on the northern boundary of Lot 70. This was replaced by the subject building in 1954.

**DETAILS:**

Approval is sought for the demolition of the existing two-storey commercial building.

**CONSULTATION/ADVERTISING:**

Applications for proposed demolition of places not included on the Town's Municipal Heritage Inventory are not required to be advertised.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

A Heritage Assessment for the subject property is shown as an attachment to this report.

The place has limited cultural heritage significance. It is considered to have *little to some historic value*. The place forms part of the evolution and pattern of the history of the Town of Vincent, with particular reference to the years immediately following the Second World War and the development of new retail services reflecting a growing diverse community and city life. The place also has associations with local business man and pastry cook Mr Giovanni Rossi, whose family has owned the property for approximately fifty years.

It is recommended that approval be granted for the proposed demolition of the subject building subject to standard conditions. In addition, it is recommended that the applicant/owner be required to provide the Town with an appropriate historic interpretation proposal for the site. The proposal is to be submitted to the Town as part of the redevelopment of the site and shall be approved to the satisfaction of the Town prior to the issuing of a Building Licence for that redevelopment.

**10.2.3 Extension of the Two (2) Hour Parking Restriction in Fitzgerald Street Between Bulwer and Randell Streets**

<b>Ward:</b>	South	<b>Date:</b>	2 November 2004
<b>Precinct:</b>	Hyde Park Precinct P12	<b>File Ref:</b>	PKG0029
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R. Lotznicher	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the introduction of a two (2) hour parking restriction in Fitzgerald Street outside of Clearway times, as shown on plan 2307-PP-1;*
- (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 residents and business proprietors in the vicinity of the Council's resolution.*

**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

**BACKGROUND:**

In November 2003 the Council approved the introduction of a two (2) hour parking restriction in Fitzgerald Street between Lawley Street and Stuart Street. This restriction was to be introduced simultaneously with the installation of ticket parking machines in Stuart Street, in order to prevent all day parkers moving from Stuart Street to the surrounding streets. The machines are now in place and the signage has been installed, however, there is a small section of Fitzgerald Street that was not included in the restriction zone. It is now proposed that this section, between Randell and Bulwer Streets, be similarly restricted.

**DETAILS:**

All day parkers who take public transport or walk into the city prompted the need to introduce ticket parking in Stuart Street, between Palmerston Street and Fitzgerald Street. In line with the Town's normal practice, time restrictions were simultaneously introduced in the surrounding streets, to overcome the likelihood that the commuters would simply relocate.

At the time the restrictions were introduced, a small section of Fitzgerald Street, between Randell and Bulwer Streets, was overlooked, and remained unrestricted outside Clearway times. This section of Fitzgerald Street is now being targeted by commuters as a convenient and cheap place to park for the day, and therefore tying up the parking spaces which have previously provided for patrons of the adjacent businesses.

It is now proposed that the same restriction, two (2) hour parking, which was recently introduced in the section of Fitzgerald Street immediately south of the subject area, also be applied here, to be in place during normal business hours between Monday and Friday, outside of Clearway times.

**CONSULTATION/ADVERTISING:**

Consultation has not been undertaken as the change is considered minor, and the restriction area is adjacent to business premises.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "*p) Develop a strategy for parking management in business, residential and mixed use precincts*".

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of installation of restriction signs would be approximately \$250.00.

**COMMENTS:**

The extension of the restriction will free up parking space for customers and clients of the surrounding businesses, while providing a generous time limit in which to complete tasks. The manager of Law and Order Services has been consulted and is in agreement with the need to introduce the restriction.

### **10.3.1 Financial Statements as at 30 September 2004**

<b>Ward:</b>	Both	<b>Date:</b>	1 November 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Bee Choo Tan		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVE the Financial Reports for the year ended 30 September 2004 as shown in Appendix 10.3.1.*

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**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

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**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 September 2004.

**DETAILS:**

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position

**Operating Statement and Detailed Summary of Programmes/Activities**

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

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

**Operating Revenue**

Operating revenue is currently 70 % of the annual Budget estimate



**General Purpose Funding (Page 1)**

General Purpose Funding is showing 91 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 98 % of the budgeted amount for the rates income.

**Governance (Page 2)**

Governance is showing 114% of the budget received to date, this is due to advertising rebates, vehicle contributions received and sale of electoral rolls.

**Law Order & Public Safety (Page 3)**

Revenue is showing a favourable variance of 69 % due to recoup in advance of employee cost that is on secondment and grants received.

**Health (Page 4)**

Health is showing 84%, this is due to 216 Health Licences being issued.

**Community Amenities (Page 6)**

Community Amenities is 46 % of the budget, this is as a result of 226 planning applications have been processed to month of September.

**Recreation & Culture (Page 9)**

Recreation and Culture is 20% of budget. Beatty Park is also 25 % of budget for the month of September

**Economic Services (Page 12)**

Economic Services is 36% of budget which is the 177 building licences issued to the month of September.

**Operating Expenditure**

Operating expenditure for the month of September is slightly under budget.

**Capital Expenditure Summary (Pages 18 to 25)**

The Capital Expenditure summary details projects included in the 2004/05 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for September an amount of \$1,906,674 which is only 17 % of the budget.

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
Furniture & Equipment	144,560	24,743	17%
Plant & Equipment	1,249,972	143,257	11%
Land & Building	2,746,610	1,112,121	40%
Infrastructure	6,997,900	626,553	9%
<b>Total</b>	<b>11,139,042</b>	<b>1,906,674</b>	<b>17%</b>

**Statement of Financial Position and Changes in Equity and Restricted Cash Reserves  
(Not available due to year end 30 June 04 being audited)**

**Debtors and Rates Financial Summary**

**General Debtors (Page 26)**

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

Sundry Debtors of \$1,833,413 are outstanding at the end of September. There is a significant drop due to the payment by WA Treasury of \$657,150. Of the total debt \$1,395,563 (76%) relates to debts outstanding for over 60 days. The majority of the debt is \$777,700 for WA Treasury Corporation which is the remainder of the loan that is to be received by the Town and an amount owing by the Department of Sport & Recreation of \$475,661. The Debtor Report identifies significant balances that are well overdue.

Finance has been following up with debt recovery by issuing reminder when it is overdue.

**Rate Debtors (Page 27)**

The notices for rates and charges levied for 2004/05 were issued on the 3 August 2004.

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

First Instalment	7 September 2004
Second Instalment	8 November 2004
Third Instalment	6 January 2005
Fourth Instalment	8 March 2005

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

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

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

Rates outstanding is \$5,315,225 which represent 38 % of the outstanding collectable income.

**Beatty Park – Financial Position Report (Page 28)**

As at 30 September 2004 the operating deficit for the Centre was \$250,823 in comparison to the budgeted annual deficit of \$636,734.

The cash position showed a current cash deficit of \$151,078 in comparison to the annual budget estimate of a cash deficit of \$157,887. The cash position is calculated by adding back depreciation to the operating position.

The first three months of the year the winter months are historically lower in revenue, while expenditure is high in particular for utility costs in this period.

A comparison for the same period last year indicates an improvement has been achieved in this financial year to date.

The retail shop is in a deficit position as a result of the delivery of the summer stock, which is purchased under the “indent” system (ordering bulk stock in advance), this is a common practise in the retail industry. It is therefore expected that as the stock is sold through the forth coming periods the financial position will improve.

The current financials of the Health Club is explained by the fact the allocation of the indirect revenue for the centre is being allocated on a different percentage to better reflect the apportionment of the direct revenue. Indirect revenue is revenue which is not directly reflected to a specific activity when the patron enters the facility e.g. membership fees which allows patrol access to a number of the facilities.

**10.3.2 Authorisation of Expenditure for the Period 01 September - 30 September 2004**

<b>Ward:</b>	-	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Forte		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 September – 30 September 2004 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

*as shown in Appendix 10.3.2*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

**DECLARATION OF INTEREST**

<b>Members/ Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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Nil.

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$1,000,000.00
	EFT	\$1,000,000.00
	EFT	\$1,000,000.00
	EFT	\$ 686,972.35
<b>Total Municipal Account</b>		<b>\$3,686,972.35</b>
<b>Advance Account</b>		
Automatic Cheques	48711-48732, 8734-49035	\$654,647.00
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 289-290, 293-295, 297-298, 301-302		\$2,082,766.71
Transfer of PAYG Tax by EFT	September 2004	\$140,875.88
Transfer of GST by EFT	September 2004	\$0.00
Transfer of Child Support by EFT	September 2004	\$491.54
Transfer of Superannuation by EFT City of Perth	September 2004	\$27,589.98
Local Government	September 2004	\$69,551.97
<b>Total Advance Account</b>		<b>\$2,975,923.08</b>
<b>Transfer of Payroll by EFT</b>	September 2004	<b>\$468,995.84</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$7,202.52
Lease Fees		\$1,179.91
Corporate Master Cards		\$4,297.87
Australia Post Lease Equipment		\$86.61
2 Way Rental		\$0.00
Loan Repayment		\$30,835.13
B/Park ATM Cash Agreement		\$165.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$43,767.04</b>
<b>Less GST effect on Advance Account</b>		<b>\$0.00</b>
<b>Total Payments</b>		<b>\$7,175,658.31</b>

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area 4.2 – Governance and Management

*“Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.”*

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

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

**10.3.4 Cultural Development Seeding Grant Application**

<b>Ward:</b>	Both	<b>Date:</b>	2 November 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0008
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	S Jarman, R Clowes		
<b>Checked/Endorsed by:</b>	J Anthony M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That Council APPROVES the applications of;*

- (i) *Youth With A Mission for \$500; and*
- (ii) *Mount Hawthorn Community Church for \$500;*

*under the Cultural Development Seeding Grants Programme.*

**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

**DETAILS:**

**Mount Hawthorn Community Church**

The Mount Hawthorn Community Church on behalf of Mount Hawthorn Community Church, Mount Hawthorn Joint Anglican/Uniting Parishes and St Mary's Catholic Church are running a combined Carols by Candlelight in Braithwaite Park, on Sunday 5 December 2004.

In particular the funding will go towards assistance with costs related to the hiring costs of a public address system, stage and lighting for the event. The Carols by Candlelight will be a free event, open to the community and is an important fundraiser for the Chaplaincy of Perth Modern School. Donations to the Perth Modern Chaplaincy will be voluntary on the night.

**Youth With A Mission**

Youth With A Mission are holding a Carols by Candlelight in Hyde Park, on Sunday 12 December 2004.

In particular the funding will go towards assistance with costs related to marketing and promotion for the event. The Carols by Candlelight will be a free event, open to the community with voluntary gold coin donation. The event aims to generate an evening of community spirit with a brief message by a local pastor.

Both events will be fully accessible to all members of the community including people with a disability.

**STRATEGIC IMPLICATIONS:**

The Cultural Development Seeding Grants and the submitted application address the following section of the Town's Strategic Plan 2003–08:

*2.1 Celebrate and acknowledge the Town's cultural diversity.*

*Action Plans to implement this strategy include:*

*a) Where appropriate, financially support and promote community initiated events.*

**FINANCIAL/BUDGET IMPLICATIONS:**

Of the \$5,000 budgeted for this item, \$2,650 remains unallocated.

**COMMENTS:**

The Mount Hawthorn Community Church and Youth with a Mission meet the criteria for the Cultural Development Seeding Grants. They will acknowledge the Town's support during the Carols by Candlelight event and in their promotion.

The Town will also be providing in-kind support by waiving the fee of the park hire which is a total cost of \$100 for each event.

Both events will complete an acquittal report after the events, detailing how the Cultural Development Seeding Grants were expended.



**10.4.3 Annual General Meeting of Electors 2004 and Adoption of Annual Report 2003/2004**

<b>Ward:</b>	Both	<b>Date:</b>	3 November 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0009
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the 2004 Annual General Meeting of Electors be held in the Administration and Civic Centre on Monday, 13 December 2004, commencing at 6.00pm; and*
- (ii) *the draft Annual Report, as "Laid on the Table", circulated separately to Elected Members and shown in Appendix 10.4.3, be accepted by the Council.*

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**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

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**BACKGROUND:**

The Local Government Act 1995 under Section 5.27(1) requires every local government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report for 2003/2004;
- (c) General Business.

**LEGAL:**

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an annual report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

**DETAILS:**

As the Audit Report for 2003/2004 is finalised, it is now possible to finalise the Annual Report of the Town for that year for presentation to Electors. There are a number of statutory requirements to be met prior to the General Meeting, including formal adoption of the Annual Financial Statements by the Council and local advertising of the Meeting at least 14 days prior to the Meeting.

It is recommended that the Meeting be scheduled for Monday 13 December 2004, commencing at 6.00pm.

**10.1.7 No(s). 367 (Lot(s) 273) Fitzgerald Street, Corner Raglan Road, North Perth - Proposed Demolition of Existing Single House and Outbuildings and Construction of a Two-Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Single Bedroom Dwellings, and Two (2) Two-Storey Single Bedroom Dwellings with Associated Home Studio ( Home Office)**

<b>Ward:</b>	South	<b>Date:</b>	2 November 2004
<b>Precinct:</b>	North Perth; P9	<b>File Ref:</b>	PRO2905; 00/33/2397
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Bruce Arnold Architects on behalf of the owner J Karp for proposed Demolition of Existing Single House and Outbuildings and Construction of a Two-Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Single Bedroom Dwellings, and Two (2) Two-Storey Single Bedroom Dwellings with Associated Home Studio (Home Office), at No(s). 367 (Lot(s) 273) Fitzgerald Street, corner Raglan Road, North Perth, and as shown on plans stamp-dated 3 August 2004 (section) and 1 September 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements, including access, car parking and sanitary facilities for people with disabilities;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No. 369 (Lot 274) Fitzgerald Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.369 (Lot 274) Fitzgerald Street in a good and clean condition;*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fitzgerald Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) 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);*

- (vii) *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;*
- (viii) *prior to the first occupation of the development, one (1) class- one or two bicycle parking facilities shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *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;*
- (x) *an archival documented record of the places (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xiii) *doors and windows and adjacent floor areas fronting Fitzgerald Street and Raglan Road shall maintain an active and interactive relationship with the streets, and the car parking garages adjacent to the Raglan Road frontage shall be visually permeable for a minimum of 50 per cent permeability when view from the street in accordance with the Town's Policy regarding Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*
- (xiv) *prior to the first occupation of the development, a total of six (6) car parking spaces provided for the residential component of the development, inclusive of one (1) visitor car parking bay, shall be clearly marked and signposted for the exclusive use of the residents and visitors, respectively, of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xv) *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;*

- (xvi) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$8,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xvii) *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;*
- (xviii) *a detailed landscaping plan, including a list of plant, the replacement of the on-site Jacaranda tree as recommended by Charles Aldous-Ball Aboriculturist Report dated 14 July 2004 and the landscaping and reticulation of the Fitzgerald Street and Raglan Road verges 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);*
- (xix) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xx) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the continuous and complementary awnings being provided over the future Fitzgerald Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the future kerb line of Fitzgerald Street;*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xxi) *the maximum floor space for the office use shall be limited to 272 square metres of gross floor area, unless adequate car parking is provided for the changes in floor area use or floor space area; and*
- (xxii) *prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the Fitzgerald Street Other Regional Roads reserve is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*

(xxiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Lord Street and the rear right of way, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*

(xxiv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the kitchen window(s) to unit 1 on the first floor level, on the western elevation, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject window(s) not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

At 6.49pm **Moved Cr Torre, Seconded Cr Franchina**

*That the Item "Lie on the Table" to allow for further information to be obtained.*

**CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

The Presiding Member advised the meeting that the Item would be brought back for discussion as soon as the information was available.

At 7.26pm discussion on the Item resumed.

Cr Farrell departed the Chamber at 7.26pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.28pm.

**Moved Cr Lake, Seconded Cr Farrell**

*That a new clause (xxv) be added as follows:*

*"(xxv) prior to the first occupation of the development the applicant shall, in at least 12 point size writing advise prospective purchasers of the residential unit dwelling with home offices that the home office component of the dwelling cannot be used for habitable purposes."*

**AMENDMENT CARRIED (6-1)**

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

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

Debate ensued.

**MOTION AS AMENDED LOST (3-4)**

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

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**Reasons:**

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.
2. The non-compliance with setbacks, density, stores and building height requirements of the Residential Design Codes and the Town's North Perth Precinct Policy.
3. Consideration of the objection received.
4. The adverse affect on the amenity of the neighbour.

***ALTERNATIVE RECOMMENDATION:***

**Moved Cr Chester, Seconded Cr Farrell**

*That the following alternative recommendation be adopted.*

*"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 Bruce Arnold Architects on behalf of the owner J Karp for proposed Demolition of Existing Single House and Outbuildings at No(s). 367 (Lot(s) 273) Fitzgerald Street, corner Raglan Road, North Perth, and as shown on plans stamp-dated 3 August 2004, subject to:*
  - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
  - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
  - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
  - (f) *any redevelopment on the site should be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
  - (g) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Bruce Arnold Architects on behalf of the owner J Karp for proposed Construction of a Two-Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Single Bedroom Dwellings and Two (2) Two-Storey Single Bedroom Dwellings with Associated Home Studio (Home Office) at No(s). 367 (Lot(s) 273) Fitzgerald Street, Corner Raglan Road, North Perth, and as shown on plans stamp-dated 3 August 2004 (section) and 1 September 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 setbacks, density, stores and building height requirements of the Residential Design Codes and the Town's North Perth Precinct Policy; and*
    - (c) *consideration of the objection received."*

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

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

*"(ii) (d) the adverse effect on the amenity of the neighbour."*

**AMENDMENT CARRIED (6-1)**

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

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**MOTION AS AMENDED CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**COUNCIL DECISION ITEM 10.1.7**

*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 Bruce Arnold Architects on behalf of the owner J Karp for proposed Demolition of Existing Single House and Outbuildings at No(s). 367 (Lot(s) 273) Fitzgerald Street, corner Raglan Road, North Perth, and as shown on plans stamp-dated 3 August 2004, subject to:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
  - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
  - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
  - (f) *any redevelopment on the site should be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
  - (g) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer; and*



- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Bruce Arnold Architects on behalf of the owner J Karp for proposed Construction of a Two-Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Single Bedroom Dwellings and Two (2) Two-Storey Single Bedroom Dwellings with Associated Home Studio (Home Office) at No(s). 367 (Lot(s) 273) Fitzgerald Street, Corner Raglan Road, North Perth, and as shown on plans stamp-dated 3 August 2004 (section) and 1 September 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 setbacks, density, stores and building height requirements of the Residential Design Codes and the Town's North Perth Precinct Policy;*
  - (c) *consideration of the objection received; and*
  - (d) *the adverse effect on the amenity of the neighbour.*

**ADDITIONAL INFORMATION:**

Technical Services have no objection to the proposed crossovers off Raglan Road, as they comply with the relevant standards.

Additional details of the proposal are as follows:

- The approximate floor areas for the studio for unit 1 is 28.1 square metres, and for unit 2 is 25.75 square metres.
- The floor area for the offices is 272 square metres. The total floor area for the office and the studio is 325.85 square metres.
- All the north facing balconies have a 1.8 metres high solid wall from the finished floor level.
- The side setback requirement for the northern side within a Commercial zone is "nil". The setback therefore complies for the ground and upper floors along the northern boundary.
- The northern parapet wall, which is 7.5 metres in height, is approximately 11.3 metres in length, with parts of the wall being 5.9 and 6.8 metres in height respectively.
- There are no hi-light windows on the northern elevation.
- The additional design elements are considered to be part of the roof structure.

**Details**

The applicant's submission, which states that the tree removal is supported by the Town's Arboriculturist, is further clarified and corrected in that the Town does not have an Arboriculturist.

Charles Aldous-Ball is a consultant Arboriculturist and is contracted by the Town for specific tasks.

**Setbacks**

The variations are to the southern Raglan Road and eastern Fitzgerald Street boundaries only.

