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(26 OCTOBER 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 26 October 2004, commencing at 6.08pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.08pm.

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

**(a) Apologies:**

Cr Maddalena Torre                      South Ward

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Steed Farrell	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Nadine Wellington	Minutes Secretary
Jim MacLean	Manager Law & Order Services (until 6.30pm)
Tim Bryant	Ranger (until 6.30pm) – Employee of the Month Recipient
Mark Fletcher	Journalist – Voice News
Matt Zis	Journalist – Guardian Express

Approximately 27 Members of the Public

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

Nil.

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

1. Mr Warren McGrath of 32 Randall Street, Perth, Deputy Chair of Claisebrook Catchment Group. Presented the Town with a cheque for \$935 for the prize money for the Catchment Friendly Garden category of the Town's Garden Competition. This is the third year that the Claisebrook Catchment Group has sponsored this category and they appreciate the Town's efforts to encourage responsible gardening, particularly in regard to the use of water and fertilisers.

*The Mayor thanked the Claisebrook Catchment Group for their support in the Town's Garden Competition.*

Received with acclamation.

2. Mr Steve Allerdine of Australand – Item 10.1.11 – advised that consultation of residents from Harwood Place and the Hyde Park Precinct Group, as previously requested by Council, took place and highlighted the core areas of concern. Significant changes to the plans, as a result of the feedback, including a substantial reduction in traffic in Harwood Place, overshadowing concerns (which is now fully compliant with the Residential Design Codes), was presented to Council at a Forum held last week. Asked Council not to look at the proposal on the technical elements but to look at the form and the function of the development. It is a site responsive, good quality design, good quality developers that will achieve a very good development result.
3. Mr Kevin Freeman of Harwood Place, representing 17 residents and 3 businesses – Item 10.1.11 – advised the development in its current form, with the range of concessions requested by the developer should be refused and they support the Officer Recommendation. The Harwood Place Action Group is not opposed to a smart development, however feel strongly that the development in its current form failed on two points, namely, the concessions of R Codes and proposing to utilise Harwood Place as vehicular access. Believe that the traffic report commissioned by the developer was limited in its scope. Asked Council that another study be conducted by another group.
4. M/s Lisa Goff on behalf of Mr & Mrs Basei – Item 10.1.8 – advised that application proposing vehicle access from the street was considered at the Ordinary Meeting of Council held on 14 September 2004. Requested Council to reconsider the condition requiring vehicle access from the rear right of way as this will require a total redesign. Summarised points contained in the letter attached to the agenda.
5. Mr Bevan McInerney of 342 Grand Promenade, Dianella representing the Rotary Club of North Perth – Item 10.3.1 – advised the Rotary Club of North Perth has been running the Fair since 1988 and seek permission to run the fair again at Hyde Park in March 2005. The Fair has been the club's main fundraiser over the years and in recent times the cost of running the Fair has increased considerably. The Rotary Club of North Perth is thankful to the Town for its continued support over the years and looks forward to its continued support and asked the Council to continue as a major sponsor of the Club and the Fair.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.26pm.

**(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 12 October 2004**

Moved Cr Ker , Seconded Cr Lake

*That the Minutes of the Ordinary Meeting of Council held on 12 October 2004 be confirmed as a true and correct record.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

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

**7.1 Employee of the Month Awards for the Town of Vincent for October 2004**

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

For OCTOBER 2004, the award is presented to TIM BRYANT, RUSSELL EDWARDS and CLINTON VENABLES, Rangers in the Town's Law and Order Services Section. Tim, Russell and Clinton were nominated by Ms Anthea Kannis-Pitsikas of Mount Hawthorn, who wrote into the Town recently as follows (inter-alia);

"I would like to inform you and express my thanks and gratitude to the Rangers in the Town of Vincent. They do a fantastic job in aiding people who have lost their dogs or have found dogs.

My sister and I are Mount Hawthorn residents and have found numerous dogs over the years, the Rangers attend almost immediately to our call and do their best to find the owners....

I would like to personally thank Tim, Russell and Clinton and all the other Rangers whose names I am not familiar with.

It is a very important part of being a "Ranger" and I am sure not recognised enough, although I am certain all the residents of the Town of Vincent would agree, be grateful and thank them for their efforts.

Keep up the good work and please value this part of their employment.

I am also a business owner in Mount Hawthorn and am fully aware of their daily work, I see them numerous times during the day."

The Employee of the Month award is in recognition of these Rangers', in particular, tremendous efforts in their daily duties.

Well done Tim, Russell and Clinton - Keep up the good work!!

7.2 Installation of the Liberty Swing, Hyde Park

As Elected Members are aware, the Town purchased a Liberty Swing for the Disabled Children to be erected in Hyde Park. Due to obtaining Heritage Council of WA approvals, there was a delay in installation, however, this has now been completed.

As this is the only swing of this type north of the river (and only the second one in Perth), a launch is being arranged for early November 2004. I have also written to the Minister for Disability Services, the Hon Sheila McHale, seeking that they make a contribution towards the installation costs already incurred by the Town.

7.3 Australian Local Government Conference - Canberra

I wish to formally advise the Council that the Mayor and CEO will not be attending this Conference in Canberra this year. We have reviewed the Agenda contents and are of the opinion that attendance at the Conference cannot be justified. However, we will be obtaining the Conference proceedings at the conclusion of the Conference and these will be made available.

7.4 Underground Power Survey

The Town will soon be sending out an underground power survey (as tabled) for Mount Lawley and Highgate seeking the opinion of the ratepayers/residents in those areas.

**8. DECLARATION OF INTERESTS**

- 8.1 Cr Cohen declared a proximity interest in Item 10.1.11 – No(s). 15-19 (Lot(s) Y192 & Y193) Carr Street, Dual Frontage with Harwood Place, West Perth – Proposed Demolition of Existing Warehouse and Office and Construction of Twenty (20) Two-Storey Grouped Dwellings and Four (4) Storey Development Comprising Forty (40) Multiple Dwellings and Associated Part Undercroft Car Parking. The nature of her interest being that she is the owner of an apartment at a property called Paddington Place on the corner of Fitzgerald and Carr Street, West Perth.
- 8.2 Cr Farrell declared a proximity interest in Item 10.2.4 – Matters to be referred to the Town's Local Area Traffic Management Advisory Group – Bourke Street, North Perth between Campsie Street and Kayle Street and Dover Street, Mount Hawthorn between Scarborough Beach Road and Matlock Street. The nature of his interest being that he owns property in close proximity to Dover Street.
- 8.3 Cr Franchina declared a proximity interest in Item 10.4.16 – Members Equity Stadium, 310 Pier Street, Perth – Australian Rugby Union Super 14's and Concert Events. The nature of his interest being that his daughter owns property in close proximity.
- 8.4 Cr Ker has declared a proximity interest in Item 10.3.3 – RTRFM Radio Station Festival 2004. The nature of his interest being that he lives in a house on Vincent Street at the closest point to the Hyde Park stage area.