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<b>Landowner:</b>	J Karp
<b>Applicant:</b>	Bruce Arnold Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban and Other Regional Roads Reservation Town Planning Scheme No.1: Commercial and Other Regional Roads Reservation
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Office Building and (Single Bedroom) Multiple Dwelling and Grouped Dwelling (and Associated Home Studio (Home Office))
<b>Use Classification:</b>	"P&AA"
<b>Lot Area:</b>	693 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed*</b>
Ground Floor-Front setback-Fitzgerald Street	Generally consistent with Building setback on adjoining land and immediate locality	3 metres
Upper Floor-Front setback-Fitzgerald Street	Generally consistent with Building setback on adjoining land and immediate locality	3 metres
Ground Floor- Setback-Raglan Road	Generally consistent with Building setback on adjoining land and immediate locality	Nil
Upper Floor- Setback-Raglan Road	Generally consistent with Building setback on adjoining land and immediate locality	Nil
Structure within Fitzgerald Street, Other Regional Roads Reservation	No structure allowed unless approval obtained from the Western Australian Planning Commission.	Steps proposed, within the Other Regional Roads Reservation
Plot Ratio	0.70 or 488 square metres	0.66 or 461 square metres.
Density	R 60-6.2 Single bedroom dwellings based on 2/3 land requirement of 1991 R Codes.	R60-6 Single bedroom dwellings
Store	1.5 metres wide and 4 square metres in area	1.0 metre wide and 2.3 square metres in area
Privacy Setback -Kitchen	6 metres(inclusive of right of way)	5.2 metres, inclusive of right of way to the western property boundary
Overall Height of Building -Northern elevation- Architectural features	7 metres	7.5 metres
-Southern elevation- Architectural features	7 metres	8.3 metres
On-site Tree on Town's Interim Significant Tree Database	Tree to be retained, unless approved by the Town	Tree to be removed and replaced with suitable specie

\* 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.

#### **DETAILS:**

The applicant seeks approval for the proposed demolition of existing single house and outbuildings and construction of a two-storey mixed use development comprising two (2) offices, four (4) single bedroom dwellings and two (2) two-storey single bedroom dwellings with associated studio (home office) .The total amount of office gross floor area proposed, excluding the home studio (home office), is 272 square metres.

The immediate adjacent lots to the north of the subject property along Fitzgerald Street are also zoned Commercial. The lot on the western side of the right of way (ROW) is zoned Residential. Vehicular access to the site is proposed of Raglan Road and the rear ROW, which is sealed, privately owned and 4 metres in width.

The applicant has provided a comprehensive submission (attached), in support of the proposal, which is summarised as follows, and also addresses the concerns raised in the submission from the adjoining landowners:

- The site is ideally suited for a mixed use development, which is consistent with the Town's Policy for the North Perth Precinct.
- Car parking is provided in compliance with the Town's requirements.
- Agree with the Department for Planning and Infrastructure condition for the Deed of Agreement for the structure proposed within the Fitzgerald Road reserve.
- Setbacks comply with the North Perth Precinct requirements, which is a "nil" setback.
- Fixed obscure window is proposed for the kitchen to Unit1, and the rest of the development complies with the privacy requirements of the R Codes.
- The proposed stores are 2.3 square metres in lieu of 4 square metres. It appears unreasonable to require store 4 square metres in area, for a 60 square metres residential dwellings. Moreover the R Codes state that *"high provisions or standards for mixed-use development should not be imposed"*.
- Heights of wall comply. The additional height is due to the incidental elements, which are setback between 0.1 to 2 metres. They are not dominating and add to the visual interest to the building. These elements should not be added for the calculation of height.
- Proposal complies with the plot ratio of 0.7 applying to the site.
- There is no direct loss of sunlight to the adjoining lot to the north, only natural light. The proposal is moreover 2 storey in height.
- A continuous awning along Fitzgerald Street has not been proposed, as the current building will not abut the existing footpath, and if the road widening did occur, it would not occur in the foreseeable future, and the balcony if required will be sheltering a landscaped area.
- The land is zoned Commercial, and is being developed as a mixed use development.
- Health, Engineering and Building concerns can be adequately addressed at Building Licence stage.
- The removal of the tree listed in Town of Vincent Interim Significant Tree Database has been supported by the Town's arboriculturist, Charles Aldous -Ball (attached).

### **CONSULTATION/ADVERTISING:**

The revised proposal has also been referred to the Department for Planning and Infrastructure (DPI) due to the Other Regional Roads (ORR) requirements, access off Fitzgerald Street, awnings and steps within the ORR. The DPI has supported the proposal, subject to the applicant/owner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC for any loss, damage or expense incurred for the removal of the approved works within the ORR, when the road widening is required.

In accordance with the Town's Community Consultation Policy, the proposal was advertised for a period of 14 days, with one submission (objection) being received. The concerns raised in the submission is summarised as follows:

- Proposal represents a gross overdevelopment of the site that will destroy the amenity of the adjoining lot and the general area.
- Non-compliant with the required setbacks. Existing setback should be maintained along Fitzgerald Street, and not be allowed to go beyond the current setback alignment.
- Objection to the 7.5 metres boundary wall, along the length of the common boundary, as there are windows to the living areas facing the south. The wall will severely affect the amount of natural sunlight into the living areas.
- Owners have been living at the adjoining property for 48 years and believe that they are entitled to reasonable treatment in terms of the intrusive overdevelopment of the subject site.
- Development is to extract maximum profit, with little regard to existing legislation, or amenity of the area or impact on the adjoining lot. Council is encouraged to refuse the above proposal.

### **LEGAL/POLICY:**

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

### **STRATEGIC IMPLICATIONS:**

Nil.

### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

### **COMMENTS:**

#### **Demolition**

A detailed heritage assessment of the existing place is contained as an attachment to this report.

The subject dwelling is dated circa 1915 and represents a part of the building stock built during the First World War period of 1914 to 1918. The façade was altered in circa 1940, changing the elements of the original façade. The dwelling is constructed from brick and is roofed with corrugated iron. The interior features and fittings are intact. While original features such as leadlight windows, fireplaces, low waisted four panel doors and power switches are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal

Heritage Inventory. The place is not rare and is considered to be of some aesthetic, though little historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks and building style.

The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

### **Significant Tree**

The report submitted by Arboriculturist Charles Aldous-Ball (attached) in summary supports the removal of the semi-mature Jacaranda mimosifolia. The tree was not a risk factor," *but future incremental growth will result in structural damage and failure to the wall to the southern limestone brick wall. The tree is listed on the List 2, based upon its visual prominence within the streetscape.*"

The location of the tree from the southern and western boundaries and being a relatively young tree will result in structural damage to any proposed static structure, within close proximity to the tree. The removal of the tree in the Arboriculturist's opinion "*would not detract away from the aesthetic value of the streetscape, it would be advisable that the tree be replaced with an alternative species to sustain the aesthetic value of the streetscape. The types of trees recommended are Largerstroemia indica Biloxi (Crepe Myrtle), Largerstroemia indica Tonto (Crepe Myrtle) and Pyrus calleryana Bradford (White Flowering Chinese Pear).*"

The criteria for the above recommendation by Charles Aldous-Ball are based on the existing condition of the tree and age of tree, the location of the tree from the boundary, extent of structural damage due to root action, future growth potential, and its aesthetic quality and amenity that the tree contributes to the streetscape.

The Town's Parks Officers concur with the recommendation in the arboricultural report undertaken by Charles Aldous-Ball, regarding the removal and replacement of the Jacaranda tree located at No. 367 Fitzgerald Street North Perth.

Charles Aldous-Ball suggested three (3) replacement tree species as a replacement for the tree to be removed, which would be a more compatible planting within the redevelopment of this property.

### **Residential Car Parking**

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped and multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 6 car bays, inclusive of 1 visitor car bay. It is considered appropriate that a minimum of 1 car bay is made available for visitors use, which is to be marked and sign posted on-site accordingly, even though there would be the potential availability of after hours additional car bays set aside for the commercial tenancies.

A total of 14 car bays have been provided for the entire development. A total of 8 of the 14 car bays are proposed for the residential dwellings, therefore resulting in 6 car bays available for the commercial component.

### Commercial Car Parking

Requirements	Required No. of Car Bays
Office: 1 car bay per 50 square metres gross floor area (proposed 272 square metres).	5.44 car bays
Total car parking required before adjustment factor (nearest whole number)	5 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> </ul>	(0.68)  3.4 car bays
Car parking provided on-site for commercial component	6 car bays
Resultant surplus	2.6 car bays

### Bicycle Parking Facilities

Requirements	Required	Provided
<b>Office</b> 1 per 200 (proposed 272) square metres public area for employees (class 1 or 2).	1.36 spaces	No bicycle parking shown on plans

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

No end of trip facilities is required pursuant to the Town's Policy relating to Parking and Access.

### Height

The Town's Policy relating to the North Perth Centre Precinct - Building Height permits a height of 2 storeys, including a loft. In this instance, the incidental design element structures associated with the mixed use development are considered acceptable, even though its overall height is higher at 7.5 metres and 8.3 metres. The maximum height for the northern wall is 6.8 metres and 7 metres on the southern side. The wall heights which were advertised inadvertently included the heights of the incidental design element structures, which were set on top of the building and not attached to the side walls. As such, the wall height is within the 7 metres height limit and considered acceptable. On the above grounds, the height variations are considered acceptable in the context of the height and scale of the development.

### Setbacks

The applicants have sought front and side setback variations to the northern and eastern sides. The reduced setbacks do not result in any undue overshadowing issues.

The variations are considered acceptable in that it will allow the buildings to address the streets and reinforce the traditional relationship of the development to the street, which includes a "nil" setback to the corner of Fitzgerald Street and Raglan Road. The setbacks are consistent with the requirements of the North Perth Precinct.

In light of the above, the proposal is not considered to create an undue adverse effect on the adjoining neighbours and the streetscape, and the setback variations are supported.

### Store

The variation to the depth and size of some the stores is considered acceptable as the proposed development forms part of a mixed use development where the needs of the residents would not be as great as compared to residents/occupiers within a solely residential development.

The R Codes explanatory notes further state that provisions or standards for mixed developments should not seek to impose too "high" standard so as to discourage the concept of mixed use development. The reduction in the size of the stores is considered not to be detrimental to the amenity of the locality or the occupiers of the development.

#### **Awnings and Steps**

The applicant also proposes an awning within the front setback area for the entrance to the building along Fitzgerald Street. The extent of awning proposed is considered inadequate in this instance. This awning should be extended along the whole Fitzgerald Street frontage, which is considered to enhance and contribute positively to the streetscape and pedestrian environment. As such, an appropriate condition should be applied accordingly.

#### **Open Space**

The R Codes require each multiple dwelling in a mixed use development to be provided with a balcony area of 4 square metres, and open space can be reduced to "nil" in mixed use developments. The proposal complies with these mixed use development requirements of the R Codes.

#### **Overshadowing**

The revised plan submitted complies with the solar access requirements as indicated in the Residential Design Codes, with most of the shadowing over the lot to the south and Raglan Road.

#### **Traffic and Access**

Three new crossovers are proposed off Raglan Road, including an access off the rear ROW. The Town's Technical Services have no objection to the proposed access points, including the loss of street car bays, as the loss in car bays is unlikely to result in an adverse shortfall of on-street car parking in the immediate area.

#### **Health and Building Services**

The Town's Health Services have advised that it is satisfied with the location of the residential and commercial bin storage area as shown on the submitted plans.

Building matters such as exits and fire related matters under the Building Code of Australia, can be addressed at the Building Licence stage.

#### **Summary**

The majority of the variations are considered to adequately address the relevant performance criteria in the R Codes. The Town's Officers generally concur with the response from the applicant in relation to the concerns raised by the adjoining landowners to the north. The R Codes were developed to be performance based, and to allow a flexible approach to development, if the applicants can demonstrate that the proposal meets the relevant performance criteria under each section of the R Codes. The R Codes were not developed to restrict development to comply solely with the acceptable development requirements. The main issues raised in terms of privacy have been adequately addressed by way of screening to prevent overlooking.

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

**10.1.2 No(s). 36C (Lot(s) 50) Gardiner Street, East Perth - Proposed Two-Storey Single House and Proposed Retaining Wall**

<b>Ward:</b>	South	<b>Date:</b>	1 November 2004
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO1865; 00/33/2356
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 P Versaci on behalf of the owner A Da Silva for proposed Two-Storey Single House and Proposed Retaining Wall, at No(s). 36C (Lot(s) 50) Gardiner Street, East Perth, and as shown on amended plans stamp-dated 27 September 2004 (site plan showing overshadowing and location of adjoining buildings) and 27 October 2004 (site plan, floor plans and elevations), 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 Gardiner Street, shall be a maximum height of 1.2 metres above the adjacent foot path level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*
- (iii) subject to first obtaining the consent of the owners of No. 34C Gardiner Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 34C Gardiner Street in a good and clean condition;*
- (iv) the alfresco area shall be one hundred (100) per cent open on all sides and at all times, except where it abuts the main dwelling building wall(s);*
- (v) all pedestrian access and driveway/crossover levels to match into existing verge/footpath;*
- (vi) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
  - (a) the balcony to the lounge on the first floor level on the southern elevation;*  
*and*



- (b) *the windows to bedroom 3 on the first floor level on the southern and eastern elevations;*

*shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; and*

- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved showing that;*

(a) *the retaining wall adjacent to the southern boundary being a maximum height of 0.5 metre above the natural ground level; and*

(b) *the building external wall height being a maximum height of 6.2 metres to the top of the eaves above 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.*

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**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Cohen, Seconded Cr Lake**

*That the recommendation be adopted subject to the lot number in the preamble being changed from "50" to "500" and "No 34C" being amended to "No 34A" in clause (iii).*

Debate ensued.

**Moved Cr Cohen, Seconded Cr Lake**

*That the Item be DEFERRED to allow for further information to be provided.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

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<b>Landowner:</b>	AC Da Silva
<b>Applicant:</b>	P Versaci
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R20
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	450 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Setbacks: Southern -  Ground Floor - Meals/Dining & Kitchen Passage to Ensuite	1.1 metres 1.1 metres	1 metre 1 metre
First Floor - Bedroom 3  Western -  First Floor - Bedroom 2 Foyer	2.2 metres  2.2 metres 2.2 metres	1.5 metres  1.5 metres 1.6 metres
Driveway Width	Not to occupy more than 40 per cent of the frontage of a property	77 per cent
Building Wall Height	6 metres	6.2 metres
Privacy (Cone of Vision):  First Floor - Bedroom 3  Balcony  Lounge  Bedroom 2	4.5 metres 7.5 metres 6 metres 4.5 metres	2.2-2.3 metres to southern boundary 2.6 metres to southern boundary and 5 metres to northern boundary 1.8-2.7 metres to northern boundary 2.4 metres to northern 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.

**BACKGROUND:**

- 1 March 2000                      The Western Australian Planning Commission (WAPC) endorsed a diagram of survey for the creation of two (2) fee simple lots (including the subject site and a rear battleaxe site) at No. 36 Gardiner Street.
- 6 November 2001                The Council at its Ordinary Meeting conditionally approved the application for limestone retaining walls (to a maximum height of 1.47 metres) and fence.
- 14 May 2002                      The Council at its Ordinary Meeting adopted the recommendation to advise the owners(s) of No. 36C Gardiner Street that the unauthorised fill shall be removed within 14 days of the notification by the Town.

**SITE HISTORY:**

The subject lot is currently vacant. It is noted the retaining walls approved by Council at its Ordinary Meeting held on 6 November 2001 were not built within the two year approval timeframe. A planning application for a proposed two-storey single house on the rear lot (No. 36D Gardiner Street) was received by the Town on 27 July 2004; this application is yet to be determined.

**DETAILS:**

The applicant seeks approval for a two-storey single house. The proposal is considered to comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No.1 and associated Policies with the exception of the above non-compliances.

**CONSULTATION/ADVERTISING:**

One objection and one letter of support were received during the advertising period. The objector has raised concerns about the reduction of light to their solar panel, the protection of privacy from bedroom 3 and overshadowing to their living room. The letter of support advises Council that the variations to the western setback requirements are not unreasonable providing no further variations are considered.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Setbacks**

The applicant seeks variations to the western and southern setbacks on the subject site. The variations to the western setbacks are considered minor, have the support of the adjoining neighbour and are primarily setback from a 2.07 metres wide right of carriageway to the rear lot at No. 36D Gardiner Street. The variations to the south are considered minor and therefore are supportable. It is noted the setbacks, as submitted on amended plans stamp-dated 27 October 2004, are reduced through the application of a screening condition and reduction in retaining wall height adjacent to the southern boundary.

Overall, and considering conditions in the Officer Recommendation, the setbacks are not considered to unduly compromise the privacy of adjoining neighbours or affect the amenity of the area. In light of the above, the setback variations proposed are considered supportable.

**Driveway Width**

The applicant is seeking variations to the driveway width requirement at the Gardner Street frontage. The proposed variation is due to the unusual shape of the subject lot and the limited frontage (5.18 metres wide) for vehicular access to the property. Accordingly, the variation is considered supportable.

### **Privacy and Overlooking**

The applicant initially sought variations to the privacy requirements of the R Codes to bedroom 3 and the balcony on the first floor and guest room and meals/dining on the ground floor on the southern elevation, and the balcony, bedroom 2 and lounge on the first floor on the western elevation.

The windows or openings pertaining to the balcony on the southern elevation and bedroom 3 on the southern and eastern elevations, on the first floor level, require privacy screening or obscure glazing in order to comply. In light of the objector's comments, appropriate screening conditions, for compliance with the R Codes, are included in the Officer Recommendation.

In light of the letter of support received during the advertising period and the privacy variations occurring over a battleaxe access leg, the windows and balcony on the western elevation do not require screening or obscure glazing.

The reduction in the retaining wall height to 0.5 metre above natural ground level removes the ground floor of the proposed development from any privacy or overlooking variations.

In considering the above, the variations to the privacy and overlooking requirements of the R Codes are considered supportable.

### **Building Height**

The applicant seeks a variation to the overall height of the building wall on the southern elevation. In light of the contours of the land, being a downward slope to the rear of the lot, the minor variation is considered supportable in this instance.

### **Response to Objector's Comments**

In considering the comments of objectors and the requirements of the R Codes, conditions are included in the Officer Recommendation to address the issues raised above. In addition to this, the applicant has submitted the following as a response to a summary of the objections:

*"In relation to the parapet wall height we are aware it slightly exceeds (average 200mm) the maximum height required by the R Code. We would like to bring to your attention that our block slopes towards the rear and also we have got an easement that does not allow us to go any further in to the block, otherwise we would have been happier to move the whole building back and enjoy a passage rather than parapet wall .*

*The height of the parapet wall is also due to the fact that we have a ceiling height of 32c (2743mm) for architectural reasons, because of the arch windows that we would really like to have.*

*Secondly, we have got a combined kitchen , family & dinning room where the engineer has told us that we require a suspended slab of three courses which means 1 course drop ceiling into our rooms, and for this reason the ceiling in that room would look very low if a lower ceiling height would have been used.*

*As discussed we have provided an amended plan with a drop of 300mm of floor levels which allows us not to exceed 500mm in height for retaining wall and 6.2m in overall height of the building ."*

### **Summary**

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

**10.1.9 No(s). 48 (Lot(s) 741) Selkirk Street, North Perth - Proposed Three-Storey Single House**

Ward:	North	Date:	29 October 2004
Precinct:	North Perth; P8	File Ref:	PRO2845; 00/33/2304
Attachments:	<a href="#">001</a>		
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 LH Pilgrim on behalf of the owner LH & GA Pilgrim for proposed Three-Storey Single House, at No(s). 48 (Lot(s) 741) Selkirk Street, North Perth, and as shown on plans stamped 18 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 height requirements of the Town's Policy relating to the Kyilla Locality and the Residential Design Codes.*

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**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Lake**

*That a new clause (iii) be added as follows:*

*"(iii) the three storey nature of the development."*

**AMENDMENT CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**MOTION AS AMENDED CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**COUNCIL DECISION ITEM 10.1.9**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by LH Pilgrim on behalf of the owner LH & GA Pilgrim for proposed Three-Storey Single House, at No(s). 48 (Lot(s) 741) Selkirk Street, North Perth, and as shown on plans stamped 18 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;*
- (ii) *the non-compliance with the height requirements of the Town's Policy relating to the Kyilla Locality and the Residential Design Codes; and*
- (iii) *the three storey nature of the development.*

<b>Landowner:</b>	LH & GA Pilgrim
<b>Applicant:</b>	LH Pilgrim
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	194 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Setbacks - Northern Side	1.8 metres (first floor) 2.3 metres (second floor)	1.5 metres 1.5 metres
Outdoor Living Area	Behind the street setback area	Within street setback area
Building Height	Maximum permitted height is 9 metres to top of the pitched roof and 6 metres to the top of the external wall (roof above). The pitch height applies to roof pitches up to 25 degrees. In some localities steeper pitches may be required and greater height permitted in accordance with the provisions of the Scheme or Local Planning Policy.	Building height proposed is 9.25 metres to the top of the pitched roof and 6.8-6.9 metres to the top of the external wall (roof above).  The roof pitch proposed is 60 degrees.
Setback to second and third storey in Kyilla Locality	Two-storey height (including loft) can be considered provided the second storey is generally setback a minimum of 6 metres from the street.	Three-storey (as determined by roof pitch) proposed with 4 metres setback to second storey and 5 - 5.2 metres setback to third storey.

\* 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:**

4 August 2000

Certificate of Title (freehold) issued for the creation of No. 48 (Lot 741) Selkirk Street, North Perth.

**SITE HISTORY:**

The subject site is currently vacant. A right of way, owned by the Town, abuts the eastern boundary. The right of way is sealed and has a width of 5 metres.

**DETAILS:**

The applicant seeks approval for proposed two-storey with loft single house fronting Selkirk Street. Access to the dwelling will be via the right of way adjacent to the Selkirk Street frontage. The proposal is considered to comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No.1 and associated Policies with the exception of the above non-compliances.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and no objections were received during the two week 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:**

**Setbacks**

The applicant is seeking variations to both the north and east boundary setbacks and to the upper floor front setback requirements (as per the Kyilla Locality Statement). The following justification is provided by the applicant.

*"The encroachments are minor; enhances the architectural character of the building, and has no significant adverse impact on the streetscape; the variations may be accepted under item 3.3 element 3 of the Residential Design Codes."*

The provisions of the R Codes alluded to above, states;

- *"Minor projections, and projecting sections of wall which do not increase basic impact of a wall, may be accepted; and*
- *where significant relaxations of setbacks for practical or aesthetic reasons, and are achievable without detriment to the amenity of others".*

Overall, the setbacks are not considered to unduly compromise the privacy of adjoining neighbours. It is noted the design of the proposal has specifically addressed any overlooking issues by the use of appropriate obscure glass and sill height, or affect the amenity of the area, especially when considering the orientation of the lot, the proximity to Charles Street and that most of the setback variations are minor and facing the right of way. Also, the subject site was created from the subdivision of a corner lot in 2000.

In light of the above, the setback variations proposed are considered supportable.

### **Outdoor Living Area**

The applicant seeks a variation to the location of the outdoor living area. The R Codes require the outdoor living area to be located behind the street setback area. In this instance, the outdoor living area is located wholly within the street setback area.

Due to the depth of the lot (12.19 metres), the compliance with the Town's Policy relating to vehicular access off the right of way and the total of the outdoor living area, being 63.52 square metres, the variation is considered supportable.

### **Building Height**

The applicant seeks a variation to the building height requirements of the R Codes and the Town's Kyilla Locality Policy Statement.

The R Codes require a maximum roof height of 9 metres to the top of the roof pitch. The Town's Officers consider the variation to add to the bulk and scale of the development and therefore create an undue impact on the streetscape and amenity of the area, and the variation is not considered supportable.

The Town's Kyilla Locality Policy Statement stipulates a maximum building height of two-storey's including loft. In light of the proposed roof pitch, being 60 degrees, and floor to ceiling height on the second floor, being more than 2.1 metres the Town's Officers consider the proposal to be a three-storey dwelling.

The proposal, therefore, does not conform to the fundamental requirement for a two-storey instead of three-storey dwelling, and on this basis the proposed variations are not considered supportable.

### **Summary**

The proposed development, as submitted and for reasons relating to its overall building height, would result in inappropriate development of the site and an incongruous feature in the street scene to the detriment of the visual amenity and character of the area. The proposed development, as submitted, is contrary to the provisions of the Town's Kyilla Locality Policy Statement and accordingly is recommended for refusal.



**10.1.12 No(s). 42 (Lot(s) 101) London Street, North Perth - Proposed Two-Storey Single House-Determination of Town Planning Appeal Tribunal**

<b>Ward:</b>	North	<b>Date:</b>	1 November 2004
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO2440; 00/33/2150
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in light of the Town Planning Appeal Tribunal decision on 26 October 2004 to uphold an appeal and approve the application submitted by D Arkeveld & P Kalogeracos on behalf of the owner P & S Kalogeracos for proposed Two-Storey Single House, at No(s). 42 (Lot(s) 101) London Street, North Perth, and as shown on plans stamp-dated 19 April 2004, the Council APPLIES the following conditions to this proposed development:*

- (i) compliance with all Building, Environmental Health, Technical Services and Engineering requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two significant design features being incorporated into the solid front fence or wall, adjacent to London Street. The significant design features are to include a combination of at least two of the following features: different materials, differing height, different textures, indentations, portions of visual permeability, landscaping or equivalent. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the entire south side and 1.5 metres of the west side adjacent to the south side, of the deck, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to London 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 10.1.12**

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

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<b>Landowner:</b>	P & S Kalogeracos
<b>Applicant:</b>	D Arkeveld & P Kalogeracos
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R20 (Previously R30/40)
<b>Existing Land Use:</b>	Vacant Lot
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	323 square metres

**SITE HISTORY:**

- 25 May 2004            The Council, at its Ordinary Meeting, resolved to refuse the application for the proposed two-storey single house.
- 18 June 2004           The applicant lodged an appeal with the Town Planning Appeal Tribunal against the Council's refusal.
- 7 July 2004            Case Management Conference at the Town Planning Appeal Tribunal.
- 16 July 2004           The Town lodged the Respondent Statement with the Town Planning Appeal Tribunal.
- 9 August 2004           The Appeal Hearing was held at the Town Planning Appeal Tribunal.
- 26 October 2004        The Town Planning Appeal Tribunal upheld the appeal, and requested the Town to formulate standard approval conditions.

**CONSULTATION/ADVERTISING:**

No formal consultation or advertising is required for such matters.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The total legal expenses, including planning consultant fees, incurred by the Town in relation to the subject appeal are \$990.00.

**DETAILS:**

In correspondence dated 26 October 2004, the Town Planning Appeal Tribunal (TPAT) advised that it has upheld the subject appeal and approved the proposed development. The TPAT letter dated 26 October 2004, and accompanying "Reasons for Decision", are "*Laid on the Table*". Extracts from the Reasons for Decision are as follows:

"35. *While the Tribunal accepts that the predominant style of development in the locality is single storey, it does not think that any of the policy framework applying to the subject land leads to the conclusion that only single storey development should be permitted.*

*The Tribunal is satisfied that in the context of adjoining properties, the proposed setbacks will provide a continuity of streetscape and that the proposed development will not adversely affect the character of the locality and can be supported.*

44. *(In terms of overshadowing), the Tribunal was able to established (sic) that the shadow cast by the existing 1.8 metre high fence and that the majority of the shadow cast by the proposed dwelling will overlap the shadow cast by the existing fence. However, there will be some increase in the area affected by the shadow, which is expected give (sic) orientation of the land. The Tribunal does not consider the second storey element of the proposed development as the main contributory to this problem and is of the view that little would be gained from requiring modifications to the proposal.*

45. *For the forgoing reasons, the appeal is upheld.*

46. *In accordance with the usual process, the parties have 21 days within which to liaise as to the conditions to be imposed in relation to this grant of development approval."*

**COMMENTS:**

The proposed development approved by the TPAT, is identical to the previous plans refused by the Council for a two-storey single house at the Ordinary Meeting of Council held on 25 May 2004.

The Town is required to formulate a set of conditions that will allow the development proposal to proceed. The conditions to be applied by the Town on the approved development should not result in a significant alteration to the development. If there are any disputes, the matter will be referred to the TPAT for arbitration/determination.

In light of the above, it is recommended that the Council apply the conditions to the subject development, as detailed in the Officer Recommendation.

**10.3.3 Community Consultation and proposed use of Les Lilleyman Reserve by Subiaco Football Club**

Ward:	North	Date:	2 November 2004
Precinct:	Mt Hawthorn P1	File Ref:	RES0001
Attachments:	-		
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	John Giorgi

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the request for interim use of the Les Lilleyman Reserve by the Subiaco Football Club Colts out of season training from 15 November to 24 December 2004 and from 10 January 2005 to 25 February 2005, on Mondays, Wednesdays, and Fridays from 5 pm to 7:30pm subject to:*
  - (a) *officers preparing an indicative map showing an area for residents that will be classified as "off-leash" and this to be included as part of the local community letterbox drop; and*
  - (b) *the Hellenic Cricket Club being advised of the details of this proposal; and*
- (ii) *AUTHORISES the Chief Executive Officer to finalise the interim use of Les Lilleyman Reserve terms and conditions with the Subiaco Football Club.*

**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

Debate ensued.

At 7.06pm **Moved Cr Chester, Seconded Cr Torre**

*That the Item "Lie on the Table" to allow for further information to be obtained.*

**CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

The Presiding Member advised the meeting that the Item would be brought back for discussion as soon as the information was available.

At 7.15pm discussion on the Item resumed.

Debate ensued.

**Moved Cr Torre, Seconded Cr Cohen**

*That the Item be DEFERRED for further information (in particular to clarify the Town's requirement to provide an alternative training ground and whether the previous Council decision would need to be changed or revoked).*

**CARRIED (4-3)**

**For**

Deputy Mayor Cr Ker  
Cr Cohen  
Cr Ker  
Cr Torre

**Against**

Cr Chester  
Cr Franchina  
Cr Lake

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**Moved Cr Lake, Seconded Cr Franchina**

*That Item 10.1.7 be resumed.*

**CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**ADDITIONAL INFORMATION:**

*The most recent Council decision on Les Lilleyman Reserve is as follows:*

*At the Ordinary Council Meeting of 14 September 2004 the following resolution was adopted:*

*“That the Council;*

- (i) *APPROVES the use of the Les Lilleyman Reserve by the Subiaco Football Club Colts as their alternative training ground, as detailed in this report subject to:*
- (a) *Subiaco Football Club (SFC) Colts having priority use of the football oval area marked on the reserve on a maximum of three (3) nights per week (Monday-Friday) between the hours of 5.00-7.30pm with the specified nights where possible to be identified and displayed at the reserve;*
  - (b) *the use of the designated area of the reserve by SFC Colts only (up to 30-40 persons) being limited between March-October inclusive;*
  - (c) *the use of the designated area of the reserve by SFC seniors and for WAFL development games not being permitted;*
  - (d) *parking around the reserve being strictly policed by the Town of Vincent Rangers, with all player’s vehicles being restricted to the Gill Street car park and the current verge prohibition signage to be upgraded;*
  - (e) *any traffic issues that may arise around the reserve being promptly investigated by the Town;*
  - (f) *the reserve remaining as a dog off leash area (except for the hours of training) and an exclusive dog exercise area of 6000m<sup>2</sup> being specifically created to accommodate dogs on the training nights;*
  - (g) *notes that dogs off leash will be permitted on the entire reserve at all times during non training times The proposed floodlights to be kept on for an additional hour after training has finished, for residents use. The lights to be installed to minimise any possible impact on residents;*
  - (h) *SFC having exclusive use of changerooms on training nights only;*

- (i) *SFC having exclusive use of the canteen area on training nights and this being modified, if required (at SFC's cost), for use as a gymnasium;*
  - (j) *changeroom alterations being investigated and costed and the matter to be further considered by the Council when details are available (there are no funds in the 2004/05 Budget);*
  - (k) *the conditions of the use of Les Lilleyman Reserve by SFC being included as a Memorandum of Understanding (MOU) to be signed by both parties and included in the lease documentation;*
  - (l) *notes that the Memorandum of Understanding covers the period from March to October inclusively and that any other use by SFC from November to February inclusive be the subject of the Councils approval;*
  - (m) *notes that dogs on leash will still be permitted outside of the football oval area during football training time;*
  - (n) *SFC paying \$1,000 per annum (CPI indexed) for the use of the oval and a bond of \$200 as part of the reserve hire conditions;*
  - (o) *the playground at Les Lilleyman Reserve being upgraded and fenced and this work to be carried out between October-November 2004 (\$35,000 has been included in the 2004/05 budget for this project);*
  - (p) *the use of Les Lilleyman Reserve by SFC being reviewed at the end of each season. Consultation with the adjoining residents/ratepayers and the North Perth Precinct Group to form part of this review process, and any proposed changes being approved by the Council with park users will be notified of any changes;*
  - (q) *the use of any casual booking of the reserve by SFC be restricted to "once off" events;*
  - (r) *the lighting of the Gill Street car park and additional seating for Les Lilleyman Reserve be listed for consideration on the 2005/06 Draft Budget; and*
- (ii) *ADVISES the respondents and Subiaco Football Club of the Council's decision."*

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**BACKGROUND:**

At the Ordinary Council Meeting of 8 June 2004 the following resolution was adopted:

*"That the Council;*

- (i) *RECEIVES the report on the community consultation on the options for the use of Britannia Reserve by the Subiaco Football Club;*
- (ii) *APPROVES the use of the Les Lilleyman Reserve by the Subiaco Football Club Colts as their alternative training ground, as detailed in this report subject to:*
  - (a) *consultation for a period of twenty-one (21) days with local residents surrounding Les Lilleyman Reserve on the proposal (including holding a public meeting);*

- (b) *officers preparing an indicative map showing an area for residents that will be classified as "off-leash" and this to be included as part of the community consultation;*
- (c) *the preparation of a lighting plan for the proposed upgrading of the existing lighting at Les Lilleyman Reserve, which ensures no "light spill" which exceeds 15lux to the properties adjoining the reserve; and*
- (d) *the Hellenic Cricket Club being advised of the details of this proposal;*
- (iii) *RECEIVES a further report on the outcome of the community consultation and include indicative costs on the refurbishment of the changerooms and funding sources;*
- (iv) *subject to the consideration of the further report, CONSIDERS the reallocation of the funds (as listed in Budget 2003/04 - \$65,000) for the upgrade of lights at Britannia Reserve to Les Lilleyman Reserve for the upgrade of lighting and alterations to the existing changerooms;*
- (v) *AUTHORISES the Chief Executive Officer to finalise the use of Les Lilleyman Reserve terms and conditions with the Subiaco Football Club after the community consultation report has been received and any comments have been taken into consideration and for a report to be provided to the Council for final determination; and*
- (vi) *ADVISES the respondents and Subiaco Football Club of the Council decision."*

**DETAILS:**

Subiaco Football Club have applied to use Les Lilleyman Reserve for out of season training from 15 November to 24 December 2004 and from 10 January 2005 to 25 February 2005, on Mondays, Wednesdays, and Fridays from 5 pm to 7:30pm. The main reason for this request has been due to a delay in carrying out end of season major turf maintenance (involving vertimowing). The delay has been caused by the National Indigenous Football Carnival being held on Leederville Oval from 5-8 November 2004. The out-of season training will comprise approximately 30-35 senior players.

During the summer season (October 2004 - March 2005), Floreat Hellenic Cricket Club and Town of Vincent Cricket Club have booked the reserve on Wednesdays and Thursdays from 4:30 - 7 pm. As cricket is a summer sport, this booking would take priority over out of season usage.

Therefore, any approval for out of season training by Subiaco Football Club can only be designated to Monday, Tuesday and Friday evenings. Other reserves that are available for out of season training would be Menzies Park and Woodville Reserve.

**CONSULTATION/ADVERTISING:**

Given the sensitivity of this issue, it is recommended that a letterbox drop be made to the local residents explaining the reason for the request.

**LEGAL/POLICY:**

The use of the Town of Vincent Parks and Public Reserves is governed by a Local Law.

In accordance with the Council decision of 30 October 2001, the Council has a legal obligation to make available one of the Town's reserves for SFC Colts football training (eg: Les Lilleyman, Britannia Reserve or Beatty Park).

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008, Key Result Area 2 – Community Development

*“a) Seek community initiatives and involvement in the development of programmes and provides facilities and other recreational reserves appropriate to the Town's needs.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Subiaco Football Club has agreed to pay \$1,000 per annum (increased by CPI) for the use of a reserve in the Town.

**COMMENTS:**

It is recommended that Subiaco Football Club be given approval to do out of season training at Les Lilleyman Reserve on Mondays, Tuesdays and Fridays for the requested dates subject to stringent conditions. Should another reserve be opted for this usage, the same requirements should also apply given that Britannia Reserve, Menzies Park and Woodville Reserve are surrounded by residential areas, and thereby have an impact on the unstructured community use of these respective reserves.

In view of the peculiar circumstances relating to the turf maintenance at Leederville Oval, it is recommended that the Subiaco Football Club's request be approved, subject to stringent conditions and close monitoring by the Town's officers.



**10.2.2 Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn**

<b>Ward:</b>	Both	<b>Date:</b>	3 November 2004
<b>Precinct:</b>	Mt Hawthorn, P1	<b>File Ref:</b>	TES0173&TES0334
<b>Attachments:</b>	<a href="#">001:</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-		

**RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the review of the Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn;*
- (ii) *REFERS, for the second time, the proposal as outlined on attached Plan No. 2287-CP.1 and concept Plan No. 2287-CP.1A to the Town's Local Area Traffic Management (LATM) Advisory Group and invite community representatives and a representative from Transperth to the meeting; and*
- (iii) *RECEIVES a further report once the LATM Advisory Group has reviewed the matter.*

---

**Moved Cr Torre, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Lake**

*That clause (ii) be amended as follows:*

- "(ii) REFERS, for the second time, the proposal as outlined on attached Plan No. 2287-CP.1 and concept Plan No. 2287-CP.1A to the Town's Local Area Traffic Management (LATM) Advisory Group and invite community representatives and a representative from Transperth to the meeting and considers the interface/issues presented by the redevelopment of the Mt Hawthorn Plaza and possible affect particularly Woodstock, Flinders and Fairfield Streets in regard to small and large service vehicles servicing the Mt Hawthorn Plaza; and"*

**AMENDMENT CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**MOTION AS AMENDED CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**Moved Cr Lake, Seconded Cr Cohen**

*That Item 10.3.3 be resumed.*

**CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**COUNCIL DECISION ITEM 10.2.2**

*That the Council;*

- (i) *RECEIVES the report on the review of the Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn;*
- (ii) *REFERS, for the second time, the proposal as outlined on attached Plan No. 2287-CP.1 and concept Plan No. 2287-CP.1A to the Town's Local Area Traffic Management (LATM) Advisory Group and invite community representatives and a representative from Transperth to the meeting and considers the interface/issues presented by the redevelopment of the Mt Hawthorn Plaza and possible affect particularly Woodstock, Flinders and Fairfield Streets in regard to small and large service vehicles servicing the Mt Hawthorn Plaza; and*
- (iii) *RECEIVES a further report once the LATM Advisory Group has reviewed the matter.*

---

**BACKGROUND:**

At the Ordinary Meeting of Council held on 24 August 2004, the Council received a report on the proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn where the following decision was made.

*"That the Council;*

- (i) *RECEIVES the Proposed Traffic Management and Streetscape Enhancement for Woodstock Street, Mount Hawthorn;*
- (ii) *APPROVES in principle the proposal estimated to cost \$50,000 and planting of additional street trees estimated to cost \$2,500 as outlined on attached Plan No. 2287-CP-1;*
- (iii) *CONSULTS with the residents of Woodstock and adjoining Streets with regard to the proposal, for a period of 21 days in which comments will be received; and*
- (iv) *RECEIVES a further report on the proposal, at the conclusion of the community consultation period."*

**DETAILS:**

**Previous Information**

The following information was included in the report to Council 24 August 2004:

<i>Street</i>	<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• <i>Woodstock St</i>	<i>Edinboro St – Fairfield St</i>	<i>967</i>	<i>53</i>
• <i>Woodstock St</i>	<i>Edinboro St – Shakespeare St</i>	<i>795</i>	<i>58</i>
• <i>Edinboro St</i>	<i>Hobart St – Woodstock St</i>	<i>885</i>	<i>58.5</i>
• <i>Edinboro St</i>	<i>Ellesmere St – Woodstock St</i>	<i>650</i>	<i>59</i>

*Classification:* Access Road  
*Budget:* \$50,000-(2004/2005)  
*Details:* Residents in the vicinity of the intersection of Woodstock St and Edinboro St have requested safety improvements due to vehicles speeding down Woodstock Street and vehicles travelling along Edinboro Street not stopping at the compulsory stop sign.