- 8.5 Cr Lake declared an interest affecting impartiality in Items 10.1.13 – Planning and Building Policies – Amendment No. 10 Relating to Parking and Access and Signs and Advertising; 10.2.5 – Proposed Tree Planting at Loton Park; 10.3.1 – Hyde Park Rotary Community Fair 2005. The nature of her interest being that her partner made a submission on these three items, as a consequence there may be a perception that her impartiality on the matters may be affected. She will consider each matter on its merits and vote accordingly.
- 8.6 Cr Chester declared an interest affecting impartiality in Item 10.4.12 – Leederville Oval, 246 Vincent Street, Leederville and Adjoining Land – Public Open Space – Concept Plan. The nature of his interest being that his son attends Leederville Childcare Centre, as a consequence there may be a perception that his impartiality on the matter may be affected. He will consider the matter on its merits and vote accordingly.
- 8.7 At 7.53pm Cr Cohen declared an interest in Item 10.2.2 – State Underground Power Program – Round Three – Major Residential Project – Progress Report No. 4. Cr Cohen's request for her interest to be considered an "interest in common" was not approved by the Council (Her interest would therefore be either financial or proximity, however this was not specified).

**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 10.1.11, 10.1.8 and 10.3.1.

**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:**

Item 10.1.2, 10.2.7, 10.4.6 and 10.4.13.

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

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

Cr Ker	Items 10.4.12 and 10.4.16
Cr Lake	Items 10.1.10, 10.2.2, and 10.4.14
Cr Chester	Items 10.1.1, 10.1.3, 10.1.4, 10.1.5, 10.2.4, 10.2.7, 10.3.2, 10.4.2, 10.4.4, 10.4.5, 10.4.7, 10.4.9 and 10.4.12.
Cr Doran-Wu	Nil
Cr Farrell	Nil
Cr Cohen	10.2.5
Cr Franchina	Nil

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

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

Items 10.1.11, 10.2.4 and 10.4.16.

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

Items 10.1.6, 10.1.7, 10.1.9, 10.1.12, 10.1.13, 10.1.14, 10.1.15\*, 10.2.1, 10.2.3, 10.2.6, 10.3.4, 10.3.5, 10.4.1, 10.4.3, 10.4.8, 10.4.10, 10.4.11, 10.4.15 and 10.4.17.

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 10.1.6, 10.1.7, 10.1.9, 10.1.12, 10.1.13, 10.1.14, 10.1.15\*, 10.2.1, 10.2.3, 10.2.6, 10.3.4, 10.3.5, 10.4.1, 10.4.3, 10.4.8, 10.4.10, 10.4.11, 10.4.15 and 10.4.17.

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

Items 10.1.11, 10.1.8 and 10.3.1.

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

**Moved Cr Ker, Seconded Cr Cohen**

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

*Items 10.1.6, 10.1.7, 10.1.9, 10.1.12, 10.1.13, 10.1.14, 10.2.1, 10.2.3, 10.2.6, 10.3.4, 10.3.5, 10.4.1, 10.4.3, 10.4.8, 10.4.10, 10.4.11, 10.4.15 and 10.4.17.*

**CARRIED (8-0)**

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

\*Item 10.1.15 was not finalised in time for the Council Meeting and therefore not included in the Agenda.

**10.1.6 No(s). 535 (Lot(s) 3) Fitzgerald Street (Corner Fiore Lane), North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	18 October 2004
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO2855; 00/33/2312
<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 Co-Praxis on behalf of the owner D Diletti & N Wreford for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No(s). 535 (Lot(s) 3) Fitzgerald Street (Corner Fiore Lane), North Perth, and as shown on plans stamp-dated 22 June 2004 and 21 July 2004, subject to:*

- (i) *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;*
- (ii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*

- (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) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *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);*
- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the external wall height being reduced to a maximum of 6 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies;*
- (xii) *subject to first obtaining the consent of the owners of west adjoining lot for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing the west adjoining lot in a good and clean condition; and*
- (xiii) *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 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;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

<b>Landowner:</b>	D Diletti & N Wreford
<b>Applicant:</b>	Co-Praxis
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	506 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	0.65 (328 square metres)	0.49 (248 square metres)
Setbacks: West Ground Floor (Garage) West First Floor (Bed 1, Bed 2)	1metre 1.2 metres	0 metre 0 metre
Privacy Assessment: Balcony South Facing	7.5 metres or privacy screening to Town's requirements	7.46 metres to south boundary
Building Height Wall Height	6 metres to top of eaves	6.35 metres to top of eaves

\* 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:**

There is currently a single storey single house that occupies the site. The south side of the subject lot abuts Fiore Lane, a Town owned, sealed right of way with a maximum width of 7 metres.

**DETAILS:**

The applicant seeks approval for partial demolition of, and alterations and additions and two storey additions to an existing 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.

The Town has not received referral of any concurrent subdivision application for the subject property.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and formal written consent has been received by the Town from adjoining affected neighbours.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Setbacks**

The proposed setback variations pertain to the garage on the ground floor and bedrooms 1 and 2 on the first floor. The nature of the wall is internal to the proposed lot subdivision as shown on the plans and therefore does not impact on external adjoining properties. The applicant has provided the following comments in relation to this matter;

*"This boundary is proposed only and not currently in place. In the case of the future subdivision planned this setback does not effect any existing neighbours..."*

The variations are therefore considered appropriate and supported in this instance.

**Privacy Setback**

The privacy variation relates to the south facing balcony on the first floor. The balcony maintains an overall distance to the adjoining lot of 7.46 metres however, 7 metres is achieved from the adjoining right of way. The affected property owner has consented to the balcony and is therefore considered to be acceptable and supported.

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

*"Please note that the balcony is in fact setback 7.48m from its nearest neighbour (where a boundary line would normally be) and if you take into account the thickness of the brick balustrade the setback is in fact 7.58m which exceeds the required 7.5m setback..."*

**Building Height**

The maximum wall height proposed is 6.35 metres in lieu of 6 metres. The subject variation is not supported in this instance and is therefore required to be modified to suit the requirement. This is reflected in the above conditions of the Officer Recommendation.

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

**10.1.7 No(s). 50 (Lot(s) 21) Kalgoorlie Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	18 October 2004
<b>Precinct:</b>	Mt Hawthorn; P1	<b>File Ref:</b>	PRO2897; 00/33/2414
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<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 APG Homes on behalf of the owner J & J Hughes for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No(s). 50 (Lot(s) 21) Kalgoorlie Street, Mount Hawthorn, and as shown on plans stamp-dated 19 August 2004 and 13 October 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 48 Kalgoorlie Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 48 Kalgoorlie Street in a good and clean condition, in consultation with the affected landowner;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) 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 Kalgoorlie Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*

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

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**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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<b>Landowner:</b>	J & J Hughes
<b>Applicant:</b>	APG 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>	501 square metres



**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Setbacks -		
North (Ground Floor Study)	1.5 metres	1 metre
Building Wall South (Ground Floor Garage)	3.5 metres (average height of 3 metres)	3.3 metres (average of 3.3 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.