*Local Area Traffic Management Group (LATM) Group Meeting 16 August 2004*

*Traffic management along Woodstock Street was discussed by the Group at its 16 August 2004 meeting. A member of the public, who raised concerns regarding safety at the intersection of Woodstock and Edinboro Streets, also attended the meeting.*

*The officers presented a concept proposal to improve safety along Woodstock and intersecting roads.*

*The proposal as outlined on Plan No. 2287-CP-1 includes the following:*

- Implement a wider street treatment to reduce the traffic lanes on Woodstock Street from 10.0 metres wide to 5.5 metres wide.*
- Install nibs at all intersections between Fairfield and London Streets to facilitate the creation of embayed parking.*
- Channelise the intersection of London and Woodstock Streets and provide a low profile red asphalt entry statement.*
- Provide native vegetation to proposed nibs where appropriate.*
- Plant street verge trees where appropriate.*

*The concept plan also indicates possible low profile speed humps strategically located along Woodstock Street.*

*The LATM Advisory Group considered that the community should be canvassed regarding the inclusion of speed humps. The Group considered these could possibly be implemented as a Stage 2 proposal should 85% speeds in Woodstock Street remain significantly above the posted speed of 50 kph after the proposal has been in place for three (3) months.*

*The community representative at the meeting also requested possible speed humps in Edinboro Street at the approaches to Woodstock Street.*

*The LATM Group suggested that advance warning signs should be installed to indicate "stop" controls and that stop signs be centrally located in median islands where appropriate.*

### **Community Consultation**

In accordance with the Council's decision on 9 September 2004, 180 letters were distributed to residents in Woodstock, Fairfield, Shakespeare and Dunedin Streets, Mt Hawthorn.

At the conclusion of the consultation period, 43 responses had been received, representing a 24% response.

Thirty five (35) respondents were in favour of the proposal, ten (10) respondents were partially in favour and eight (8) respondents were against the proposal.

In addition, discussions took place with Transperth regarding restricted bus movements resulting from the proposal.

The respondents "partially in favour" expressed concerns regarding the installation of speed humps and there was a suggestion that islands down the centre of the road with trees would be a better option, as no cars currently park along Woodstock Street.

A summary of the responses received is attached.

The respondents against the proposal raised concerns that traffic, in particular trucks and semi trailers servicing the shopping centre (Scarborough Beach Road) would be directed to other streets. Comments were also made regarding no houses facing Woodstock Street and that the proposal was not justified.

### **Officer's Comments**

While the majority of respondents were in favour of the proposal, some of the issues raised by those opposed to the proposal and Transperth need to be further considered.

In particular the following:

- No cars park along Woodstock Street  
The proposed treatment has worked well in some other applications in the Town, in particular York Street, mainly due to the number of vehicles continually parked in this street. This has provided a narrowing affect which in turn has resulted in a reduced vehicle speed.
- Redistribution of Traffic  
The narrower carriageway proposal may result in large vehicles using alternative routes.
- Transperth Comments  
Transperth has expressed concerns regarding the proposal in terms of manoeuvring for buses.

### **Suggested Way Forward**

While most respondents are in favour of the proposal as presented, it is considered that some of the issues raised by those against should be further investigated.

In addition, Transperth have raised some concerns regarding the proposal.

It is therefore recommended that the matter be reconsidered by the Local Area Traffic Management (LATM) Advisory Group and that community representatives both "in favour" and "against" the proposal be invited to work through a compromise solution. It is also recommended that a representative from Transperth be invited to attend the LATM Advisory Group meeting.

### **CONSULTATION/ADVERTISING:**

The matter was previously considered by the LATM Advisory Group and referred to the Council. Consultation with the wider community was subsequently carried out. Further discussion and consultation is recommended.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Sufficient funds have been allocated in the 2004/2005 budget to enable the current proposal to be implemented.

**COMMENTS:**

As outlined in the report, prior to the proposal being implemented, it is considered that further discussions take place with interested parties through the LATM Advisory Group to address concerns raised. This approach is recommended to ensure that the best outcome is achieved.

**10.1.10 No(s). 52 (Lot(s) 467) Fairfield Street, Mount Hawthorn - Proposed Car Parking Bay to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 November 2004
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO2687; 00/33/2470
<b>Attachments:</b>	<a href="#">001:002</a>		
<b>Reporting Officer(s):</b>	G Snelling		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 C E Callahan for proposed Car Parking Bay to Existing Single House, at No(s). 52 (Lot(s) 467) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 15 September 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; and*
- (ii) the non-compliance with the Town's Policies - Street Setbacks and Vehicular Access.*

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**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation be adopted.*

Debate ensued.

**LOST (0-7)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**Reasons:**

1. Access and practicality under the Equal Opportunity and Disability Act.
2. There is no structure being proposed.
3. Applicant is activating the right of way with a garage therefore complying with the Policy.

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Torre, Seconded Cr Cohen**

*That the following alternative recommendation be adopted:*

*"That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner C E Callahan for proposed Car Parking Bay to Existing Single House, at No(s). 52 (Lot(s) 467 Fairfield Street, Mount Hawthorn, and as shown on plans stamped 15 September 2004, subject to:*

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to 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;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) a road and verge security bond 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) 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. Plans detailing stormwater disposal shall be lodged prior to the issue of a Building Licence;*
- (v) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vi) all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (vii) 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; and*
- (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);*

*to the satisfaction of the Chief Executive Officer."*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

<b>Landowner:</b>	CE Callahan
<b>Applicant:</b>	CE Callahan
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	589 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Car Bay 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.

\* 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 a sealed five (5) metres wide right of way, which has been resumed and vested in the Town.

**DETAILS:**

Approval is sought to construct a car parking bay located with a nil front setback and a 500 millimetres setback to the southern side boundary.

The applicant has provided the following justification, which has been enclosed as an attachment (002), in support of the application and it can be summarised as follows:

*"... the front driveway to the property is particularly important for the family as safe and secure off-street access to the house is required due to the special needs of our (the applicants') child... who suffers from a genetic disorder known as Williams Syndrome.... relevant symptoms are:*

*... unable to judge distance and speed and crossing roads...hence presenting dangerous risk around roads and cars.... inability to do simple manual tasks...This mitigates against on street parking on Fairfield Street.*

*... muscle condition making negotiation of stairs difficult... likely to lose the ability to walk freely... wheeled chair assistance is likely. This necessitates access from the front driveway straight into the house.*

*... the necessity of off-street parking at the front from a supervision point of view is exacerbated by the existence of another 2 year old brother and one child due in January...."*

*"List of houses with direct access to Fairfield Street*



<i>No.</i>	<i>House Number</i>	<i>Description</i>
1	40	Double carport and driveway
2	42A	Double driveway
3	44	Single driveway
4	54	Single driveway
5	66	Double garage and driveway
6	68	Single carport and driveway
7	72	Single carport and driveway
8	74	Double garage and driveway
9	80	Single driveway
10	75	Single driveway
11	73	Double garage and driveway
12	61	Single garage and driveway
13	59	Single driveway
14	57	Single garage and driveway"

**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:**

Within a Residential R30 zone, single houses are a "P" permitted use. The plans comply generally with the requirements of the Town of Vincent Town Planning Scheme No.1 and associated Policies and the Residential Design Codes (R Codes), except the above non-compliance.

**Car Bay**

The proposed car bay has been assessed against the 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 car bay does not satisfy point (a) of Council's resolution. The existing right of way at the rear of the subject property is sealed and resumed and vested in the Town.

**Conclusion**

The applicant's circumstances are noted and acknowledged. However, the proposed car bay is considered to unduly affect the amenity of the area and is contrary to the Town's Policies relating to Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings via a Right-of-Way.

In view of the above, it is recommended that the proposal for the car bay be refused.

**10.1.14 Petition - Loton Park Tennis Club - Parking Permits for Bulwer Street**

<b>Ward:</b>	South	<b>Date:</b>	2 November 2004
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	RES0013
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *REFUSES the request by Loton Park Tennis Club for a total of one hundred and thirteen (113) parking permits, for all financial members of the club, both full members and social members, to park on Bulwer Street, Perth; and*
- (ii) *ADVISES the Club of its decision.*

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

Cr Franchina departed the Chamber at 7.50pm.

Debate ensued.

**Moved Cr Chester, Seconded Cr Torre**

*That a new clause (iii) be added as follows:*

*"(iii) REQUESTS that the Chief Executive Officer meet with the Loton Park Tennis Club to consider other parking options for members."*

Debate ensued.

**AMENDMENT CARRIED (6-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**MOTION AS AMENDED CARRIED (6-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.14**

*That the Council;*

- (i) *REFUSES the request by Loton Park Tennis Club for a total of one hundred and thirteen (113) parking permits, for all financial members of the club, both full members and social members, to park on Bulwer Street, Perth;*
- (ii) *ADVISES the Club of its decision; and*

- (iii) ***REQUESTS that the Chief Executive Officer meet with the Loton Park Tennis Club to consider other parking options for members.***
- 

**BACKGROUND:**

On 11 March 2004, a petition was received from the President of the Loton Park Tennis Club requesting that parking permits be issued to all financial members of the club. The Petition, which contained 118 signatures, stated:

*“As a result of a Council resolution (Item 10.2.2) at the Ordinary Council Meeting on 18 November 2003, members, visitors and friends (the undersigned) of Loton Park Tennis Club request that the Town of Vincent provide all financial members (of the club) with specific permits to park on Bulwer Street (to use tennis club) without prosecution”.*

The letter from the Loton Park Tennis Club is *“Laid on the Table”*.

**DETAILS:**

The Loton Park Tennis Club is a very old established club located on the South side of Bulwer Street at the junction of Lord Street, Perth. There are a total of seven grass tennis courts located at the club for use by its members and guests.

Perth Glory Soccer Club played all home games since 1997 at Members Equity Stadium (Perth Oval) and, to alleviate the anticipated parking congestion, the Council installed Residential parking restrictions in the surrounding streets during game periods. To facilitate parking by coaches bringing spectators to the ground, the south side of Bulwer Street, between Lord Street and Pier Street was made into a temporary “No Parking” area, which prevented Tennis Club members from parking near the club.

To assist the Tennis Club members during Perth Glory games, a total of sixteen (16) Temporary Parking Permits are issued annually to the Tennis Club, providing exemptions from the No Parking restrictions in Bulwer Street.

However, on 18 November 2003, the Council approved parking time restrictions in the area around Members Equity Stadium and Loton Park, with Parking restrictions of two hour parking limit (2P), from 8.00am to 10.00pm Mon-Sun. These restrictions are apparently creating parking difficulties for Loton Park Tennis Club members and they have submitted a petition for the issue of 113 parking permits.

It is suggested that, while the introduction of the two hour (2P) parking restriction may be inconvenient for persons seeking long-term parking, the Stadium Car Park is situated in Pier Street and there are kerbside parking facilities in both Brewer Street and Pier Street. Both of these areas are a short distance from the Tennis Club and both provide for all-day parking. Where a Club member expects to be at the Club for up to two hours, Bulwer Street will provide an appropriate parking facility but, where members expect to park for longer than two hours, they should make use of the long-term facilities at the Stadium Car Park or Brewer Street and Pier Street.

It is acknowledged that, when Perth Glory is playing at Members Equity Stadium, it is difficult for Loton Park Tennis Club members to park anywhere close to the courts, which is why the Town provides sixteen (16) Temporary Parking Permits. It is suggested that the concession provided in previous years, to allow patrons of Loton Park Tennis Club to make use of the section of Bulwer Street, outside the club grounds, should continue for Perth Glory games or where the Members Equity Stadium is used by large numbers of patrons. However, it is inappropriate to issue more than one hundred permits for use in Bulwer Street, at all times and it is recommended that the request be denied.

**LEGAL/POLICY:**

There are no legal implications associated with this report and Rangers will continue to enforce the restrictions in the same way as all other restrictions. The Council approved parking time restrictions in Bulwer Street, because of the parking congestion in the area and has a responsibility to enforce the Parking restrictions, to ensure an optimal traffic flow and to provide respite to local residents.

**STRATEGIC IMPLICATIONS:**

KRA 1.4 of the Strategic Plan 2003-2008, states *“Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment,”* and section (p), under Traffic and Parking Management states *“Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs;”*

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications involved with this report.

**COMMENTS:**

Wright Street and Smith Street, between Bulwer and Lincoln Streets have unrestricted parking; because the residents of both streets rejected the suggested restrictions and as a consequence, this results in congestion during the day. However, after 5.00pm the parking situation in Smith Street changes dramatically and residents who have no off street parking can generally find a parking space close to their home.

It is suggested that, if the Town agrees to provide one hundred and eighteen (118) permits to enable Loton Park Tennis Club members to contravene the parking time restrictions, it would set an undesirable precedent. It could be argued that staff of local businesses are in far more need of free all-day parking, than are the members of a recreational club.

It should be noted that, of the one hundred and eighteen (118) signatures on the petition, requesting additional parking permits for the Club Members, ninety six (96) reside outside the Town of Vincent area.

**10.1.1 No(s). 58 (Lot(s) 155) Albert Street (Corner Tay Place), North Perth - Proposed Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	1 November 2004
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO2806; 00/33/2502
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Minniti on behalf of the owner Peci Properties Pty Ltd for proposed Two Storey Single House, at No(s). 58 (Lot(s) 155) Albert Street (corner Tay Place), North Perth, and as shown on plans stamp-dated 20 October 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the crossover width not exceeding a maximum width of 7.3 metres; and*
  - (b) the crossover clearance from the north boundary being a minimum of 0.5 metre;*

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

- (iii) subject to first obtaining the consent of the owners of No.38 Kadina Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 38 Kadina Street in a good and clean condition; and*
- (iv) (a) 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 Tay 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*
  - (b) any solid front wall adjacent to Albert Street shall not exceed a maximum height of 1.8 metres above the ground level and shall include two significant design features being incorporated into the solid front fence or wall, adjacent to Albert Street. The significant design features are to include a combination of at least two of the following features: different materials, differing height, different textures, indentations, portions of visual permeability, landscaping or equivalent;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Chester, Seconded Cr Lake**

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

*"(i) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements, including the finished floor level being 10.3;"*

**CARRIED (5-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Deputy Mayor Cr Ker	Cr Chester
Cr Cohen	
Cr Farrell	
Cr Lake	
Cr Torre	

(Mayor Catania and Cr Doran-Wu were apologies for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.1**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Minniti on behalf of the owner Peci Properties Pty Ltd for proposed Two Storey Single House, at No(s). 58 (Lot(s) 155) Albert Street (corner Tay Place), North Perth, and as shown on plans stamp-dated 20 October 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements, including the finished floor level being 10.3;"*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the crossover width not exceeding a maximum width of 7.3 metres; and*
  - (b) the crossover clearance from the north boundary being a minimum of 0.5 metre;*

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

- (iii) subject to first obtaining the consent of the owners of No.38 Kadina Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 38 Kadina Street in a good and clean condition; and*
- (iv) (a) 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 Tay 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*

- (b) *any solid front wall adjacent to Albert Street shall not exceed a maximum height of 1.8 metres above the ground level and shall include two significant design features being incorporated into the solid front fence or wall, adjacent to Albert Street. The significant design features are to include a combination of at least two of the following features: different materials, differing height, different textures, indentations, portions of visual permeability, landscaping or equivalent;*

*to the satisfaction of the Chief Executive Officer.*

<b>Landowner:</b>	Peci Properties Pty Ltd
<b>Applicant:</b>	D Minniti
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
<b>Existing Land Use:</b>	Vacant Lot
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	761 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Setbacks:		
East/Tay Place Ground Floor (Theatre)	4 metres	3.044 metres minimum
North Ground Floor (Garage, Store, Laundry)	1.5 metres	0 metre to 2.8 metres (Wall complies with boundary wall provisions in R Codes)
East/Tay Place First Floor (Bed 1, Bed 2, Activity)	6 metres	3.044 metres to 5.7 metres
West First Floor (Master Suite, Ens, Bed 4)	2 metres	1.598 metres to 3.3 metres
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 lot is currently vacant. The subdivision of the subject lot into two lots was granted conditional approval from the Western Australian Planning Commission on 3 June 2004. The proposed dwelling is sited on proposed Lot 2, which will have an area of 402 square metres.

**DETAILS:**

The applicant seeks approval for the construction of a two-storey single house. The proposal generally complies with the Residential Design Codes (R Codes) and the Town of Vincent Town Planning Scheme No. 1 and Policies, with the exception of the above non-compliances.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and 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:**

**Front/Tay Place Setbacks**

The front setback variations affect the ground floor and first floor of the development. The ground floor setback is proposed at a minimum of 3.044 metres in lieu of 4 metres. The reduced setback affects a small portion of the theatre mainly due to the wide curved nature of the site's corner truncation. The first floor setbacks range from 3.6 metres to 5.7 metres in lieu of 6 metres. The setbacks proposed are reduced, however, when taken into context the awkward shape of the lot and the immediate and surrounding streetscape, it is considered to be supportable. The subject lot is nestled in Tay Place with secondary frontage to Albert Street. Tay Place comprises corner lots and lots with secondary street frontage to Forrest Street. Given that there is significant irregularity within the existing Tay Place streetscape from surrounding lots and the irregular nature of the subject lot, it is considered acceptable in this instance to support the variations proposed.

The applicant has provided the following comments in relation to this matter;

*"In relation to the East front ground floor (Theatre) It is very difficult to achieve a 4m setback on a circular boundary, with out making a room totally impractical. The majority of the Theatre wall is in compliance with the 4m setback however a portion of the wall is at a lessor setback at the worst point being 3.4m. Due to this rather odd circular boundary we would like to seek a variation under these circumstances. I would therefore like to seek a variation for approval on this basis..."*

*East Front First Floor (Bed 2, Bed 3, Activity) The policy does request 6m setback, however the Residential Design Guidelines have a lessor setback requirement,(4 meters) ... In this case Tay Place does not have any current street scape. The only example that maybe used is the corner of Tay Place and Kadina Street that has a set back of approximately 3 meters along Tay Place. I would therefore like to seek a variation for approval on this basis."*

**Side Setbacks**

The north and west setbacks vary from the requirements. The setback variations are considered to be minor in all instances and the nil setback proposed for the north wall of the garage is compliant with the provisions within the R Codes for boundary wall development. Furthermore, the variations have been given written consent by the adjoining affected neighbours. The applicant has provided the following comments to address this matter.

*"North Ground Floor (Garage, Store, Laundry) having the parapet wall permission from the adjoining owners and taking into account the lot size I believe we should be supported by council here. I would therefore like to seek a variation for approval on this basis."*

*West First Floor (Master Suite Ensuite, Bed4) the requirement for 2m here seems to be for a wall of up to 11m in length and not exceeding 6.5m in height. But it seems that you are measuring the entire length due to the recess not being 3m in length. We can setback this entire wall to 2m however after consultation with the adjoining neighbours the proposed wall has lessor impact on the adjoining property and they have provided signatures and supportive comments of no objection."*

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

The Chief Executive Officer advised that the Presiding Member, Deputy Mayor - Cr Ian Ker had declared a proximity interest in this Item. The Presiding Member requested that Item 10.4.1- Economic Development Strategy – Appointment of Consultant be dealt with next as he had declared an interest in that Item also.

Moved Cr Lake, Seconded Cr Torre

*That Cr Chester assume the role of Presiding Member.*

**CARRIED (6-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

Deputy Mayor - Cr Ian Ker departed the Chamber at 7.54pm and did not speak or vote on the matter. Cr Chester assumed the Chair.

**10.1.3 No(s). 628-630 (Lot(s) 303) Newcastle Street, Leederville - Proposed Alterations and Additions to Existing Shop and Change of Use from Shop to Office Building**

<b>Ward:</b>	South	<b>Date:</b>	1 November 2004
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	PRO1965; 00/33/2383
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Zurzolo on behalf of the owner Sovereign Investments for proposed Alterations and Additions to Existing Shop and Change of Use from Shop to Office Building, at No(s). 628-630 (Lot(s) 303) Newcastle Street, Leederville, and as shown on plans stamp-dated 29 July 2004, subject to compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements to the satisfaction of the Chief Executive Officer.*

Moved Cr Lake, Seconded Cr Farrell

*That the recommendation be adopted subject to the preamble being amended and new clauses (i) and (ii) be added as follows:*

*"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 Zurzolo on behalf of the owner Sovereign Investments for proposed Alterations and Additions to Existing Shop and Change of Use from Shop to Office Building, at No(s). 628-630 (Lot(s) 303) Newcastle Street, Leederville, and as shown on plans stamp-dated 29 July 2004, subject to ~~compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements to the satisfaction of the Chief Executive Officer:~~*

- (i) *compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements; and*

**(ii) the doors, windows and adjacent floor areas fronting Newcastle Street shall maintain an active and interactive relationship with this street;**

**to the satisfaction of the Chief Executive Officer."**

**CARRIED (5-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting. Deputy Mayor - Cr Ker and Cr Franchina were absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.3**

*That in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Zurzolo on behalf of the owner Sovereign Investments for proposed Alterations and Additions to Existing Shop and Change of Use from Shop to Office Building, at No(s). 628-630 (Lot(s) 303) Newcastle Street, Leederville, and as shown on plans stamp-dated 29 July 2004, subject:*

- (i) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements; and*
- (ii) the doors, windows and adjacent floor areas fronting Newcastle Street shall maintain an active and interactive relationship with this street;*

**to the satisfaction of the Chief Executive Officer.**

<b>Landowner:</b>	Sovereign Investments
<b>Applicant:</b>	M Zurzolo
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
<b>Existing Land Use:</b>	Mixed Use Development (under construction)
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1769 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Car Parking	Refer to "Comments: Car Parking"	

\* 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:**

10 September 2002: The Council at its Ordinary Meeting conditionally approved the proposed demolition of the existing buildings and construction of a four-storey mixed use development, comprising one (1) showroom, one (1) shop, thirteen (13) offices, eight (8) two-storey grouped dwellings and associated car parking. This development is currently under construction.

**DETAILS:**

The applicants seek to change the use of the shop use to office and extend the mezzanine level of the proposed office by removing the partition that currently exists.

**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.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Commercial Car Parking**

Car parking requirement (nearest whole number) -Offices - 1081.06 square metres in total requires 21.6 bays -Showroom - 200 square metres requires 3 bays	25 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (within 400 metres of a rail station)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400metres of public car park in excess of 75 car parking spaces)</li> <li>▪ 0.80 (mixed use development, where at least 45 per cent of the gross floor area is residential)</li> </ul>	(0.4624)    11.56 car bays
Minus the car parking provided on-site	15 car bays
Resultant surplus	3.44 car bays

The car parking surplus as represented in the above Table is 3.44 car bays when applying the adjustment factors and accounting for the provided car parking bays on-site. As a result of the car parking calculation, there is no need for additional parking bays to be provided on-site or for cash in lieu payment to be made. Therefore, the proposal is deemed to be compliant with the requirements and involves a reduction in the intensity of the previous use. The alteration proposed is minor and considered to comply with the requirements of Town's Policies, and therefore is supported.

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

Presiding Member, Deputy Mayor - Cr Ian Ker had declared a financial interest in this Item. Deputy Mayor - Cr Ian Ker had departed the Chamber at 7.54pm and did not speak or vote on the matter.

**10.4.1 Economic Development Strategy - Appointment of Consultant**

Ward:	Both	Date:	3 November 2004
Precinct:		File Ref:	ADM0067
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the quotation submitted by Pracsys at a cost of \$11,022 as being the most acceptable to prepare an Economic Development Strategy 2005-2010, for the Town of Vincent.*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (5-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting. Deputy Mayor - Cr Ker and Cr Franchina were absent from the Chamber and did not vote.)

**BACKGROUND:**

At the Council Meeting held on 24 June 2003, the Council considered a Notice of Motion and resolved as follows:

*"That the Council requests the Chief Executive Officer to;*

- (i) prepare a Marketing and Business Development Strategy for the Town (as identified in the Town's Draft Strategic Plan 2002-2007, Item 3.1 - "Promote business opportunities in the Town");*
- (ii) prepare a report detailing how to best implement the Strategy (including the possible employment of a Marketing Officer, working in conjunction with business associations, promotion of the business/commercial precincts and development of a Business Precinct Marketing Strategy);*
- (iii) liaise with the East Perth Redevelopment Authority, adjoining Local Governments, State Government and other relevant organisations to provide a co-ordinated approach to the proposed Business Strategy; and*

- (iv) *approach the East Perth Redevelopment Authority and request a presentation as soon as possible on "Place Management and Promotion".*

Clause (iv) of the motion was carried out on 3 July 2003.

## **PROJECT SCOPE AND METHODOLOGY:**

### ***Scope***

The scope of the project will be to:

1. Assess regional, state and federal economic development and related strategies that impact on the Town or provide opportunities for economic development in the future.
2. Quantify and categorise the current level of economic activity including identifying the target markets for Vincent businesses, optimal retail floor area, home occupations and home businesses.
3. Review and revise internal policies and procedures, and evaluate the Town's resourcing capacities to participate in economic development programs.
4. Identify strategies including any potential strategic alliances which the Town can implement or support which will boost economic development in the Town and Region and incorporate these into a five year strategy for 2005-2010.

### ***Methodology***

The completion of the project involves the following tasks: -

- Mapping current economic activity and the Town's current position in economic development and presenting this information in a clear format using tables, graphs and matrices for ease of reading.
- Conducting interviews with relevant stakeholders including representatives involved with Economic Development from the ACC, State Government Agencies, East Perth Redevelopment Authority, and other parties deemed relevant.
- Reviewing current regional, State and Commonwealth Government policies and programs and evaluating their relevance for the Town of Vincent.
- Reviewing Town of Vincent Strategic Plan 2003-2008, internal policies and project documentation to ensure integration with the Economic Development Strategy.
- Developing a 5 year Economic Development Strategy for 2005 –2010.
- Presentation of the Strategy to the CEO and or Councillors as required with the provision of 5 hard copy colour reports and an electronic copy in word format.

**PROJECT TIMEFRAME:**

<b>Item</b>	<b>Timeline</b>
1. Advertise quotation brief	9 & 13 October 2004
2. Quotations Close	4pm 25 October 2004
3. Assessment of Quotations	25-29 October 2004
4. Decision to appoint Consultant	9 November 2004
5. Initial briefing with CEO	10 - 15 November 2004
6. Carry out Project and preparation of draft interim report	15 November - 19 December 2004
7. An Interim Report is to be presented to the CEO on or before specified date	20 December 2004
8. Submission of Report and electronic version to CEO	14 February 2005
8. Powerpoint presentation of Report to Council	28 February 2005

**QUOTATIONS RECEIVED:**

The quotation was advertised state-wide on 9 and 13 October 2004. Documentation was requested by fourteen (14) consultants and at the close of the quotation period (25 October 2004), five (5) written submissions were received as follows:

<i>NO</i>	<i>COMPANY</i>	<i>QUOTED AMOUNT (Incl GST)</i>
1	Jay Jardison 27A Kenilworth Street BAYSWATER WA 6053	\$9,944
2	Business Horizons 8 Hillman Street ROCKINGHAM WA 6168	\$10,670
3	Pracsys Enterprise House 23 Lyall Street SOUTH PERTH WA 6151	\$11,022
4	Estill and Associates Level 1/170 Burswood Road BURSWOOD WA 6100	\$14,322
5	Syme Marmion & Co 50 Ord Street WEST PERTH WA 6005	\$33,814



**QUOTATION EVALUATION:**

The following weighted criteria was used for the selection of the consultant for this project.

Criteria	%	Weighting
<b>1.1 Professional expertise and relevant experience in preparation of Economic Development Plans / Strategies</b> <ul style="list-style-type: none"> <li>• Demonstrated knowledge and experience in economic development strategies/plans.</li> <li>• Capacity to address the range of technical aspects involved in the project.</li> </ul>	10 10	<b>20%</b>
<b>1.2 Methodology</b> <ul style="list-style-type: none"> <li>• Proposed methodology for this project.</li> <li>• Previous methodology in relevant projects and demonstrated evidence of successful results.</li> <li>• Demonstrated experience in relevant projects of a similar nature</li> </ul>	7 7 6	<b>20%</b>
<b>1.3 Relevant experience of key person(s)</b> <ul style="list-style-type: none"> <li>• Credentials (i.e. formal qualifications and experience) of key person(s).</li> </ul>	5	<b>5%</b>
<b>1.4 References</b> <ul style="list-style-type: none"> <li>• Submission of contact details of referees for similar projects</li> </ul>	5	<b>5%</b>
<b>1.5 Fee Proposal</b> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> </ul>	50	<b>50%</b>
	<b>100</b>	<b>100%</b>

**Evaluation Panel**

The Evaluation Panel consisted of Chief Executive Officer, John Giorgi and Executive Manager Corporate Services, Mike Rootsey. Interviews were held with four of the consultants on 2 November 2004. Syme Marmion & Co were not interviewed due to their high quotation.

**QUOTATION EVALUATION SUMMARY:**

The following weighted criteria was used for the selection of the consultants for this project. Consultants addressed the selection criteria in their submission. All submissions were assessed by the Evaluation Panel and the following is a summary:

Criteria	%	Weighting	Jay Hardison	Business Horizons	Pracsys	Estill & Assoc	Syme Marmion & Co
1.1 Professional expertise and relevant experience in preparation of Economic Development Plans / Strategies <ul style="list-style-type: none"> <li>Demonstrated knowledge and experience in economic development strategies/plans.</li> <li>Capacity to address the range of technical aspects involved in the project.</li> </ul>	10	20%	8	9	9	7.5	8
	10		8	8	9.5	8	8
1.2 Methodology <ul style="list-style-type: none"> <li>Proposed methodology for this project.</li> <li>Previous methodology in relevant projects and demonstrated evidence of successful results.</li> <li>Demonstrated experience in relevant projects of a similar nature</li> </ul>	7	20%	5	5.5	6	5	6
	7		5	5.5	6	5	6
	6		4	6	6	5	5
1.3 Relevant experience of key person(s) <ul style="list-style-type: none"> <li>Credentials (i.e. formal qualifications and experience) of key person(s).</li> </ul>	5	5%	4	5	5	5	5
1.4 References <ul style="list-style-type: none"> <li>Submission of contact details of referees for similar projects</li> </ul>	5	5%	4	5	5	5	5
1.5 Fee Proposal <ul style="list-style-type: none"> <li>This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> </ul>	50	50%	50	49	48	45	25
	100	100%	88	93	94.5	85.5	68
			3rd	2nd	1st	4th	5th

The CEO carried out reference check with the CEO of the East Perth Redevelopment Authority. Favourable comments were provided about Pracsys.

#### CONSULTATION/ADVERTISING:

The quotation was advertised in the West Australian Newspaper on 9 & 13 October 2004 with submissions closing on 25 October 2004.

#### LEGAL/POLICY:

At the CEO's Annual Performance Appraisal Meeting held on 22 October 2004, the matter of economic development was discussed and the CEO was requested to provide his comments on the matter. The preparation of an Economic Development Strategy is recommended. A further report will be submitted in early 2005.

It is not a legal requirement to have an Economic Development Strategy, however, it is considered "*Best Practice*" management that a Strategy be adopted to complement and be linked and aligned to the Council's Strategic Plan 2003-2008, Principal Activities Plan and also the Annual Budget.

**STRATEGIC IMPLICATIONS:**

The Council's Strategic Plan 2003-2008 has a Key Result Area 4 - Economic Development.

**FINANCIAL/BUDGET IMPLICATIONS:**

As the estimated cost was less than \$50,000, quotations were called and these were processed in a similar manner to those applicable to tenders. The Council has approved an amount of \$10,000 in the 2004/05 Budget.

**COMMENTS:**

The preparation of an Economic Development Strategy 2005-2010 will provide future direction to the Council over the next five (5) years. It is therefore recommended that the Council appoint a consultant to carry out this review as recommended.

**DETAILED SUMMARY OF CONSULTANTS**

**1. Jay Hardison**

Criteria	Comments
<b>1.1 Professional expertise and relevant experience in preparation of Economic Development Plans/Strategies</b>	
<ul style="list-style-type: none"> <li>• Demonstrated knowledge &amp; experience in economic development strategies/plans</li> <li>• Capacity to address the range of technical aspects involved in the project</li> </ul>	<p>Satisfactory - meets criteria</p> <p>Sole employee of own consultancy</p>
<b>1.2 Methodology</b>	
<ul style="list-style-type: none"> <li>• Proposed methodology for this project</li> <li>• Previous methodology in relevant projects and demonstrated evidence of successful results</li> </ul>	<p>Satisfactory - meets criteria</p> <p>Satisfactory - meets criteria</p>
<ul style="list-style-type: none"> <li>• Demonstrated experience in relevant projects of a similar nature</li> </ul>	Satisfactory - meets criteria
<b>1.3 Relevant experience of key person(s)</b>	
<ul style="list-style-type: none"> <li>• Credentials (ie formal qualifications and experience) of key person(s)</li> </ul>	<p>Key Contracts:</p> <ul style="list-style-type: none"> <li>• Conducting a review on behalf of the Department of Local Government and Regional Development of the Telecentre Network throughout Western Australia.</li> <li>• Developed and managed a project for a community based information technology access centre, the Sun City Access Centre.</li> <li>• The Government Electronic Market (Gem) - an online e-marketplace for Government purchasers - leading Government through the business re-alignment and process re-engineering activities associated with introducing a major e-procurement platform to their purchasing procedures.</li> </ul>
<b>1.4 References</b>	
<ul style="list-style-type: none"> <li>• Geoff Glass - Director Development Services - City of Subiaco</li> <li>• Stephen Cole - Director Capacity Building Division - Department of Local Government and Regional Development</li> <li>• Cr Henry Zelones JP - Former Chair, Heritage Country Development Agency - City of Armadale</li> </ul>	
<b>1.6 Fee Proposal (inc GST)</b>	\$9,944 (lowest)

**2. Business Horizons**

Criteria	Comments
<b>1.1 Professional expertise and relevant experience in preparation of Economic Development Plans/Strategies</b>	
<ul style="list-style-type: none"> <li>• Demonstrated knowledge &amp; experience in community satisfaction surveys</li> <li>• Capacity to address the range of technical aspects involved in the project</li> </ul>	<p>Satisfactory - meets criteria</p> <p>Two Directors own the consultancy</p>
<b>1.2 Methodology</b>	
<ul style="list-style-type: none"> <li>• Proposed methodology for this project</li> <li>• Previous methodology in relevant projects and demonstrated evidence of successful results</li> </ul>	<p>Satisfactory - meets criteria</p> <p>Satisfactory - meets criteria</p>
<ul style="list-style-type: none"> <li>• Demonstrated experience in relevant projects of a similar nature</li> </ul>	Satisfactory - meets criteria

Criteria	Comments
<b>1.3 Relevant experience of key person(s)</b>	
<ul style="list-style-type: none"> <li>• <b>Credentials (ie formal qualifications and experience) of key person(s)</b></li> </ul>	<ul style="list-style-type: none"> <li>• Economic Development Plan - City of Gosnells</li> <li>• Strategic Planning - City of Subiaco commercial development</li> <li>• Hyden Progress Association - Town economic analysis</li> </ul>
<b>1.4 References</b>	
<ul style="list-style-type: none"> <li>• Stuart Jardine - Chief Executive Officer - City of Gosnells</li> <li>• John McIlhone - Chief Executive Officer - South West Group</li> </ul>	
<b>1.6 Fee Proposal (inc GST)</b>	\$10,670 (2nd lowest)

### 3. Pracsys

Criteria	Comments
<b>1.1 Professional expertise and relevant experience in preparation of Economic Development Plans/Strategies</b>	
<ul style="list-style-type: none"> <li>• <b>Demonstrated knowledge &amp; experience in community satisfaction surveys</b></li> <li>• <b>Capacity to address the range of technical aspects involved in the project</b></li> </ul>	<p>Well demonstrated, including visual presentation.</p> <p>Three Directors. Medium sized company with support staff.</p>
<b>1.2 Methodology</b>	
<ul style="list-style-type: none"> <li>• <b>Proposed methodology for this project</b></li> <li>• <b>Previous methodology in relevant projects and demonstrated evidence of successful results</b></li> </ul>	<p>Satisfactory - meets criteria</p> <p>Satisfactory - meets criteria</p>
<ul style="list-style-type: none"> <li>• <b>Demonstrated experience in relevant projects of a similar nature</b></li> </ul>	Satisfactory - meets criteria
<b>1.3 Relevant experience of key person(s)</b>	
<ul style="list-style-type: none"> <li>• <b>Credentials (ie formal qualifications and experience) of key person(s)</b></li> </ul>	<ul style="list-style-type: none"> <li>• Economic Development Plan - East Perth - East Perth Redevelopment Authority - commissioned to devise a detailed strategy for revitalising the business community in the East Perth part of the East Perth Redevelopment Area.</li> <li>• Economic Vitality - City of Perth - commissioned to undertake an extensive program of community consultation and market research and to develop feasibility analysis and business planning of the Golden Pipeline.</li> <li>• Strategic Development Plan - Brightwater Care Group - engaged to assist Brightwater in the development of a comprehensive strategic planning system, which included detailed financial performance indicators, an action planning and monitoring system.</li> </ul>
<b>1.4 References</b>	
<ul style="list-style-type: none"> <li>• Zanda Cameron - East Perth Redevelopment Authority</li> <li>• Andrew Montgomery - Manager Strategic Planning - Department of Planning and Infrastructure</li> <li>• David Singe - Chief Executive Officer - Wheatbelt Development Commission</li> </ul>	
<b>1.6 Fee Proposal (inc GST)</b>	\$11,022 (3rd lowest)

**4. Estill & Associates**

Criteria	Comments
<b>1.1 Professional expertise and relevant experience in preparation of Economic Development Plans/Strategies</b>	
<ul style="list-style-type: none"> <li>• Demonstrated knowledge &amp; experience in community satisfaction surveys</li> <li>• Capacity to address the range of technical aspects involved in the project</li> </ul>	<p>Satisfactory - meets criteria</p> <p>Employs 19 staff.</p>
<b>1.2 Methodology</b>	
<ul style="list-style-type: none"> <li>• Proposed methodology for this project</li> <li>• Previous methodology in relevant projects and demonstrated evidence of successful results</li> </ul>	<p>Satisfactory - meets criteria</p> <p>Satisfactory - meets criteria</p>
<ul style="list-style-type: none"> <li>• Demonstrated experience in relevant projects of a similar nature</li> </ul>	Satisfactory - meets criteria
<b>1.3 Relevant experience of key person(s)</b>	
<ul style="list-style-type: none"> <li>• Credentials (ie formal qualifications and experience) of key person(s)</li> </ul>	<ul style="list-style-type: none"> <li>• Experience in producing strategic plans and facilitating the strategic objectives unique to each diverse group for many governmental agencies and departments including the Cities of Melville, Stirling and Swan and Shire of Waroona.</li> <li>• Completed a business case for Department of Indigenous Affairs.</li> <li>• Undertook a community consultation project for LandCorp in relation to the Claremont Station Precinct.</li> </ul>
<b>1.4 References</b>	
<ul style="list-style-type: none"> <li>• John Clifton - Manager Business Strategy - LandCorp</li> <li>• Philip Gale - Manager Infrastructure Services - City of Melville</li> <li>• Cleve Flottman - Manager New Coastal Assets Branch - Department of Planning and Infrastructure</li> </ul>	
<b>1.6 Fee Proposal (inc GST)</b>	\$14,322 (second highest)

**5. Syme Marmion & Co**

Criteria	Comments
<b>1.1 Professional expertise and relevant experience in preparation of Economic Development Plans/Strategies</b>	
<ul style="list-style-type: none"> <li>• Demonstrated knowledge &amp; experience in community satisfaction surveys</li> <li>• Capacity to address the range of technical aspects involved in the project</li> </ul>	<p>Satisfactory - meets criteria</p> <p>Medium sized company - well resourced.</p>
<b>1.2 Methodology</b>	
<ul style="list-style-type: none"> <li>• Proposed methodology for this project</li> <li>• Previous methodology in relevant projects and demonstrated evidence of successful results</li> </ul>	<p>Satisfactory - meets criteria</p> <p>Satisfactory - meets criteria</p>
<ul style="list-style-type: none"> <li>• Demonstrated experience in relevant projects of a similar nature</li> </ul>	Satisfactory - meets criteria
<b>1.3 Relevant experience of key person(s)</b>	
<ul style="list-style-type: none"> <li>• Credentials (ie formal qualifications and experience) of key person(s)</li> </ul>	<ul style="list-style-type: none"> <li>• Scarborough Area Enhancement Strategy (City of Stirling) - assisted the development of a new urban development plan for the Scarborough Precinct including the development of economic benefits and a community consultation strategy and its implementation.</li> </ul>

Criteria	Comments
	<ul style="list-style-type: none"> <li>• Estates Development Company - Analysis of the economic sustainability of the Jindee (Jindalee) development.</li> <li>• City of South Perth - investigation of development options for the key Civic Triangle site in South Perth with identification and triple bottom line assessment of possible development scenarios.</li> </ul>
<b>1.4 References</b>	
<ul style="list-style-type: none"> <li>• Ross Povey - City of South Perth</li> <li>• Ray Fischer - Director of Planning - City of Stirling</li> <li>• Charles Johnson - Chief Executive Officer - City of Wanneroo</li> </ul>	
<b>1.6 Fee Proposal (inc GST)</b>	\$33,814 (highest)

Presiding Member, Deputy Mayor -Cr Ker returned to the Chamber at 8.00pm and assumed the Chair.