**DETAILS:**

The applicant seeks approval for the demolition of a single house and the construction of a two-storey single house.

**CONSULTATION/ADVERTISING:**

No submissions were received during the advertising period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

The subject dwelling is dated circa 1937 and represents a part of the building stock built during the inter war period of 1919 and 1939. The dwelling is single storey brick, fibro, weatherboard and galvanised tin and is substantially changed from the original construction. While some original features remain, 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 does contribute 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.

**Setbacks**

The setback of the ground floor study to the northern boundary is required by the Residential Design Codes (R-Codes) to be 1.5 metres. The setback to the main building wall complies at 1.5 metres, with the study being non-compliant at 1 metre. The study does not contain any major openings and will not overlook the adjoining property. The study wall breaks up the bulk of the whole wall and is located on the southern side of the adjoining site, so the amenity of the neighbouring property is not unduly diminished by the minor variation. Further to the above, the neighbours at No. 52 Kalgoorlie Street have signed a copy of the proposed plans stating they have no objections.

**Building Wall South (Ground Floor Garage)**

The average and maximum height of the proposed ground floor garage wall is 3.3 metres. The Residential Design Codes (R-Codes) in Clause 3.3.2 Building on Boundary states that walls 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 is acceptable. The proposed ground floor garage is compliant except that it proposed to have an average height 0.3 metre higher than the R-Code requirement. This is a minor variation and is considered supportable, as the length of the boundary wall has been minimised and it is positioned so that any impact on the adjoining property is diminished.

In light 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). 75 (Lot(s) 1) Anzac Road, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO2756; 00/33/2154
<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 R Massey on behalf of the owner SJ Potter & NJ Harris for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings , at No(s). 75 (Lot(s) 1) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 23 March 2004 (existing house floor plan), 21 October 2004 (adjoining site plans) and 8 September 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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 Anzac Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (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) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *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;*
- (ix) *the applicant/owner(s) shall advise (prospective) purchasers of the proposed dwelling sites, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No. 1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements;*
- (x) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xi) *subject to first obtaining the consent of the owners of No. 73 and No. 77 Anzac Street and No. 359 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 73 and No. 77 Anzac Street and No. 359 Oxford Street in a good and clean condition;*
- (xii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development and subject to first obtaining the consent of the owners of No. 73 and No. 77 Anzac Street, a screen fence with a minimum height of 1.8 metres and a maximum height of 2.4 metres shall be erected on the western and eastern boundaries;*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xiv) *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;*
- (xv) *a detailed landscaping plan, including a list of plant species and the landscaping and reticulation of the Anzac Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xvi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) *the window of bedroom 2 on the east elevation, on the first floor of Unit 1, having a minimum sill height of 1.6 metres;*
  - (b) *the wing wall extension on the southern side of bedroom 2 on the east elevation, on the first floor of Unit 1, being a minimum protrusion length of 1.0 metre, a minimum height of 1.6 metres above the first floor level and of a permanent obscure material;*

- (c) *the garage of Unit 1 being setback a minimum of 6.0 metres from Anzac Road or behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like); and*
- (d) *common property being provided to ensure that the development is a grouped dwelling development.*

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

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

<b>Landowner:</b>	SJ Potter & NJ Harris
<b>Applicant:</b>	R Massey
<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>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	685 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Density	2 dwellings R 30	2 dwellings R 29.2
Plot Ratio	N/A	N/A
Buildings on Boundaries	Walls not higher than 3.5 metres with an average height of 3.0 metres for 2/3 length of the balance of the boundary behind the front setback, to one side boundary.	Three boundary walls proposed in total:  western and eastern boundaries walls are compliant; and rear southern boundary wall occupies 80 per cent of length of boundary, with an average height of 3.3 metres from natural ground level.

Excavation and Fill	Fill to 0.5 metre	Unit 1 - 0.8 metre to 1.5 metres near alfresco area at rear. Kitchen, dining and family areas 0.5 metre to 0.8 metre.  Unit 2 - western and rear portion of alfresco area filled to 0.6 metres.
Visual Privacy	6.0 metres to other habitable rooms  7.5 metres to balconies, verandahs and outdoor living areas	Unit 1 - Kitchen on ground floor- 1.5 metres.  Unit 1 - Alfresco area and outdoor living area- 1.0 metre.
Garage Setback (Unit 1)	Garages setback at 6.0 metres from the frontage street, or behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like)	Garage setback 4.5 metres from Anzac Road and in front of the front main building wall.

\* 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:**

Approval is sought for the demolition of existing single house and construction of two (2) two-storey single dwellings. The applicant has provided the following information in support of the application:

*" ..Buildings on boundaries:*

*The boundary wall proposed for the rear boundary has been designed to reduce the visual impact of a large, old, brick factory building abutting the site. The design philosophy is to provide a small structure in the form of a 1.5m wide roofed colonnade for the extent of the factory building which will, at ground level, confine the occupants visual outlook to the extent of their site, and provide an internal visual focus rather than have the courtyard imposed upon the unattractive, un residential scale of the abutting factory. I ask that council consider the special circumstances in this case and approve the wall.*

*... Excavation and fill*

*The site has a natural fall of approximately 3 metres from front to rear. I have attempted to reduce the extent of retaining by benching the site, however the natural topography of the site and it's physical dimensions create difficulty in achieving a maximum of .5m fill in all areas. I ask that the proposed levels submitted be allowed.*

*.. Visual Privacy*

*It is proposed that the kitchen window and alfresco area to Unit 1 be screened from adjoining property with a 1.8 Hardifence on top of the retaining walls."*

The Town's records indicate that no application for the concurrent subdivision of the subject property has been referred to the Town by the Western Australian Planning Commission.

**CONSULTATION/ADVERTISING:**

One submission was received during the advertising period. In summary, the submission objected to the removal of the Jacaranda tree on the subject site and commented on the trees rareness, aesthetics, heritage value and the shade it provided.

**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:**

**Response to Submission**

The submission's comments are acknowledged. However, the subject tree is not on the Town's Significant Tree Inventory nor the Interim Significant Tree Data Bases, and therefore, the Town has limited ability to enforce its retention.

**Demolition**

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

The subject dwelling at No. 75 Anzac Road, Mount Hawthorn is a two bedroom rendered brick and tile dwelling. Constructed in the early 1920s, the original form and structure of the place appears intact, including two cement rendered chimneys on the east portion of the tiled gambrel roof. Although the original front verandah has been enclosed and an access doorway has been cut into the front lounge room wall, the floor plan appears relatively unaltered and much of the original building fabric of the dwelling, including air vents, wooden skirting boards and picture rails remains in situ. While these features are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entry 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 but it is not a unique, endangered or an outstanding example of its type, and no links of historical importance have been established. The place is not considered to meet the threshold for entry in the Municipal Heritage Inventory and it is recommended that the application to demolish the place be approved, subject to standard conditions.