Cr Franchina returned to the Chamber at 8.00pm.

Cr Torre departed the Chamber at 8.00pm.

**10.1.6 No(s). 140A (Lot(s) 56 & 9) Edward Street (Corner Pier Street), Perth - Proposed Patio and Seating Area Additions to Existing Shop (Take Away Food Outlet) and Office Building**

<b>Ward:</b>	South	<b>Date:</b>	2 November 2004
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO1088; 00/33/2391
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 A Frigger on behalf of the owner Computer Accounting & Tax Pty Ltd for proposed Patio and Seating Area Additions to Existing Shop (Take Away Food Outlet) and Office Building, at No(s). 140A (Lot(s) 56 & 9) Edward Street (corner Pier Street), Perth, and as shown on plans stamp-dated 30 July 2004, subject to:*

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (ii) compliance with all relevant Environmental Health, Engineering, Technical Services and Building requirements;*
- (iii) patio addition to be compatible with the existing building in terms of colour and scale;*
- (iv) 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);*
- (v) the applicant/owner shall pay a cash-in-lieu contribution of \$11,750 for the equivalent value of 4.7 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget;*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the patio being setback a minimum of 2.5 metres from the southern/Edward Street boundary. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (vii) the outdoor seating area shall be limited to 50 square metres; and*



(viii) *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);*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Cohen, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

Cr Torre returned to the Chamber at 8.03pm.  
Cr Chester departed the Chamber at 8.04pm.

**LOST ON THE CASTING VOTE  
OF THE PRESIDING MEMBER (3-4)**

**For**

Deputy Mayor – Cr Ker (intial vote)  
Cr Farrell  
Cr Lake

**Against**

\*Deputy Mayor – Cr Ker  
Cr Cohen  
Cr Franchina  
Cr Torre

\*Deputy Mayor – Cr Ker used a casting vote to make the vote (3-4).

(Mayor Catania and Cr Doran-Wu were apologies for the meeting. Cr Chester was absent from the Chamber and did not vote.)

**Reason:**

1. Not wishing to endorse an alleged unauthorised use of the remaining building.

Debate ensued.

The Chief Executive Officer advised that the application is from a "bona fide" food premises and Council should consider this and seek further advice on the alleged unauthorised uses.

**Moved Cr Torre, Seconded Cr Farrell**

*That the Item be resubmitted.*

**CARRIED (5-1)**

<p><b><u>For</u></b> Deputy Mayor – Cr Ker Cr Farrell Cr Franchina Cr Lake Cr Torre</p>	<p><b><u>Against</u></b> Cr Cohen</p>
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(Mayor Catania and Cr Doran-Wu were apologies for the meeting. Cr Chester was absent from the Chamber and did not vote.)

Cr Chester returned to the Chamber at 8.10pm.

Debate ensued.

**Moved Cr Chester, Seconded Cr Torre**

*That the Item be DEFERRED to seek further information relating to the whole of the site and its uses.*

**CARRIED (6-1)**

<p><b><u>For</u></b> Deputy Mayor – Cr Ker Cr Cohen Cr Farrell Cr Franchina Cr Lake Cr Torre</p>	<p><b><u>Against</u></b> Cr Lake</p>
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(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

<b>Landowner:</b>	Computer Accounting & Tax Pty Ltd
<b>Applicant:</b>	A Frigger
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential/Commercial R80
<b>Existing Land Use:</b>	Shop & Office Building
<b>Use Class:</b>	Shop & Office Building
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	587 square metres

**COMPLIANCE:**

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Car bays	12.35 car bays	7 car bays
Setbacks	Setback from the street alignment at a distance that is generally consistent with the building setback on the adjacent land and in the immediate locality	West (Pier Street) setback - Nil South (Edward Street) setback - 1.0-6.0 metres

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

**SITE HISTORY:**

The subject site has an extensive history relating to the building being used as an alleged unauthorised use. Notwithstanding this, the subject proposal relate to the existing authorised shop (take away food outlet)

**DETAILS:**

Approval is sought for patio additions to existing shop (take-away food outlet) and office building at the subject site. The applicant has indicated that the patio will be utilised for a seating area for customers.

**CONSULTATION/ADVERTISING:**

The proposal was not required to be advertised as both adjoining neighbours have signed plans, indicating they have no objections.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Setbacks**

Pier Street streetscape has a precedence of buildings with a nil setback and is dominated by car parking, on -street and off-street. Accordingly, the proposed nil setback to Pier Street is supported as it is an open structure and not considered to unduly impact on the streetscape of the area. The proposed patio setback to Edward Street is not regarded to be consistent with those on the same street and it is therefore, recommended that the patio be setback a minimum of 2.5 metres. Although this setback is still less than the neighbouring properties, 2.5 metres is considered appropriate given that the structure is open and it is a corner site.

**Car Parking**

Car parking requirement (nearest whole number) - Previously approved take- away lunch bar car bays- 4.3 bays - Previously approved office car bays - 2.5 bays - Proposed seating area - 50 square metres requires extra 11.11 bays	18 car bays
Apply the adjustment factors. ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of one or more existing public car parking place(s) with in excess of a total 50 car parking spaces)	(0.65025)  11.70 car bays
Minus the car parking provided on-site	7 car bays
Plus the most recently approved on-site car parking shortfall	0
Resultant shortfall	4.70 car bays

The extra parking bays required for the proposal (with consideration of the increased setback) cannot be accommodated on-site as it is an established development. The Town's Policy relating to Parking and Access allows for 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. In this instance, the parking shortfall is not considered excessive and is 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.

**10.1.8 No(s). 164 (Lot(s) Y81 & 82) Lincoln Street (Corner Cavendish Street), Highgate - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses**

<b>Ward:</b>	South	<b>Date:</b>	2 November 2004
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO0814; 00/33/2387
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 JWH Group Pty Ltd on behalf of the owner TTT Ha & VN Nguyen for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses, at No(s). 164 (Lot(s) Y81 & 82) Lincoln Street (corner Cavendish Street), Highgate, and as shown on plans stamp-dated 30 July 2004 and 31 August 2004 (unit 1 elevation), 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 by virtue of the demolition of the existing dwelling and the proposed development;*
- (ii) the existing dwelling is considered to have cultural heritage significance in terms of its historic value;*
- (iii) the non-compliance with the building setback, plot ratio, open space and privacy requirements of the Residential Design Codes; and*
- (iv) the non-compliance with the Town's Policies - Street Setbacks and St Albans Locality.*

**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

<b>Landowner:</b>	TTT Ha & VN Nguyen
<b>Applicant:</b>	JWH Group Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	408 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Density	2 dwellings R 80	2 dwellings R 80
Plot Ratio	0.65 - Unit 1 - 139 square metres Unit 2 - 126.58 square metres	Unit 1 - 0.71 - 152.6 square metres. Unit 2 - 0.78 - 151.9 square metres
Setbacks: Unit 1 - South/Lincoln Street Ground Floor North Ground Floor (Garage) South/Lincoln Street First Floor  Unit 2 - East Ground Floor (Study, Laundry, Living, Store) East First Floor (Bed 4, Master Suite, Ensuite, WIR) South First Floor (Bed 3, Bed 4) West/ Cavendish Street Ground Floor  West / Cavendish Street First Floor	4 metres to main building  1 metre 6 metres to main building  1.5 metres 2.5 metres 1.2 metres 4 metres and garage behind front main building line 6 metres	3.2 metres to porch  0 metre (Internal Boundary) 5.07 metres to main building 4.07 metres to balcony  1.2 metres to 4 metres Master Suite, WIR, Ensuite - 1.2 metres 1 metre (Internal Boundary) 1.5 metres to 2.2 metres and garage in front of main building line 2.5 metres to 3.5 metres
Privacy Assessment: Unit 1 - Bed 4 North Facing Window  Unit 2 - Bed 4 East Facing Window  Master Suite South Facing Window	4.5 metres or privacy screening to Town's requirements  4.5 metres or privacy screening to Town's requirements 4.5 metres or privacy screening to Town's requirements	2.9 metres to east boundary  4 metres to east boundary 3.2 metres to east boundary
Open Space	45 per cent	44 per cent

\* 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.

\* 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.

**SITE HISTORY:**

The subject lot currently occupies a single storey single house. The rear of the lot abuts an unsealed, privately owned right of way with a maximum width of 3.34 metres.

**DETAILS:**

The applicant seeks approval for the demolition of an existing single-storey single house and the construction of two (2) two storey single houses.

**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:**

**Demolition**

A Heritage Assessment of the existing dwelling is shown as an attachment to this report.

The place is a brick and tile dwelling dating from circa 1905, forming part of the original Highgate Hill area. The dwelling is located on the north-east corner of Lincoln and Cavendish Streets. It has undergone a number of unsympathetic alterations to the exterior, namely a render treatment and alterations to the fenestration. The place was the Masel family home for approximately twenty years. Esor Masel had a mens and boys clothing business in Perth on the corner of Murray and William Streets called J. Masel & Sons and was later known as Worth's. Masel's children went on to contribute in a number of ways to cultural, military and religious endeavors in Western Australia.

As such, the place is considered to have some historic value for its associations with the Masel family and in the evolution of the Town of Vincent, namely Highgate Hill. In accordance with Policy 3.6.2, the place meets the threshold for consideration for inclusion on the Town's Municipal Heritage Inventory. It is therefore recommended that the proposed demolition of the existing dwelling be refused.

### **Setbacks**

The application involves setback variations to units 1 and 2. They relate to the front/street boundary and side boundaries, which affect both units. The side setbacks are not considered to cause undue adverse impact to the immediate and adjoining streetscape. However, the front setbacks proposed for the first floor of unit 1 in lieu of the requirements are considered unacceptable and therefore not supported in this instance. The front/street setbacks proposed for unit 2 also vary from the requirements considerably and are not supported. The garage of unit 2 is also non-compliant as the garage is not setback behind the main building line. This variation is not considered acceptable and therefore not supported. The applicant has provided the following comments in relation to setbacks.

*"1) The proposed setback variations to unit one (1) are considered acceptable for the following reasons:*

- the front porch protrudes into the front setback area by less than 1 metre, and it does not occupy more than twenty (20) per cent of the frontage of the lot. Given this, the porch is only a minor incursion into the street setback area, and is therefore considered acceptable; and*
- the front setback variations on the upper floor, as highlighted above, will not create an adverse impact on the amenity of the streetscape, as the upper floor and balcony are setback back from the ground floor and porch, thus providing visual interest when viewed from the street (and not a 'boxy style' development). Furthermore, the attractive two-storey front façade will enhance the amenity of the street, and the area generally.*

*2) The proposed setback variations to unit two (2) are considered acceptable for the following reasons:*

- Notwithstanding the fact that the garage is not setback 0.5 metres behind the main façade of the dwelling, the garage and driveway will not dominate the streetscape, as they are both less than fifty (50) per cent of the frontage of the lot. Also, the porch is set in front of the dwelling and the garage, providing some visual relief and staggering. Additionally, moving the garage back 500 millimetres, will decrease the area of the courtyard, thus making it non compliant with the acceptable development requirements of the R-Codes; and*
- the front setback variations on the upper floor to unit two (2), will not create an adverse impact on the amenity of the streetscape, as again the upper floor and balcony are staggered back from the ground floor and porch, thus providing visual relief when viewed from the street, reducing the bulk and scale of the proposed development. Additionally, in regards to the subdivision of original corner lots, Council's are more relaxed when it comes to the ground floor and upper floor setbacks to the second dwelling, and on some occasions upper floor setbacks have been approved at 2.5 metres. Furthermore, it should be noted that if the original single house was to be extended, the western side wall could be setback 1.5 metres from the secondary street, which would have a greater adverse impact on the amenity of the streetscape."*

### **Privacy Setbacks**

The privacy variations pertain to units 1 and 2. With screening these variations could be considered acceptable and therefore supported. The applicant has provided the following comments in relation to the matter:



"2) *The proposed development is considered to address the relevant performance criteria, under Clause 3.8.1 (Visual Privacy) of the R-Codes for the following reason:*

- *The cone of vision encroachments only protrude onto the adjoining eastern side property by approximately 500 millimetres to 1.5 metres. Given this, the windows should not look into any major openings, or outdoor living areas on the adjoining property (as major openings should be setback 1.5 metres from the boundary). However, in the event that such openings do look into habitable areas on the adjoining property, or if an objection is received, please apply a standard screening, or highlight window condition, and this will be addressed at the building licence stage. Please also be advised that bedroom four (4) and the master suites to Unit 1 are major openings, and this elevation can be conditioned to be provided at the building licence stage."*

### **Plot Ratio**

The plot ratio for the R60 zoning is 0.65. The proposal requests a plot ratio of 0.71 for unit 1 and 0.78 for unit 2. This exceeds the requirement and indicates an overdevelopment of the site. The variation to plot ratio is therefore not supported. The applicant has provided the following comments in relation to this matter:

"5) *The proposed plot ratio variations are considered acceptable for the following reasons:*

- *The plot ratio variations are not considered to create an adverse impact on the amenity of the street, or the neighbouring properties, as the walls are setback sufficiently from the neighbouring property. Also, the two street frontages, and the right of way at the rear, provides a sense of openness, thus reducing the impact of bulk and scale.*
- *Given the above, the visual interest provided through architectural features, and the upper floor staggering, the proposed bulk and scale of the development will not create an adverse impact on the locality. Furthermore, Council have previously approved numerous developments with plot ratio variations of up to 0.85, in lieu of 0.65."*

### **Open Space**

The applicant proposes 44 percent open space in lieu of 45 per cent. Whilst minor, it is considered that there is enough scope for the open space to be adjusted to meet the requirement of 45 per cent. The applicant has provided the following justification in relation to the matter:

"3) *The proposed development is considered to address the relevant performance criteria, under Clause 3.4.1 (Open Space Provisions) of the R-Codes, as the proposal:*

- *Provides adequate open space around the building to complement the proposed development, as a sufficient area is provided for outdoor living, which is directly accessible from a habitable room. Also, there is enough space for a drying yard;*
- *the attractive two-storey front façade, will enhance the amenity of the street; and*
- *the proposed development has been designed to suit the needs of future residents who generally live in inner city areas (i.e. double income couples without children)."*

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

**10.1.13 Review of the Liquor Licensing Act 1988 (as amended) - Request for Submissions**

<b>Ward:</b>	Both	<b>Date:</b>	29 October 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0053
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D Brits		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Review of the Liquor Licensing Act 1988 (the Act) and the Terms of Reference as shown in Attachment 001, received from the Directorate Licensing, Department of Racing, Gaming and Liquor, Government of Western Australia;*
- (ii) *REQUESTS the Department of Racing, Gaming and Liquor to consider requiring liquor licensed premises that provide live entertainment with amplified sound to meet with nearby residents and businesses in a 200 metres radius at least on an annual basis to address noise control, litter and anti-social behaviour control around, and in the immediate vicinity of the premises as standard procedure, and submit minutes or satisfactorily documentary evidence that the meeting has occurred to the Department of Racing, Gaming and Liquor and the local Council accordingly; and*
- (iii) *AUTHORISES the Chief Executive Officer to continue participation in the Western Accord and facilitate through the Manager Health Services and Manager Law and Order Services local business precinct accords to address responsible drinking and periodic review of licensed establishment management plans particularly regarding responsible drinking, unreasonable noise, litter and external security presence.*

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted subject to clauses (ii) and (iii) being amended to read as follows:*

- "(ii) *REQUESTS the Department of Racing, Gaming and Liquor to:*
  - (a) *~~consider requiring~~ require liquor licensed premises that provide live entertainment with amplified sound and other liquor licensed establishments identified by the Town from time-to-time due to on-going complaints to meet with nearby residents and businesses in a 200 metres radius at appropriate establishment-specific intervals but at least on an annual basis to address noise control, litter and anti-social behaviour control around, and in the immediate vicinity of the premises as standard procedure;*
  - (b) *~~and require submit~~ minutes or satisfactorily documentary evidence that the said meeting has occurred to the Department of Racing, Gaming and Liquor and the local Council accordingly within seven days thereafter; and*

(c) require appropriate external security or crowd control presence after closure to facilitate appropriate departure and simultaneously a clean-up of attributable empty bottles, litter, and relevant waste in the immediate vicinity; and

- (iii) *AUTHORISES the Chief Executive Officer to continue participation in the Western Accord and facilitate through the Manager Health Services and Manager Law and Order Services local business precinct accords to address responsible drinking and periodic assessment and review of licensed establishment management plans particularly regarding responsible drinking, unreasonable noise, litter and external security presence."*

Debate ensued.

**CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**COUNCIL DECISION ITEM 10.1.13**

*That the Council;*

- (i) *RECEIVES the report relating to the Review of the Liquor Licensing Act 1988 (the Act) and the Terms of Reference as shown in Attachment 001, received from the Directorate Licensing, Department of Racing, Gaming and Liquor, Government of Western Australia;*
- (ii) *REQUESTS the Department of Racing, Gaming and Liquor to:*
- (a) *require liquor licensed premises that provide live entertainment with amplified sound and other liquor licensed establishments identified by the Town from time-to-time due to on-going complaints to meet with nearby residents and businesses in a 200 metres radius at appropriate establishment-specific intervals but at least on an annual basis to address noise control, litter and anti-social behaviour control around, and in the immediate vicinity of the premises as standard procedure;*
- (b) *require minutes or satisfactorily documentary evidence that the said meeting has occurred to the Department of Racing, Gaming and Liquor and the local Council accordingly within seven days thereafter; and*
- (c) *require appropriate external security or crowd control presence after closure to facilitate appropriate departure and simultaneously a clean-up of attributable empty bottles, litter, and relevant waste in the immediate vicinity; and*
- (iii) *AUTHORISES the Chief Executive Officer to continue participation in the Western Accord and facilitate through the Manager Health Services and Manager Law and Order Services local business precinct accords to address responsible drinking and periodic assessment and review of licensed establishment management plans particularly regarding responsible drinking, unreasonable noise, litter and external security presence.*

## **BACKGROUND:**

The Department of Racing, Gaming & Liquor (DRGL), through the licensing of suppliers and the provision of industry support services, promotes and maintains the integrity of lawful racing, gambling and liquor activities for Western Australians to participate, within reasonable community expectations of harm minimisation.

The objective of the DRGL is to ensure that legislation listed under the ministerial portfolio of racing and gaming is lawfully administered in an efficient and effective manner consistent with State Government policy.

The DRGL's Liquor Licensing Directorate contributes to the promotion and maintenance of lawful liquor activities by:

- Hearing and determining applications in accordance with the Act;
- Monitoring the standards of licensed premises;
- Ensuring compliance with the requirements of the Act;
- Facilitating various liquor accords and community alcohol agreements;
- Developing and implementing policy consistent with Government objectives;
- Providing policy advice;
- Negotiating and liaising with industry groups on high level matters through forums such as accords and industry training sessions;
- Considering Section 117 noise complaints; and
- Dealing expeditiously with any other matters arising from the administration of the Act.

### **Invitation to Comment**

The Minister for Racing and Gaming, the Honourable Mr Nick Griffiths LLB, MLC, has appointed a committee to review the *Liquor Licensing Act 1988*.

The Review Committee is to examine and consider those matters that appear relevant to the operation and effectiveness of the Act, having regard to the:-

- interests and needs of persons selling or supplying liquor;
- interests and needs of liquor consumers;
- interests and needs of the tourism industry in Western Australia; and
- trends and experiences of other Australian and overseas jurisdictions.