**Buildings on Boundaries**

The eastern and western boundary walls is considered acceptable in this instance, as it is compliant with the Residential Design Codes (R Codes) in terms height and length, it is not considered to unduly impact on the amenity of the adjoining neighbours and no objections have been received by the Town.

The rear southern boundary wall is also supported in this instance, given that there is a large brick factory on the adjoining lot within 2 metres of the rear boundary, and that it is not regarded to unduly impact on the adjoining property. It is noted that the height of the rear wall is exacerbated by the slope of the land.

**Privacy**

The slope of the land results in the Unit 1 ground floor kitchen and alfresco area having a floor level of more than 0.5metre above natural ground level and therefore, cone of vision encroachments into the neighbouring properties. To protect the privacy of the western and eastern neighbours, it is recommended that screening be provided via a 1.8 metres dividing fence, as per Clause/Condition (xii) of the Officer Recommendation.

**Fill**

Due to the natural slope of the land and change of levels of approximately 3 metres, a maximum of 0.5 metre fill is difficult to achieve. With privacy being addressed above, the proposed level of fill is not considered to compromise the privacy or the amenity of the adjoining neighbours, and is supported.

**Garage Front Setback (Unit 1)**

The intent of Town's Street Setbacks Policy requirement of setting garages back 6.0 metres from the frontage street or behind the line of the front main building wall is to ensure that garages do not detract from the streetscape. It is considered that this requirement can be met without significant redesign and therefore, has been conditioned accordingly in the Officer Recommendation.

**Common Property**

The applicant has advised that the driveway will be allocated as common property in order to meet the site area requirements for grouped dwellings. Accordingly, a condition has been recommended to address this matter.

**Conclusion**

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



**10.1.12 No(s). 30 (Lot(s) 161) Summers Street, East Perth - Proposed Three-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings, Offices and Associated Car Parking - Reconsideration of Condition**

<b>Ward:</b>	South	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2507; 00/33/1975
<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 light of the Town Planning Appeal Tribunal decision on 25 August 2004 to uphold an appeal and approve the application submitted by Pinnington Investment Trust on behalf of the owner DJ & TR Pinnington for Proposed Three-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings, Offices and Associated Car Parking at No(s). 30 (Lot(s) 161) Summers Street East Perth, and as shown on amended plans stamp-dated 15 March 2004 and 6 April 2004, the Council following further consideration of the proposal APPLIES the following conditions to this proposed development:*

- (i) *a detailed landscaping plan, including a list of plants, the provision of shade trees and the landscaping and reticulation of the Summers Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ii) *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;*
- (iii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) *prior to the first occupation of the development, the full length and width of the right of way from the existing sealed section to the eastern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (v) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) *a bond and/or bank guarantee for \$2,500 for the full upgrade of the right of way extending east from the existing paved and drained right of way to the eastern-most boundary of the property shall be lodged prior to the issue of a Building Licence;*

- (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, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *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;*
- (xii) *subject to first obtaining the consent of the owners of No. 32 Summers Street and No.28 Summers Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*
- (xiii) *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;*
- (xiv) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xv) *prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking facilities shall be provided at locations convenient to the entrance of the office adjacent to Summers Street. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xvi) *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);*
- (xvii) *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 (\$2360) 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);*

- (xviii) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of a parking space for people with disabilities;*
- (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, 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;*
- (xxi) *the gross floor area of the office component shall be limited to a maximum of 275 square metres;*
- (xxii) *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;*
- (xxiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xxiv) *doors and windows and adjacent floor areas fronting Summers Street shall maintain an active and interactive relationship to this street; and*
- (xxv) *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;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.12**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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<b>Landowner:</b>	DJ & TR Pinnington
<b>Applicant:</b>	Pinnington Investment Trust
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Multiple Dwelling & Office Building
<b>Use Classification:</b>	"AA" & "P"
<b>Lot Area:</b>	476 square metres

**SITE HISTORY:**

- 13 April 2004      The Council at its Ordinary Meeting, resolved to refuse the application for the proposed three-storey mixed use development comprising two (2) multiple dwellings, offices and associated car parking.
- 30 April 2004      The applicant lodged an appeal with the Town Planning Appeal Tribunal against the Council's refusal.
- 21 May 2004        Directions Hearing at the Town Planning Appeal Tribunal.
- 27 May 2004        The Town lodged the Respondent Statement with the Town Planning Appeal Tribunal.
- 25 June 2004        The appeal hearing was held at the Town Planning Appeal Tribunal.
- 25 August 2004     The Town Planning Appeal Tribunal (TPAT) upheld the appeal, and requested the Town to formulate standard approval conditions.
- 14 September 2004   The Council at its Ordinary Meeting, considered and resolved to apply conditions to the application for the proposed three-storey mixed use development comprising two (2) multiple dwellings, offices and associated car parking.

**DETAILS:**

The current application is identical to that previously considered by Council at its Ordinary Meeting held on 14 September, 2004. The applicant requests Council to reconsider and delete the following applied condition:

*"(xxvi) that prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the triangular pediment surmounting the top of the building above the height of 11.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

A letter from the applicant justifying the request is provided as an attachment. In summary, the applicant requests Council to consider the imposition of the subject condition and the findings of the Town Planning Appeal Tribunal (TPAT). The applicant has submitted the following in respect to the reconsideration:

*"When the Town of Vincent is trying to improve the appearance of the buildings in the area we find it difficult to understand how this is achieved by the deletion of the triangular pediment above the height of 11 metres. We question this decision and refer you to clause 42 and 43 of the Town Planning Appeal Tribunal decision as follows:*

- 42. On the evidence I am satisfied that the development as proposed would be consistent with orderly and proper planning.*
- 43 For the above reasons the appeal is allowed.*

*When reference is made to the 11 metres height in the Town Planning Appeal Tribunal conclusions it is referring to the side boundaries on the east and west sides and not the front or rear elevations.*

*We draw attention to the fact that clause 42 clearly states the "development as proposed would be consistent with orderly and proper planning". The approval of the appeal says nothing about the removal of the triangular pediment."*

**CONSULTATION/ADVERTISING:**

The current proposal is not required to be advertised.

**LEGAL/POLICY:**

Town Planning and Development Act 1928, 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 appeal are \$2,428.55.

**COMMENTS:**

**Building Height**

The Town's Officers note the reference to the maximum allowable height of 11 metres in condition (xxvi) imposed by Council at its Ordinary Meeting held on 14 September 2004.

The determination of the TPAT makes reference to the building height of 11 metres and the three storey height limit in the Town's Policies, but the determination does not suggest the triangular pediment surmounting the top of the building will have a detrimental impact on the adjoining neighbours or amenity of the area or that aspect of the development is unacceptable.