These matters include the following:

1. The appropriateness of the objects of the Act and the current licence classification system and associated trading hours, having regard to changing community needs and attitudes relating to the accessibility of liquor and related services, including:-
  - (a) **the minimisation of harm or ill health caused to people**, or any group of people, due to the use of liquor.
  - (b) the use of extended trading permits.
  - (c) the times during which liquor is available at hotels and liquor stores and the distinction between the services offered by hotels and cabarets;
  - (d) the role of the club licence and the requirement that liquor only be sold to club members and their guests;

- (e) the extent to which a restaurant licence should allow liquor to be consumed without a meal;
  - (f) the availability of packaged liquor;
  - (g) the ability to ban a specified liquor product or class of liquor products from sale or distribution; and
  - (h) any specific needs of non-metropolitan licensed premises and communities.
2. The merits of a public interest test in comparison to the public needs test and the relative implications for the licence classification system.
  3. The impact of market domination on the liquor industry.
  - 4. Security issues associated with the operation of licensed premises** and the control of special events.
  5. The effectiveness of the operations of the licensing authority.

Additional information is available at the DRGL website: [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au)

The Review Committee invites written submissions on these matters from interested parties. Submissions that exceed 3 pages must be accompanied by a one page summary.

The closing date for submissions is 10 December 2004.

Submissions should be addressed to:-

The Chairman  
Liquor Act Review Committee  
P O Box 437  
WEST PERTH WA 6872

#### **CONSULTATION/ADVERTISING:**

Consultation and advertising is the responsibility of the DRGL. Additional information can be obtained by visiting the Department's website: [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au)

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2003 - 2008: Key Result Area 2.2 - Evaluate and enhance the way that Council provides and co-ordinates community programs and information services.

#### **LEGAL POLICY:**

Nil.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

#### **COMMENTS:**

The history of complaints in relation to the Town's liquor licensed establishments centre mainly around noise, litter and external anti-social behaviour issues.

The Director Liquor Licensing has recently displayed an even more receptive approach in terms of accommodating contemporary residential expectations with respect to placing tougher controls on liquor licensed premises.

The recommended request to require annual meetings at minimum as standard procedure between the relevant licensee, nearby residents and businesses within a 200 metre radius, with an additional requirement for the licensee to submit minutes to the DRGL to address noise control, litter and external anti-social behaviour, is deemed appropriate to address community unease in relation to various licensed premises, and to diminish the workload of Council and Police Services in this regard. Additionally, the Director Liquor Licensing could in certain cases require the liquor outlet to set up a "Complaints Contact Phone" and/or a "Complaints e-mail address" to enable aggrieved residents to complain formally. These calls could all be recorded and presented to the DRGL, with the action taken by the management in each case, when the licence renewal falls due. It would allow the outlet to identify and address real or substantiated complaints, while discounting the others and it would permit the DRGL to assess whether the management are doing all that is necessary to minimise the impact on surrounding residents.

### 10.2.1 Mainstreet Conference 2004 Melbourne, Victoria

<b>Ward:</b>	-	<b>Date:</b>	2 November 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	<a href="#">001</a> ;		
<b>Reporting Officer(s):</b>	R Lotznicher; J Giorgi, Cr M Torre		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the attendance of the Chief Executive Officer, Executive Manager Technical Services and Councillor Maddalena Torre at the Mainstreet Conference held from 26 to 29 September 2004 at the Grand Hyatt Hotel Melbourne, Victoria, Australia; and*
- (ii) *NOTES that a Mainstreet presentation will be provided at a Forum prior to December 2004.*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Chester, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

---

**BACKGROUND:**

The Chief Executive Officer (CEO), Executive Manager Technical Services (EMTS) and Cr Maddalena Torre attended the Mainstreet Conference in Melbourne, Victoria between 26 and 29 September 2004. The conference proceedings comprised eleven (11) keynote addresses by a variety of professionals in the Mainstreet development, marketing and business field, the presentation of 45 papers and a choice of three field trips.

Previous national Mainstreet conferences were organised successfully by the local community and local organisations in each of Maryborough, Queensland (1995), Albany, Western Australia (1997) and Melbourne, Victoria (1999).

The 2004 Melbourne conference was totally committed to Mainstreet issues, ideologies, practices and structures and focused on local Mainstreet issues across regional centres, small communities, towns and major suburban strips without focusing on one more than the others.

Some of the questions discussed during the course of the conference were:

- What does it take to build a successful and thriving precinct?
- How important is Town Centre management?

- Can we strengthen existing and create new business development opportunities?
- How can we incorporate and conserve our heritage?
- What are some successful promotions that work?

#### **DETAILS:**

Over 380 delegates mainly from Local Government and industry, from both Australia and New Zealand attended the three day Mainstreet Conference. A vast proportion of attendees were from private enterprise. A small number of elected representatives from Australia and New Zealand (NZ) were also in attendance.

#### **Conference Proceedings**

##### Opening key Note addresses

The conference opened with a key note address from Peter Kenyon, a leading authority on Town and Regional Development. His address titled "Building healthy, sustainable and enterprising communities - Getting back to basics" set the scene for a very informative and stimulating few days.

The keynote address outlined the basics of community and economic development aimed to achieve sustainable development. A five point approach, which includes the following, was suggested: Organisation, Design, Heritage Conservation, Business Development and Promotion and, in addition, a key factor for success is for all the people involved to take ownership of the process.

To achieve the above six (6) basic principles, the following initiatives were outlined:

- Focus on community, health, inclusion and resilience
- Holistic Approach - Economic, Environmental, Community, Viability and Well Being, Cultural Enhancement
- Being enterprising and opportunity obsessive
- Have a CARE strategy:
  - Creation
  - Attraction
  - Retention
  - Expansion
- Understanding what gets the "till" ringing
- Importance of positive mindset and attitude (avoid the dream takers and energy suckers!)

The following keynote speaker was Robin Jenkins Winter, Manager Newmarket\* Business association.

Note\* Newmarket is city commercial area in Auckland, New Zealand.

Her address focused on fostering community spirit to achieve positive outcomes. Some of her motivating statements were: "without involvement there is no commitment, where there is no vision the people perish and the public realm is about community NOT consumerism".

As Manager of the Newmarket Business Association, she has constantly recreated and sustained one of the top destination shopping environments in New Zealand through forging partnerships with Council, the community and local businesses. A recent survey of people in the Newmarket area regarding the vitality of the Town Centre resulted in the following responses being received:



*Values*

- shopping, including the main street and malls
- variety and convenience of retail
- the location and access to the area
- proximity of cinemas
- diversity of activities
- the rail corridor, the motorway, the Link bus
- parking
- a meeting place for young people.

*Concerns:*

- location and impacts of new developments, malls and redevelopments
- over-commercialisation
- over-supply of retail space, particularly if mall development continues, and the risk that poses to Broadway main street shopping
- vacancies in the main street, local shopping being lost, high rentals
- business infiltrating residential areas
- interface and interactions between zones, eg the transition between business and residential
- traffic volumes and congestion from existing and proposed development
- the effects of through traffic
- competition from other commercial centres
- commuter parking in residential streets
- safety and crime, eg burglary, car theft, lighting, footpath surfaces, the state of the railway station.

*Visions*

Newmarket as Auckland's premier shopping precinct, with:

- a mix of retail, entertainment, commercial, specialist and professional businesses
- retail variety and a dynamic fashion precinct
- mixed-use developments bringing a residential component to the town centre
- retail precincts that relate well to the public environment at street level
- the character of the backstreets retained
- good access to public transport from the town centre
- the needs of young people accommodated
- a safe, vibrant centre with a distinctive character that fits its role in the city.

*Differences in opinion*

- malls versus main street shopping and what the balance might be
- should there be commercial growth in the town centre or should there be limits to this.

*Possible options to address issues in the town centre*

- Urban design initiatives

- Development of a structure plan to address transport issues including improving the road network, parking (number and location of parking spaces), improving public transport and pedestrian facilities, urban design issues, including the form, scale and height of buildings and the way that they relate to the street and public open spaces, the mix of activities and potential retail, commercial and residential capacities, the interrelationship of the main street, with Newmarket's backstreets whether the current view-shafts are appropriate or whether there are other local views from public spaces that need to be protected, the relationship to adjoining business, retail and entertainment activities.

Officer's Comments:

It is interesting to note the similarities in some of the issues raised with issues in the Town of Vincent.

The Newmarket Business Association (NBA) was incorporated in 1937, and joined the Auckland City Council's Mainstreet structure in 1995. It grew from a voluntary organisation to an economic structure with fulltime staff and a budget of some \$0.7 Million. There are more than 1400 members, all Newmarket businesses, to be found in the Newmarket town centre area.

Membership of the association is contingent on ownership, occupancy or tenancy of a commercially rated property within the separate rating area.

The Newmarket Business Association is funded through the Auckland City Council, by an incremental Mainstreet rate on the commercial properties within a specified area and is indicated on the rates notice as the "Newmarket Separate Rate". The Separate Rate is collected by Council and passed onto the Newmarket Business Association via quarterly grants. This is considered to be a fair and equitable method of providing funds for the Newmarket Business Association to represent all Newmarket businesses.

*Mainstreet Programs*

Mainstreet program, which operate throughout New Zealand, are based on a partnership between local government, the business community and the community at large. They are based on incremental success and community involvement.

These programs are not "quick fix" solutions. Basic objectives of the program, under Mainstreet guidelines comprise:

- an enhanced physical environment
- heritage conservation
- business creation and development
- increased employment and local business investment.

In addition to being business development programs Mainstreet programs also involve community and cultural development. The programs are intended to identify and reinforce the unique identity of a place and to promote that identity as part of its development.

An executive committee comprised of elected business people, representatives from a Committee Board and the Auckland City Council, ensures the Newmarket Mainstreet program operates efficiently and works towards meeting its objectives.

Extracts from some of the relevant papers presented at the conference are outlined below:

### Bridge Street Mall – Ballarat

This mall is located on the main street of Ballarat. Businesses have operated in the street since the 1850s. With the advent of trams and motor vehicles, Bridge Street became the main shopping area in Ballarat easily in the 20<sup>th</sup> century.

With improved transport, some shop keepers moved to the ever expanding suburbs. In the 1950s the verandas in Bridge Street were removed and in the 1970s a new shopping centre opened nearby. The arrival of the shopping centre prompted the Bridge Street traders to approach the Council.

In partnership, the Traders and the Council explored ways to rejuvenate the precinct. Several strategies were developed by Consultants employed by the Council and in 1979 the street was closed to vehicular traffic and pedestrianised.

In 1991, in an effort to revitalise the mall precinct (eg. infrastructure, performance, entertainment) the Bridge Street Mall Precinct Committee was established. The Committee comprised Bridge Mall Traders and Council representatives. The Committee developed a revitalisation plan and applied for State Government funding. The State Government approved \$1.7 million from the State Government Redevelopment Fund (RIDF) with the Traders offering \$500,000 and the Council committing to \$912,000.

The works were due to begin in July 2003, however, the works were delayed and the Council subsequently voted to reopen the mall to traffic as it was considered this would add to the vitality of the area.

This proposal by the Council was the best advertisement for Bridge Street. The Council received a petition signed by 20,000 petitioners from traders and members of the community opposing the reopening of Bridge Street.

The Council subsequently reconsidered its decision to reopen the street, and works to revitalise all the infrastructure in Bridge Street commenced in August 2004.

David Nolan, Manager Bridge Street Mall, who presented the paper, indicated that traders had not wavered from this strategic plan to make the Mall the strongest shopping precinct in Ballarat and were looking forward to the completion of the project in November 2004. He also made the point that the "car park" is the "life blood" of a mall. Bridge Street has a large area of off-street parking nearby.

### Town Centre Funding Options

This paper was presented by Dean Wilson, who had been Town Centre Manager in two Centres in Auckland, New Zealand, and worked as a Town Centre Consultant assisting with various town centre issues and in the development of Action Plans.

The key question when all is said and done is "Show me the money".

#### *The four key "Cs" for Town Centre Management*

- Commitment
- Collaboration - strong team required
- Common Vision - the Team must all be heading in the same direction
- Communication - all team members must be aware of what is going on

*Build and capitalise on Strengths*

- Identify strengths and build on them.

*Be creative*

- An example was given of a sculpture at the Docklands development of a tree with an upside down cow on it, this is an example of thinking "outside of the box".

*Funding Options*

- Business Subscriptions
- Separate Mainstreet rating: this is a thorny issue in New Zealand. Over 25 Town Centres have a marketing and management levy imposed. The Town Centre Management Group receives this funding and decides how to spend it based on a majority vote amongst members.
- Local Fundraising: this may include raffles, sausage sizzles, fun runs and families and/or individuals purchasing items of infrastructure e.g. seats, lights etc.
- Local Government to provide funding.
- Service Contracts: Operations in Town Centres e.g. cleaning contracts, rubbish collection, graffiti, parking administered by Town Centre Management Group/Local Government.
- Central Government (NZ)
- National funding bodies
- Gaming Machines: 44,000 in New Zealand. Groups can apply for funds.
- Sponsorship: suppliers, local companies.

Innovative Programs of the Unley Street Trust - Presenter

In 1998, the City of Unley, South Australia (population 36,000 residents, 1,600 businesses) established its economic development subsidiary, the Unley Street Life Trust, to address a problem with its mainstreet environment. The trust has a budget of \$100,000 per year.

The Unley Mainstreet environment had a high proportion of small independent retailers under pressure; absentee landlords with differing approaches to managing their property; commercial property vacancies; limited opportunities for on-street parking and difficult to access off-street carparking; high volumes of through traffic; highly competitive district and regional shopping centres nearby; a shrinking local resident population and a local government with little money for infrastructure projects.

With a passion for business success and vibrant Mainstreets, the Executive Officer, Andre Stuyt, devised and implemented innovative initiatives that made a real difference to local traders and improved Unley's retail position within the metropolitan economy. Such initiatives included; "To catch a Thief" to deter shoplifting.

Bondi Junction - Meeting the Challenge of a Professional shopping centre competitor

This paper presented by Debra Dawson, Bondi Junction Manager, focused on strategies that were developed and implemented when a \$650m shopping centre development was established on the edge of a struggling pedestrian mall near inner city Sydney.

The Oxford Street Mall, the heart of Bondi Junction, is one of Australia's first malls and has traditionally been a meeting place for residents and visitors. The marketing Budget for shopping centre development was five (5) times the marketing budget for the Mainstreet shopping area/s.

In order to manage the continuing future role and growth of the centre as a multi-functional regional centre, in May 2003 the Waverly Council adopted the Roles and Responsibilities (terms of reference) of the Bondi Junction Committee (BJC). The main objective of the committee is the successful integration of the major retail and commercial developments into the established commercial centre.

The terms of reference of the Commercial Centre Management includes the following components:

*Promotion and Marketing*

- A Bondi Junction commercial centre Marketing and Promotions plan (*refer attached*) to assist the economic performance of individual retailers and the centre as a whole.
- A Mall Markets Policy to ensure the establishment of high quality Markets in the Mall as soon as possible following the completion of the Oxford Mall redevelopment.

Note: The Strategic marketing plan has included things like the "lets do dinner" promotion, retailer upskilling in visual merchandising, "bean" to Bondi Junction lately promotion. The strategy includes regular newsletter, promotion in local newspapers promoting the Mainstreet as a 'fresh air' environment and extensive local marketing to attract locals. The Council has also implemented an integrated program of public works of improved infrastructure.

*Operational*

- Act as advocate to Council for the commercial centre users with regard to maintenance and operations matters (e.g. ensure cleaning and waste management, property and asset management and maintenance are carried out to agreed standards).
- Promote co-operation between businesses and Council to achieve a properly maintained and therefore well presented Centre.
- Provide input into capital works and/or maintenance plans for the physical improvement of the commercial centre's public domain and pedestrian networks.

*Consultation*

- Consult and liaise with the local community and improve communication networks between the community and Council.
- Provide advice and input to Council on matters relevant to the Bondi Junction Commercial Centre and its interface with the residential areas in order to improve Council's ability to efficiently service and manage the place (eg Bondi Junction Strategic Plan).

*Development Control*

- Make recommendations, provide advice or other input to Committees and or Council on applications or policies which may impact upon the functions of the centre and/or management.
- Applications for activities, which operate in the public domain (e.g. Markets, Footway Restaurants etc), are referred to the BJC.
- Provide advice and input to Council on amendments to the statutory and non-statutory planning controls which may affect the centre.
- Provide advice and input on expenditure for the carrying out of public works and/or services in the centre.

#### *Access*

- Provide advice and input to Council on improving access to and pedestrian connectivity within the centre in order to promote the use of public transport.
- Give consideration to Council on traffic management plans for the centre.

The Waverly Council's operations budget funds many services for Bondi Junction. Additional funds are allocated to enhance the place management component and includes programs such as additional cleaning, Markets and Promotions, Branding, Cultural events; special projects like the Town Square, Strategic Plan and funds necessary to run the Bondi Junction Management office and support the BJC.

The BJC does not have delegation to determine the appropriateness of all expenditure categories and programs listed for Bondi Junction generally, however, the Council, through its officers consults the Committee on priorities for any review or amendment of the budget. The Committee has delegation initially on the following matters:

- Maintenance of the Centre, particularly the Mall (\$100K).
- Cultural Events (\$25K)
- Branding "The Junction" (\$50K)
- Fostering a Business Community Partnership (\$25K)
- BJ Promotion / Marketing (\$45K)

The BJC can also provide advice or make recommendations to Council on future budgets which will relate to strategic planning, maintenance and capital works within the Commercial Centre.

#### **Tours**

*"What Makes Melbourne One of the Most Livable Cities Tour"* (EMTS and Cr Torre)

This tour explored the old and new of what Melbourne had to offer.

The first stop was Federation Square, the home of the new National Gallery of Victoria, the Australian Centre for the Moving Image, the Melbourne Visitor Centre and some of Melbourne's most streamlined dining areas.

Federation Square was based on an open international two stage design competition.

The design competition demanded the design of a new civic centre capable of accommodating up to 15,000 people in an open air amphitheatre. In addition, the project included cultural and commercial buildings on a 3.6 hectare block to be built above the existing railway yards.

The development of this site was proposed for over 80 years.

Boarding the "W Class City Circle Tram", the tour headed to the Docklands, a city within the city resulting from the redevelopment of vast disused docks. Dockland comprises apartments, offices, shops, marinas, restaurants, parks and the Telstra Dome.

The history of the redevelopment is outlined below:

1974	Docklands area identified as a great waterside development opportunity in the first City of Melbourne Strategy Plan.
1982	Preliminary planning commenced to redevelop the Southbank area by the Victorian state government (the intent to refocus the central city on the Yarra River).
1985	City of Melbourne Strategy Plan review recognised the importance of linking central city development with the Yarra River and Victoria Harbour.
1986	Construction of the first stages of the Southbank redevelopment.
1988	Public consultation and design workshops focused on the Yarra River and Docklands, as part of the "Creative City" program.
1989	Public consultation program initiated.
1990	Docklands Task Force established. Research and preparation of the first comprehensive plans and designs for the Docklands area.
1991	Docklands Authority Act 1991 passed by the Victorian Parliament.
1992	Public consultation and preliminary site analysis planning and urban design undertaken.
1993	Docklands Authority refocuses its role, with the emphasis on undertaking development in partnership with the private sector.
1994	Docklands Authority undertakes comprehensive feasibility analysis, business planning, community planning and urban design.
1995	Docklands authority prepares statutory planning machinery for encouraging development by the private sector.
1996	First expressions of interest called for development of precincts, with over 250 responses received.
1997	Signing of Docklands Stadium Consortium's \$460 million Colonial Stadium project.
1998	NewQuay \$950 million development agreement signed.
1999	Grolio Tower bid terminated by Docklands Authority.
2000	Launch of NewQuay apartments.
2001	Major sculpture "Cow Up A Tree" by John Kelly unveiled on Harbour Esplanade.
2002	Central City Studios (CCS) appointed preferred tenderer for Victoria's Film and TV Studios project.

Current & Future: Extensive building works planned - new residential apartment buildings, residential tower under construction, road extensions, waterfront trams to be extended.

Following the Docklands visit the tour headed for inner city Melbourne, where a unique range of exotic stores were explored. This part of the tour explored historic laneways and arcades. (Refer attached photographs of tour.)

#### Economic Development Plans

Copies of plans from the City of Monash and City of Yarra were obtained - these are "*Laid on the Table*". These plans are most informative.

"*City of Geelong Tour*" (CEO)

The CEO attended this technical tour.