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 Town Planning Appeal Tribunal (TPAT) for arbitration/determination.

It is considered that previously applied Clause/Condition (xxvi) would result in a significant alteration to the development approved by the TPAT, and in accordance with Clause 65 of the Town Planning and Development Act (as amended), the appellant and the TPAT may consider the Town to be behaving "*unreasonably, vexatiously or frivolously in relation to the appeal*". In such cases, the TPAT is likely to award costs against the Town for such behaviour. In light of the above, it is recommended that Clause (xxvi) not be applied.

**Related Matters**

The other matters relating to the proposal have been addressed in the Report, Item 10.1.22 to the Ordinary Meeting of Council held on 14 September 2004.

**Summary**

Accordingly, it is recommended that the Council apply to the proposed development standard and appropriate conditions, and the previously applied Clause (xxvi), which required the deletion of the triangular pediment surmounting the top of the building, should not be applied.

**10.1.13 Planning and Building Policies - Amendment No. 10 Relating to Parking and Access and Signs and Advertising**

<b>Ward:</b>	Both Wards	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0145
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a> ; <a href="#">003</a>		
<b>Reporting Officer(s):</b>	K Batina		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final amended versions of the Policies relating to Parking and Access and Signs and Advertising, as shown in Attachments 10.1.13(a) and 10.1.13(b), resulting from the advertised versions having been reviewed and regard to the written submissions received during the formal advertising period as outlined in Attachment 10.1.13(c), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended versions of the Policies relating to Parking and Access and Signs and Advertising, as shown in the Attachments 10.1.13(a) and 10.1.13(b); and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended versions of the Policies relating to Parking and Access and Signs and Advertising as shown in the Attachments 10.1.13(a) and 10.1.13(b) respectively, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

**COUNCIL DECISION ITEM 10.1.13**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

**Amendment No.10**

The Council at its Ordinary Meeting held on 22 June 2004 resolved the following:

*"That the Council;*

- (i) *RECEIVES the amended version of the Policies relating to Parking and Access and Signs and Advertising, as shown in Attachments 10.1.18a and 10.1.18b;*

- (ii) *ADOPTS the amended version of the Policies relating to Parking and Access and Signs and Advertising to be applied immediately;*
- (iii) *ADVERTISES the amended version of the Policies relating to Parking and Access and Signage for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
  - (c) *forwarding a copy of the subject Policies to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
  - (a) *receives any submissions relating to the Review of Cash-in-Lieu of Car Parking;*
  - (b) *reviews the amended version of the Policies relating to Parking and Access and Signs and Advertising, having regard to any written submissions; and*
  - (c) *determines the amended version of the Policies relating to Parking and Access and Signs and Advertising, with or without amendment, to or not to proceed with them;*
- (v) *AMENDS the 'Land Use Parking Requirement Table' of the amended version of the Policy relating to Parking and Access as shown in Attachment 10.1.18(b) to reflect the following, prior to clauses (ii) and (iii) above, being actioned;*

*Land Use Parking Requirement Table*

<i>ACTIVITY</i>	<i>NUMBER OF CAR PARKING SPACES</i>
<i>Club Premises</i>	<i>1 space per <del>4.5</del> <u>3.8</u> square metres of <del>gross public assembly public floor area</del> or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Hall</i>	<i>1 space per <del>4.5</del> <u>3.8</u> square metres of <del>gross public assembly public floor area</del> or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Hotel</i>	<i>1 space per bedroom or 1 space per 3 beds provided, whichever is the greater, plus: 1 space per <del>4.5</del> <u>3.8</u> per square metres of <del>gross public assembly public floor area</del> or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Night Club</i>	<i>1 space per <del>4.5</del> <u>3.8</u> square metres of <del>gross public assembly public floor area</del> or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Place of Assembly</i>	<i>1 space per <del>4.5</del> <u>3.8</u> square metres of <del>gross public assembly public floor area</del> or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>
<i>Tavern</i>	<i>1 space per <del>4.5</del> <u>3.8</u> square metres of <del>gross public assembly public floor area</del> or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater</i>

*and;*



(vi) *AMENDS clause xvi) e) of the amended version of the Policy relating to Signs and Advertising as shown in Attachment 10.1.18(a) to reflect the following, prior to clauses (ii) and (iii) above, being actioned:*

- e) *A Sale Sign advertising 10 or more dwellings erected or to be erected are or will be available for letting or for purchase is to:*
- aa) have an area that does not exceed one ~~third~~ **per cent** of the lot area ~~or~~;*
  - bb) have a length that does not exceed one third of the length of one frontage of the lot, ~~which ever the lesser~~;*
  - ~~bb cc) not be erected before the issue of a Building Licence for any such development; and~~*
  - ~~ee dd) not be erected for a period exceeding twelve months following completion of any such development, without the approval of the Town of Vincent."~~*

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

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

Advertising of the amended Policies concluded on 31 August 2004. No objections were received in relation to the Sign and Advertising Policy. Two submissions were received in regard to the amended Policy relating to Parking and Access. The Schedule of Submissions including the Officer's Responses are shown in Attachment 10.1.13(c).

#### **DETAILS:**

With respect to the Amended Policies, the following changes are proposed to be adopted:

##### **Policy Relating to Parking and Access**

The Policy has been amended in the following manner:

- The car parking ratios for the Land Use Parking Requirement Table have been altered in relation to those land uses that have the potential to acquire a Liquor License. Those land uses identified as having that potential include Club Premises, Hall, Hotel, Night Club, Place of Assembly and Tavern. The car parking ratio now applicable to all these uses will be changed to 1 car bay per 3.8 square metres of public floor area or 4.5 persons (of maximum number of patrons approved for the site), whichever is the greater.
- The definition of 'Public Floor Area' has also been introduced into the Policy, to provide ease and consistency in the assessment of the definition of the area that is used to calculate the maximum patronage number.

##### **Policy Relating to Signs and Advertising**

Recent large scale developments and the subsequent applications to erect large scale advertising signs for the duration of the sale of the premises, has prompted a need to amend the relevant provisions with the existing Signs and Advertising Policy.

Based on the provision for Monolith Signs for the City of Bayswater, the Town's Policy has also been amended to include similar provisions.

Apart from the above amendments, the Policies are not proposed to be amended in any other manner.

#### **LEGAL/POLICY:**

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Results Area One: Environment and Infrastructure:

1.3 "Develop, implement and promote sustainable urban design."

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

The two submissions received following the advertising of the proposal supported the proposed changes to the Policy relating to Parking and Access. Notwithstanding the general support of the amended Policy, comment was made with respect to Section 10 of the Policy which related to the calculation methods for Shortfall Parking. The comment related to the fourth step in the calculation method, which states "*Minus the most recently approved on site car parking shortfall (after taking into account relevant adjustment factors)*". The comment made was that this step of the calculation method should be removed because of its ambiguity.