Geelong is within an hour's drive from Melbourne, with a population of nearly 200,000 and is a dynamic city with much to offer. It is very diverse.

The physical and economic revitalization of Central Geelong and the stunning Waterfront Precinct that formed part of a 5 year, \$25 million physical works program was inspected.

Key initiatives and retail marketing activities funded via a special rate scheme and undertaken by the Central City Management Committee to create a vibrant city heart and encourage people into the Central Geelong/Waterfront Precinct for the economic benefit of Central Geelong businesses were presented by Council employees.

The Geelong Waterfront and Central Geelong was explored to experience some of the completed physical works, including Ryrie, Little Malop and James Street - photographs are tabled.

**LEGAL AND POLICY:**

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

**CONSULTATION/ADVERTISING:**

N/A.

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A.

**STRATEGIC IMPLICATIONS:**

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

**COMMENTS:**

Many states in Australia use and understand the term Mainstreet but it is fragmented as a national movement with different states, territories and regions delivering varying versions and structures of Mainstreet programs.

In New Zealand, Mainstreet is very prominent and active across the country. Many councils, governments and chambers of commerce are returning to delivering Mainstreet style programs.

It was shown that Mainstreet programs operating throughout New Zealand, are based on a partnership between local government, the business community. Some Business Associations are funded by an incremental Mainstreet rate on commercial properties within a specified area. In these cases the Separate Rate is collected by local government and passed onto the Business Association via quarterly grants.

The highlight of the conference was the Trans-Tasman focus where for the first time Australia and New Zealand came together through the conference, to develop a shared vision and determine a Trans-Tasman connection for the future. The next Trans-Tasman Mainstreet conference will be held in NZ in 2005 and then alternate between the two countries into the future.



Mainstreet, it was indicated, means varying approaches and ideologies to practitioners endeavoring to develop their communities and commercial precincts in towns, regional centres and urban shopping strips. However the conference did surmise that there is one integral factor for economic development in the heart and surrounds of all centres throughout the world. That factor is that small business and retail is the engine room of economic growth.

Attendance at this three-day conference was very informative and beneficial. Numerous local governments around Australia and New Zealand are experiencing decline and particularly those with competing major shopping centres. Copies of literature are "*Laid on the Table*".

The CEO, EMTS and Cr Torre are of the opinion that this conference was very informative and applicable to the Town. The Town will be embarking on infrastructure upgrade in its commercial centres. Information gained at the conference will be used in the preparation of concept plans.

**10.2.4 Proposed State Black Spot Improvement Project intersection of Anzac Road & The Boulevard, Mount Hawthorn**

Ward:	North	Date:	2 November 2004
Precinct:	Mount Hawthorn	File Ref:	TES0173, TES0439 & TES0382
Attachments:	<a href="#">001;</a>		
Reporting Officer(s):	K. White		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Anzac Road and The Boulevard, Mount hawthorn;*
- (ii) *APPROVES the proposal as shown on attached Plan No 2196-CP-2;*
- (iii) *ADVERTISES the proposal to the adjoining property owners giving them 14 days in which to respond; and*
- (iv) *RECEIVES a further report on the matter should any adverse comments regarding the proposal be received.*

---

**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Chester**

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

- "(ii) APPROVES the proposal as shown on attached Plan No 2196-CP-2 subject to it being amended to allow adequate pedestrian access on the south east corner;"*

**AMENDMENT CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**MOTION AS AMENDED CARRIED (7-0)**

(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)

**COUNCIL DECISION ITEM 10.2.4**

*That the Council;*

- (i) *RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Anzac Road and The Boulevard, Mount hawthorn;*

- (ii) *APPROVES the proposal as shown on attached Plan No 2196-CP-2 subject to it being amended to allow adequate pedestrian access on the south east corner;*
- (iii) *ADVERTISES the proposal to the adjoining property owners giving them 14 days in which to respond; and*
- (iv) *RECEIVES a further report on the matter should any adverse comments regarding the proposal be received.*

---

#### **BACKGROUND:**

'Black Spots' are those locations which have a high accident recurrence rate, resulting in significant personal and property damage. Locations designated 'Black Spots' are eligible for state and federal funding with which to undertake Main Roads WA endorsed improvements.

Each year, for the past decade, Local Governments have received an accident 'Black Spot' list from Main Roads WA of their area. This list forms the primary basis for road safety improvement funding submissions.

In established older areas of the Town Black Spots tend to be exclusively intersections while in the new outer suburbs Black Spots can also be sections or lengths of roads.

For the last few years the Town has undertaken a number of Black Spot Improvement Projects, ranging from large projects such as the Leederville Parade/Oxford Street roundabout to small localised projects such as the Curtis Street/Walcott Street half 'seagull island' preventing the right turn movement.

While the larger projects are generally well supported by the public, as people tend to recognise the greater good, the smaller projects can at times generate the considerable debate.

#### **DETAILS:**

The Town currently has State Black Spot funding to undertake improvements at the intersection of Anzac Road and The Boulevard, Mount Hawthorn, to reduce or eliminate right angle crashes.

The most practical solution at this intersection is to install a round a bout, thereby eliminating traffic crossing over two lanes of on coming traffic. It is considered this proposal will not have any negative impact on local residents as no traffic movement will be restricted. The proposal has been endorsed by Main Roads WA, and should eliminate a majority of the accidents and have a traffic calming affect on Anzac Road and complement other traffic calming proposals for Anzac Road.

With regard to the intersection of Anzac Road and The Boulevard, the following information is provided:

<u>Location:</u>	Intersection of Anzac Road and The Boulevard, Mt Hawthorn.
<u>Site Description:</u>	Four way intersection of a District Distributor B Road (Anzac) with an Access Road (The Boulevard).
<u>Request:</u>	Black Spot Improvement.
<u>Main accident types:</u>	Right angle and right angle through.
<u>Proposed Action:</u>	Install Round-about in intersection to prevent the right turn movement.

Accident Statistics

- Period: Five (5) years, 1998-2002.
- Number: Four (4) reported accidents.
- Cost to community: \$123,078.
- Injuries sustained: Yes, 3 medical attention required.

Traffic Data

<i>Section</i>	<i>Volume (vpd)*</i>	<i>85% Speed (kph)</i>
• Anzac Road.	5425	60
• The Boulevard.	609	47

\* Weekday averages

Classification:

- Anzac Road District Distributor B
- The Boulevard Access Road

Budget: \$85,000

Bus Routes: No

Designated Bicycle Routes: No

Proposed Walk Trails: No

Local Attractors: Britannia Reserve

Speed Limits: The posted speed in Anzac Road and The Boulevard is 50kph.

**Discussion**

The intersection of Anzac Road and The Boulevard is classified as a Black Spot based upon its five (5) year accident history, 1998-2002 (inclusive), and therefore qualifies for State Black Spot funding.

Of the four (4) reported accidents in this period, three (3) of the accidents or 75% were directly related to right angled through accidents, while the remaining accident was a non-collision accident which anecdotally can be attributed to vehicles taking evasive action to avoid a vehicle turning right across them.

The most cost effective method to reduce and /or eliminate these types of accidents without restricting any of the movements through the intersection is to install a roundabout, eliminating the requirement of crossing oncoming traffic.

There is sufficient room within the existing road reserve to install the roundabout and the associated median islands.

Technical Services recognised that this roundabout will improve the safety for traffic turning from The Boulevard into Anzac Road, both left and right turns. It will also complement the traffic calming proposed for the adjacent sections of Anzac Road while addressing the accident history of this intersection.

**CONSULTATION/ADVERTISING:**

Once the matter has been considered by the Council, consultation with adjoining residents will be undertaken.

**LEGAL/POLICY:**

Any resultant improvement proposal would be designed in accordance with relevant Australian and Main Roads WA Standards.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2004/2005 budget lists this project as the intersection of Anzac Rd and The Boulevard Roundabout with an allocation of \$85,000. The maximum outlay by the Town is \$41,000.

**COMMENTS:**

While there is a strong case to install a roundabout in this intersection of Anzac Road and the Boulevard in order to reduce the accident recurrence rate without causing restrictions to the current movements of this intersection, potentially it may be seen as having an impact upon the amenity of the surrounding residents and businesses. It is therefore recommended that the Council approves the proposal as shown on attached Plan No 2097-C advertises the proposal to the adjoining property owners giving them 14 days in which to respond and receives a further report on the matter should any adverse comments regarding the proposal be received.

**10.3.5 East Perth Power Station Historical Research Project - Proposal for Industry Partnership**

<b>Ward:</b>	-	<b>Date:</b>	2 November 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	PLA0118
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Eames, J Davidson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman, M Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the invitation from the Centre for Social and Community Research at Murdoch University to become an industry partner (in-kind) in an application to the Australian Research Council Linkage Grant for the East Perth Power Station Historical Research Project as outlined in this report.*

**COUNCIL DECISION ITEM 10.3.5**

**Moved Cr Farrell, Seconded Cr Cohen**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

**BACKGROUND:**

The Town of Vincent has been invited to become an industry partner in a historical research project for the East Perth Power Station site and surrounding area. The proposal is a history project which will have heritage outcomes and multiple benefits for a wide range of stakeholders.

The support of the Town of Vincent is needed to assist this project to be realised. This project is to be funded by the Australian Research Council (ARC) and applications for this funding can only be applied for through universities.

The East Perth Power Station is an industrial site of Local, State and National historic heritage significance. It represents an important component of the historic heritage fabric of metropolitan Perth and has strong associations with local business and residential history of East Perth.

To date there has been very little historical research done on the East Perth Power Station. Such information will be needed for an interpretation of the site during its redevelopment and to better inform people's understanding of the place.

This proposal suggests a way of making available a variety of historical interpretations to the public, in a way that would add great value to the site and to the suburb. It outlines a research program that would allow this rich history to be told, both in traditional historical form and in an innovative, widely accessible, digital interactive form. One of the key benefits of creating a digital interactive history of the East Perth Power Station is that it would be widely accessible via the internet.

The broad representation of industry partners will ensure that the quality of the project will be high and the benefits will be wide-reaching. In addition to the Town of Vincent, other partners identified include financial donors East Perth Redevelopment Authority and Western Power and in-kind donors from East Perth Football Club, Engineers Australia, Unions WA, J.S Batty Library, and Society for the Study of Labour History and the National Trust.

#### **DETAILS:**

Executive Manager Corporate Services has met with Mr Neil Byrne, President of the Society for the Study of Labour History (WA), to discuss the project on the understanding that the Town's contribution would be in the form of in-kind support and not direct financial donation. Executive Manager Corporate Services agreed to consider the invitation subject to Council approval. Subsequently, Officers representing the Town's Local History Collection and Heritage Services met with a representative from Murdoch University to clarify the project scope and benefits to the Town. Officers are satisfied that the Town's in-kind support for the project would be of enormous benefit to the Town and its community.

The Town's in-kind support would be over a period of two years and would comprise the following components:

- Assistance with general promotion and dissemination of the project's work in the Town's publications, networks, website and library.
- Provision of a professional advisory staff member (perhaps a Heritage Officer or Local Studies Librarian) to be the contact person for the project and to provide professional support and representation at quarterly meetings of the project.
- Assistance from a Local Studies Librarian, as an advisor on the Town's local history library collections and oral history archives for 1 day per month.
- Where feasible and required, make available a meeting room for oral history interviews with Town of Vincent residents.
- In-house reproduction of the photographs, archival materials and oral history tapes and transcripts produced or discovered by the project that the Library wishes to add to its collection.

The Town's logo would be used on project materials and its assistance as a sponsor would be appropriately acknowledged at all stages of the project.

The project will offer the Town oral history interviews, any photographs and documents unearthed for its local history collection, and access to all relevant materials and information produced by the project (for instance, copies of research papers).

#### **CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Town of Vincent Strategic Plan 2003 - 2008:

Key Result Area 1.2 Environment and Infrastructure: *"Recognise the value of heritage in providing a sense of place and identity - Foster activities which add to the community's understanding of heritage value."*

Key Result Area 2.1 Celebrate and acknowledge the Town's cultural diversity: *"Seek community initiatives and involvement in the development of programs and provide facilities and other recreational resources appropriate to the Town's need".*

Key Result Area. 3.3 *"Develop partnerships and alliances with key stakeholders."*

**FINANCIAL/BUDGET IMPLICATIONS:**

No financial contribution required.

**COMMENTS:**

This will be a valuable cultural development project, which the Town will gain recognition of its involvement. The project will make a valuable contribution to the cultural development of the local area. The Town as an in-kind industry partner will not be making any financial contribution. It is recommended that this invitation be accepted as outlined in this report.



The Presiding Member, Deputy Mayor - Cr Ian Ker advised that the Chief Executive Officer - Mr John Giorgi had declared a financial interest in this Item. Mr Giorgi departed the Chamber at 8.36pm.

#### **10.4.2 Chief Executive Officer's Annual Performance Review 2004**

<b>Ward:</b>	-	<b>Date:</b>	3 November 2004
<b>Precinct:</b>		<b>File Ref:</b>	Personal
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

#### **RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** this Performance Review Report 2004 and endorses the overall rating of "Satisfactory - Meeting the Performance Requirements" of the position of Chief Executive Officer of the Town of Vincent;
- (ii) **NOTES** that the next review of the CEO's performance is to be conducted in November 2005; and
- (iii) **ENDORSES** the draft Key Result Areas based on the Town's Strategic Plan 2003-2008 for the 2005 review period.

#### **COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Torre, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Mayor Catania and Cr Doran-Wu were apologies for the meeting.)**

#### **BACKGROUND:**

The Chief Executive Officer's Performance Review 2004 was conducted by a Committee of the Council comprising of Mayor Nick Catania and all Councillors. The Council approved of Mr John Phillips, Executive Manager, Workplace Solutions - Western Australian Local Government Association (WALGA) to facilitate the review. Mr Phillips has reported as follows;

"This Review has been conducted in accordance with sections 5.38 and 5.39(3)(b) of the Local Government Act 1995, which requires that:

- The performance of the CEO be reviewed at least once a year;
- The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review.

The Council and the incumbent Chief Executive Officer, Mr John Giorgi also recognise that the performance management process is a process which can assist in the effective management of Local Government business by clarifying roles and responsibilities, providing feedback, assisting personal development and setting goals for the future.

The period of the review was December 2003 to September 2004.

### **Methodology**

Council appointed Mr John Phillips, Executive Manager 'Local Government Workplace Solutions', Western Australian Local Government Association to facilitate the Town's performance review process.

The CEO provided a performance report of achievements and progress based on the Town's Strategic Plan.

Six Elected Members (including the Mayor) contributed to the feedback process by way of responses to a questionnaire distributed on 8 September 2004. The questionnaire also reflected the Key Result Areas based on the Strategic Plan. Any constructive feedback Councillors wished to make regarding performance, action or incidents during the year was invited.

A Summary Report was prepared which reflected Mr Giorgi's report as well as an aggregation of all responses and ratings received from the six Elected Members who contributed to the process.

The facilitator met with the Chief Executive Officer on 6 October 2004 to brief him on the Summary Report and to discuss the ensuing process. The facilitator then met with seven Elected members, including the Mayor, at a briefing conducted on 14 October 2004 to similarly discuss the Summary Report and to arrive at a consensus view on the overall performance of the CEO during the review period. These views are reflected in this report.

A further meeting with six Elected Members and the CEO was held on 20 Oct. 2004 to finalise the KPI's for 2004-05 and to provide direct feedback to and receive comments from the CEO.

### **Executive Summary**

The review of Mr John Giorgi's performance as the Chief Executive Officer of the Town of Vincent has been carried out in accordance with Council's statutory and contractual obligations. The review was conducted in accordance with the terms of Mr Giorgi's contract with the Town.

Elected members are of the view that, overall, Mr Giorgi's performance was considered to be satisfactory, meeting the performance requirements of the position of the Town's Chief Executive Officer during the review period.

## Ratings

KRA 1: Environment & Infrastructure	Exceeds Requirements. Generally exceeds requirements, high standard performance.
KRA 2: Community Development	Satisfactory. Meets performance requirements, acceptable work performance.
KRA 3: Economic Development	Satisfactory. Meets performance requirements, acceptable work performance.
KRA 4: Governance and Management	Satisfactory. Meets performance requirements, acceptable work performance.
Overall Assessment	Satisfactory. Meets performance requirements, acceptable work performance.

## Recommendations

1. Council receives this Performance Review report and endorses the overall rating of satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Vincent;
2. the next review of the CEO's performance to be conducted in November 2005; and
3. that the draft Key Result Areas based on the Town of Vincent's Action Plans be endorsed for the 2005 review period."

### 1. Outcome of Appraisal

"Elected members are satisfied that Mr Giorgi's performance has been satisfactory during the period of review, meeting the performance requirements of the position of CEO.

Elected Members considered that Mr Giorgi has taken personal responsibility for major projects during the period and although working under significant pressure, particularly from developers, he has commendably protected the Town in terms of its financial involvement in these projects (including the redevelopment of Perth and Leederville Ovals)."

CEO's Comments:

*The CEO acknowledges the comments.*

### 2. Performance Criteria

"The Committee recommends that the Council not vary the performance criteria as a consequence of the performance review this year."

CEO's Comments:

*The CEO concurs with this recommendation.*

### 3. Directions or Recommendations

"Areas where performance was expected by Elected Members to improve in 2005 are as follows:

- To ensure that customer service standards improve and a customer focused culture exists throughout the organisation.
- A targeted focus on economic development and appropriate marketing in the Town. Elected Members would be interested to receive submissions from the CEO on the benefits of a dedicated marketing/economic role."

CEO's Comments:

Customer Service:

*The CEO is of the opinion that the Town's administration endeavours to provide quality customer service to the Town's ratepayers, residents and visitors. He acknowledges the comments relating to Customer Service and concurs that this will be an area of priority for 2004/05.*

Economic Development Plan:

*A report will be submitted to the Ordinary Meeting of Council on 9 November 2004 recommending the appointment of a consultant to prepare the Town's Economic Development Strategy 2005-2010. A further report will be submitted to Council in February/March 2005 concerning the benefits of a dedicated marketing/economic role. The matter can therefore be considered during the Budget 2005/2006 process.*

#### COMMUNITY CONSULTATION/ADVERTISING:

Not applicable.

#### FINANCIAL/BUDGET IMPLICATIONS:

The cost of the facilitator was approximately \$2,057 (incl GST).

#### STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 4 - "Governance and Management", in particular, 4.4(d) - "Promote employee professional development programs".

#### LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995, Section 5.38 requires that "... The performance of each employee who is employed for a term of more than one year including the CEO and each senior employee is to be reviewed at least once in relation to every year of employment".

The CEO's Performance Review is specified in the Contract of Employment at Item 5.0 as follows;

1. Conduct of Performance Reviews

- 5.4.1 (a) As soon as practicable after receipt of notice, the Employee shall prepare a report assessing his own performance of the duties as Chief Executive Officer measured against the Position Description and the Performance Criteria;
- (b) The Employee will present their report to the Reviewing Person and the Mayor as the case requires, and make Himself available for interview;
- (c) The Reviewing Person will send each Elected Member a questionnaire to individually record their assessment and impressions of the Employee's performance;
- (d) A summary of the Elected Member responses will be jointly discussed between the Reviewing Person, Mayor and Employee;
- (e) The Employee will be provided with the opportunity to comment;
- (f) The Reviewing Person and the Mayor shall prepare a report, in consultation with the Employee;
- (g) The report shall be submitted to the Council within twenty days, with an appropriate recommendation to the Council.

2. The report shall include:

- (a) any conclusions about the conclusions about the Employee's performance during the period the subject of the performance review;
- (b) any proposal to vary the Performance Criteria as a consequence of the performance review and any comments by the Employee;
- (c) any directions or recommendations made to the Employee in relation to his or her future performance of the duties as Chief Executive Officer; and
- (d) details of the extent, if any, to which the Employee disagrees with the statements in the report.

A performance review shall not be conducted by the Town more often than once in every 12 months.

**COMMENTS:**

The CEO's Annual Performance Review was carried out in accordance with the Local Government Act 1995, Contract of Employment and Council decision requirements.

**The Chief Executive Officer returned to the Chamber at 8.37pm.**

**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, Deputy Mayor - Cr Ian Ker, declared the meeting closed at 8.38pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant (Minutes Secretary)
Mark Fletcher	Journalist – Voice News

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 November 2004.

Signed: .....Presiding Member

Dated this ..... day of ..... 2004