At this point in time, the review of the calculation method will not be included as part of this Policy amendment process. Nonetheless, this comment will be taken into consideration should a whole document review occur in terms of the Parking and Access Policy at some later date.

It is recommended that Council receives, adopts and advertises the amended Policies, in line with the Officer Recommendation.

**10.1.14 No(s). 45 (Lot(s) 721) Leake Street (Cnr View Street), North Perth - Proposed Alterations and Loft Additions to Existing Institutional Building (Aged Care Facility)**

<b>Ward:</b>	South	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PRO1078; 00/33/2520
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward, B McKean		
<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 Gary Batt & Associates Architects on behalf of the owner Casson Homes Inc for proposed Alterations and Loft Additions to Existing Institutional Building (Aged Care Facility), at No(s). 45 (Lot(s) 721) Leake Street (corner View Street), North Perth, and as shown on plans stamp-dated 19 October 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a road and verge security bond or bank guarantee of \$220.00 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.14**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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<b>Landowner:</b>	Casson Homes Inc
<b>Applicant:</b>	Gary Batt & Associates Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40
<b>Existing Land Use:</b>	Aged Care Facility
<b>Use Class:</b>	Institutional Building
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	3225 square metres

**COMPLIANCE:**

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

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

**BACKGROUND:**

- 6 December 2000      The Town issued conditional planning approval under delegated authority for an aged care facility (institutional building).
- 12 March 2002      A site inspection by the Town's Officers revealed that the roof structure located in the south western corner of the building above lobby 5 (proposed loft), had not been constructed in accordance with approved plans. The building supervisor was requested to not proceed with any further works to the proposed loft, until an application and plans for such works have been submitted to and approved by the Town.
- 23 April 2002      The Council resolved at its Ordinary Meeting of Council to refuse the application for the loft addition for the following reasons:  
 (i) it is not consistent with the proper and order planning of the area;  
 (ii) consideration of the objections received; and  
 (iii) the proposal is not in keeping with the original plans circulated during the consultation period.  
 The unauthorised loft works was subsequently removed.
- 16 June 2004      Development application submitted for alterations and loft additions to existing aged care facility.
- 24 August 2004      The Council at its Ordinary Meeting resolved to refuse the application for the proposed alterations and loft additions to existing institutional building (aged care facility) for the following reasons:  
 (i) it is not consistent with the proper and order planning of the area; and  
 (ii) consideration of the objections received.

**SITE HISTORY:**

The subject site is zoned Residential R40. There is currently an aged care facility (institutional building) on the subject site. A Town owned right of way exists to the rear of the lot. The right of way is unsealed and has a width of 4.5 metres.

**DETAILS:**

The applicant seeks approval for a loft addition above the south-western corner of the existing building to provide a 'guest loft', ensuite and stairs, to enable short stay accommodation for relatives of terminally ill residents. This proposal is identical to that which was refused by Council on 24 August 2004, however, the current proposal includes obscure glass to the entire southern and western windows of the subject loft additions.

The applicant has provided a letter stating that the re-assessment of the planning application is urgent. The applicant states that the nursing home urgently requires accommodation for relatives to enable staff to provide optimal care for patients as a large proportion of residents suffer with severe dementia and other de-habilitating medical conditions. The presence of a family member or friend comforts them relieving their trauma and confusion.

The applicant in their submission also stated as follows:

*"The application proposed obscure glass to 1600 above the floor to prevent overlooking into the neighbours properties from a standing position. We are now prepared to make all this window glass obscure to completely eliminate any privacy concerns. Please see notes & amendments to the drawings enclosed.*

*The materiality and construction of the loft [including the width and materiality of the stairway to the loft] complies with FESA fire safety standards."*

**CONSULTATION/ADVERTISING:**

The application was not advertised as an identical proposal (other than obscured glazed windows which forms part of the current proposal) was advertised in the past 12 months, and the application is being referred to Council for reconsideration and determination.

One objection was received during the previous advertising period. The objector had concerns about the potential for overlooking, that the loft is a fire hazard and that their neighbour did not have an opportunity to object/comment as they were overseas and uncontactable.

**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 previous concern of potential unreasonable overlooking from the dormer windows on the southern elevation has now been adequately addressed in the amended proposal via obscure glass to the entire southern (and western) windows of the loft additions.

In relation to concerns regarding the loft being a fire hazard, the Town's Building Surveyors have advised that this matter is addressed under Clause/Condition (i) of the Officer Recommendation and will be addressed at the Building Licence stage.

The loft addition is not considered excessive in terms of the context of the overall bulk and scale of the entire development. It is considered that the loft will not have an unreasonable detrimental impact on the amenity of the area and surrounding properties. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.2.1 Tender for Recycling Collection Service - Tender No. 304/04**

<b>Ward:</b>	Both	<b>Date:</b>	18 October 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0250
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Lotznicher, R Morphett		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the Tender for Recycling Collection Services; and*
- (ii) *ACCEPTS the tender submitted by Amcor Recycling as detailed in the report in accordance with the specifications as detailed in Tender No. 304/04.*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 September 2004, a report on the Town's recycling service tender was considered where the following information was provided (in part):

*The Town's current recycling tenderer is Amcor Recycling. The Tender which was awarded to Amcor in July 2002 was for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods.*

*The final 12 month option in the tender was due to commence in July 2004 and conclude in July 2005, however, Amcor advised the Town that due to changes in the glass recycling market in WA and the increasing services their cost to carry out the current service would have to increase by approximately \$5,000 per month. Given this proposed change, the Town's administration decided to recall tenders for the Recycling Service for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods.*

The Council subsequently made the following decision:

*That the Council;*

- (i) *RECEIVES the report on the Tender for Recycling Collection Services;*

- (ii) *ACCEPTS the tender submitted by Amcor Recycling for the Collection of Single Residential Recycling at \$164,000 per annum and Cleansweep for the Collection of Multi-Unit residential and commercial properties co-mingled glass/plastic/cans and paper products at \$17,445 and \$26,034 per annum respectively as detailed in the report and in accordance with the specifications as detailed in Tender No. 304/04; and*
- (iii) *RECEIVES a further report advising of the future options for the provision of an improved comprehensive recycling service to the Town's residents and ratepayers in light of the Mindarie Regional Council's decision at its meeting held on 1 July 2004.*

**DETAILS:**

In accordance with clause (ii) of the Council decision, the two (2) successful contractors were notified.

On 28 September 2004 the Town received a letter from one of the successful tenderers "Clean Sweep" who advised:

*Thank you for your letter advising us that we have been awarded part of the above tender.*

*We wish to advise that on this occasion we decline your offer as our original submission was priced on the basis of providing all services referenced to in the above tender documents.*

It is unfortunate that "Clean Sweep" declined the offer to provide the service, however, the tender documents clearly stated:

*"Council reserve the right to choose one single contractor to perform all services required, or to choose a contractor for each service Item as described in the Tender Schedule."*

**Tender Regulations**

Advice was sought from the Department of Local Government with regard to the matter and they advised that the service would not require re-tendering on condition that the tender be offered to the next lowest tenderer under the same terms and conditions.

**Tender**

As advised at the Ordinary meeting held on 14 September 2004, the Town must maintain its current recycling service in the short term at least and to this end tenders for the Recycling Collection Service for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve month period(s).

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

Details of all submissions received for Tender No. 304/04 are as follows:

Item	Description	Service	Quantity	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><i>Ancor Recycling</i></td> <td style="width: 50%; text-align: center;"><i>Cleansweep</i></td> </tr> <tr> <td style="text-align: center;">Rate \$/annum Incl. GST</td> <td style="text-align: center;">Rate \$/annum Incl. GST</td> </tr> </table>		<i>Ancor Recycling</i>	<i>Cleansweep</i>	Rate \$/annum Incl. GST	Rate \$/annum Incl. GST
				<i>Ancor Recycling</i>	<i>Cleansweep</i>				
Rate \$/annum Incl. GST	Rate \$/annum Incl. GST								
1	Single Residential	50L crate with loose paper products stacked alongside	13,000*	164,000.00	290,004.00				
2	Multi-Unit Residential/Commercial Co-Mingle Glass/Plastic/Cans	240 L MGB	524**	78,000.00	17,445.00				
3	Multi-Unit Residential/Commercial Paper Products	240 L MGB	917**	36,500.00	26,034.00				
<b>TOTAL</b>				<b>\$ 278,500.00</b>	<b>\$ 333,483.00</b>				

Note: \* Current participation rate for residential properties is approximately 35%.

\*\* Based on previous years, a possible additional 50 services for Items 2 & 3 above can be anticipated.

### Tender Re-evaluation

The tenders were re-evaluated in accordance with the selection criteria as outlined in the tender documentation without 'splitting' any part of the operation as follows:

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

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Ancor Recycling	65	14	10	5	5	99
Cleansweep	54	14	10	5	5	88

### Previous 'Split' Re-evaluation

The following was reported to the Ordinary meeting of Council held on 14 September 2004:

#### Single Residential Properties

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
<i>Ancor Recycling</i>	65	14	10	5	5	99
<i>Cleansweep</i>	37	14	10	5	5	71

#### Multi-Unit Residential and Commercial Properties (co-mingled glass/plastic/cans)

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
<i>Ancor Recycling</i>	15	14	10	5	5	49
<i>Cleansweep</i>	65	14	10	5	5	99



Multi-Unit Residential and Commercial Properties (paper products)

<i>Contractor</i>	<i>Contract Price</i>	<i>Past Performance</i>	<i>Resources</i>	<i>Reference</i>	<i>Compliance</i>	<i>Total</i>
<i>Amcor Recycling</i>	46	14	10	5	5	80
<i>Cleansweep</i>	65	14	10	5	5	99

**Comments**

The Tender indicated that “*Council reserve the right to choose one single contractor to perform all services required, or to choose a contractor for each service Item as described in the Tender Schedule*”, however, 'Clean Sweep' advised they are not willing to split the tender. Overall Amcor's tender price was \$54,983 lower than Clean Sweep and overall Amcor have scored the lowest.

As previously reported Amcor has been the Town's contractor for some time and has provided a good service.

Very few complaints have been received with regard to the actual service provided. The tender states that the contractor must NOT commence operations prior to 7.00am. Several complaints were received from residents with this regard and Amcor have been instructed to ensure this is managed. This generally occurs when there is a change of staff on the collection round.

Given Amcor's overall good performance in carrying out the recycling collection service, it is recommended that the Tender be awarded to Amcor.

**CONSULTATION/ADVERTISING:**

Tender Number 304/04 was advertised for a minimum of fourteen (14) days in accordance with the Local Government (Function & General) Regulations 1996, Part 4 (15).

**LEGAL/POLICY:**

Advice was sought from the Department of Local Government with regard to the matter and they advised that the service would not require re-tendering on condition that the tender be offered to the next lowest tenderer under the same terms and conditions.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2003-2008 – 1.1 Protect and enhance environmental sustainability and biodiversity. “j) *Develop a waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and has positive environmental outcomes.*”

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of the service for 2004/2005 will be in the order of \$255,000 (excluding GST). A total of \$200,000 (excluding GST) has been included in the 2004/2005 budget for the provision of the recycling collection service. The additional cost will need to be sourced from possible savings in other operational services to be considered at a later budget review.

**COMMENTS:**

As previously reported (OMC 12 September 2004), the Mindarie Regional Council has indicated that member Councils should decide what recycling collection service they will adopt. It is considered that the Town should maintain the status quo for now and review its recycling method once the RRF is operational and the full costs and capability of the facility are better understood.

Amcor has been the Town's contractor for some time now and has submitted a competitive price and it is therefore recommended that Amcor be awarded the Tender for the Recycling Collection Service for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods as per Tender No. 300/04.

**10.2.3 Proposed State Black Spot Improvement Project Intersection of Lawley & Fitzgerald Streets, West Perth**

<b>Ward:</b>	South	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	TES0173, TES0130 & TES0523
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Lawley and Fitzgerald Streets, West Perth;*
- (ii) *CONSULTS with the residents along Lawley and Gallop Streets, the Hyde Park Hotel, Perth Soccer Club and the WA Italian Club regarding the proposal as outlined on attached Plan No. 2097-C; and*
- (iii) *RECEIVES a further report at the conclusion of the Consultation period.*

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**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

The Council at its Ordinary Meeting held on 14 September 2004 considered a report on the proposed State Black Spot Improvement Project at the intersection of Lawley and Fitzgerald Streets, West Perth, where the following decision was made:

*"That the Council;*

- (i) *RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Lawley and Fitzgerald Streets, West Perth;*
- (ii) *APPROVES in principle the proposal as shown on attached Plan No 2097-C;*
- (iii) *REFERS the matter to the Town's Local Area Traffic Management Advisory Group for their consideration; and*
- (iv) *RECEIVES a further report on the proposed Black Spot Improvement once the Town's Local Area Traffic Management Advisory Group have considered the matter."*

**DETAILS:**

In accordance with clause (iii) of the Council's resolution, the Local Area Traffic Management (LATM) advisory group considered the matter at its meeting held on Monday 18 October 2004.

**Black Spots**

'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.

**Intersection Lawley / Fitzgerald Sts**

The Town has State Black Spot funding to undertake improvements at the intersection of Lawley and Fitzgerald Streets, West Perth, to reduce or eliminate right turn accidents.

The LATM group was provided with the following information:

<u>Location:</u>	Intersection of Lawley and Fitzgerald Streets, West Perth
<u>Site Description:</u>	'T' intersection of District Distributor A Road (Fitzgerald Street) with terminating Access Road (Lawley Street).
<u>Request:</u>	Black Spot Improvement.
<u>Main accident types:</u>	Right angle and right angle through.
<u>Proposed Action:</u>	Install 1/2 'seagull' raised median island in Lawley Street to prevent the right turn movement out of Lawley Street into Fitzgerald Street.

Accident Statistics

- Period: Five (5) years, 1997-2001.
- Number: Eleven (11) reported accidents.
- Cost to community: \$108,000.
- Injuries sustained: Yes, 1 medical attention required.

Traffic Data

<i>Section</i>	<i>Volume (vpd)*</i>	<i>85% Speed (kph)</i>
• Fitzgerald Street (source MRWA).	16,500	N/A
• Lawley Street, Gallop to Fitzgerald.	722	37

\* Weekday averages

Classification:

- Fitzgerald Street District Distributor A
- Lawley Street Access Road

Budget: \$17,000

Designated Bicycle Routes: No

Proposed Walk Trails: Yes, Lawley Street.

Local Attractors: Hyde Park Hotel, corner Fitzgerald and Lawley Streets.

Speed Limits: The posted speed in Fitzgerald Street is 60 kph, while in Lawley Street it is 50kph.

### **LATM Working Group Discussion**

The group considered installing a raised central median island in Fitzgerald Street across Lawley Street, thereby eliminating the right turn into and out of Lawley, however, it was considered this would have a major impact on not only the residents of Lawley and Gallop Streets, but also the adjacent Hyde Park Hotel whose drive-in bottle shop is off Lawley Street.

After examining other options, it was considered the compromise solution is to install a half 'seagull' island preventing the right turn out from Lawley Street (while retaining all the other movements) which would have eliminated a majority of the accidents.

### **LATM Working group Recommendation**

That the residents along Lawley and Gallop Streets, the Hyde Park Hotel, Perth Soccer Club and the WA Italian Club be consulted regarding the proposal as outlined on attached Plan No 2097-C and that the Council receives a further report at the conclusion of the Consultation period.

### **CONSULTATION/ADVERTISING:**

Twenty one (21) days community consultation will be carried out with affected residents, clubs and businesses.

### **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:**

Sufficient funds have been included in the 2004/2005 budget to implement the project, estimated to cost \$17,000.

### **COMMENTS:**

As previously reported to the Council, while there is a strong case to install a half 'seagull' island in Lawley Street at its intersection with Fitzgerald Street, in order to reduce the accident recurrence rate, potentially it could have an impact upon the amenity of the surrounding residents and businesses.

It is therefore recommended that the proposed Black Spot Improvement Project be referred to the Town's Local Area Traffic Management Advisory Group for their consideration and a further report be presented to the Council once the Town's Local Area Traffic Management Advisory Group has considered the matter.

**10.2.6 Dedication as a Public Road of the Right of Way Adjacent to Ivy Street, West Perth**

<b>Ward:</b>	South	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Cleaver Precinct P5	<b>File Ref:</b>	TES0548
<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) *RECEIVES the report on the proposed dedication of the right of way adjacent to Ivy Street, West Perth, illustrated on attached Plan No. 2302-RP-1;*
- (ii) *APPROVES the dedication of the right of way as a public road in accordance with Section 56 of the Land Administration Act subject to the applicant lodging a bond or bank guarantee for the sum of \$10,200, plus GST, prior to the commencement of the dedication process; and*
- (iii) *ADVISES the Department of Land Administration and all adjoining property owners of the Council's resolution.*

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**COUNCIL DECISION ITEM 10.2.6**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

---

**BACKGROUND:**

Ivy Street originates off Charles Street and extends in a westerly direction for approximately 80m. At this point it appears to change direction and extend north a further 30m, however, the north/south leg is in fact not part of the dedicated road, but a privately owned right of way (ROW). The status of the ROW is posing an impediment to the development of an adjacent lot, and the owner has requested the Town to pursue its dedication.

**DETAILS:**

The proposed development will be located on Lot 301 which is 981m<sup>2</sup> and has a Carr Street frontage. A house is situated at the front of the lot, addressing Carr Street. The Lot is unusually shaped, having a large rear yard of approximately 580m<sup>2</sup> which is well suited for unit development. The owner of the property has lodged a development application proposing the retention of the front dwelling and the construction of three (3) double storey villas at the rear.

Access to the rear villas would be via what appears to be the north/south leg of Ivy Street, however, it has come to light that this is actually a ROW. This ROW also provides access to the car park of the 54 units on the lot to its north.

As service authorities will not extend their infrastructure through a private ROW, services have been proposed via a narrow accessway (less than one metre wide) at the side of the existing building. The narrowness of the service corridor does not meet the minimum standards set down by the Town, nor the service authorities.

In order to overcome this problem, the property owner has asked the Town to seek the dedication of the ROW as an extension of Ivy Street, and has given an undertaking to pay all costs associated with the dedication. The ROW would require improvements to meet the requirements of the Department for Planning and Infrastructure (DPI) for a public road. These improvements comprise an asphalt overlay, kerbing and the installation of a street light. It is estimated that this will amount to approximately \$10,200, plus GST.

**CONSULTATION/ADVERTISING:**

Dedication of the ROW would be carried out in accordance with Section 56 of the Land Administration Act. Advertising is not required, however, all service authorities and adjacent residents will be notified of the Town's resolution.

**LEGAL/POLICY:**

As above.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“a) Continue to develop and implement annual road and footpath upgrade programs.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The property owner has given an undertaking to cover the costs associated with the dedication, therefore there are no financial implications for the Town.

**COMMENTS:**

Dedication of the ROW as an extension of Ivy Street is logical, and constitutes an enhancement to the Town's access network, while at the same time permitting the owner of Lot 301 to maximise the development potential of his land. It is therefore recommended that the Council approve the dedication of the ROW.

**10.3.4 Cultural Development Seeding Grant Application**

<b>Ward:</b>	Both	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0008
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	S Jarman		
<b>Checked/Endorsed by:</b>	J Anthony, M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That Council APPROVES the application of the WA Italian Club for a Cultural Development Seeding Grant of \$1,000, to assist with a community fair, as part of their 70 year celebrations.*

**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**DETAILS:**

The WA Italian Club are running a fair to celebrate their '70 years of community integration', on 31 October 2004. The anniversary celebrations will incorporate a range of activities including all day multicultural entertainment, retail stalls, fire works, beer garden and a side show alley and fun park for children.

In particular the funding will go towards the marketing and promotional costs of the fair together with the cost of the hire of the accessible portable toilets for the day. The celebrations will be open to all people within the community and are designed to generate a sense of community and celebration. The 70 years celebrations aim to showcase the significant role that the Italian Club has had in our community and to encourage the involvement of the community in their activities.

The WA Italian Club has extended invitations to other multicultural groups in the area to participate in the entertainment. An invitation has also been made to community groups in the area to showcase their activities to families and the public. All activities are fully accessible to all members of the community including people with a disability.

The WA Italian Club have requested a grant of \$5,000, however the Council Policy and guidelines specify a maximum amount of \$1,000.

**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:**

\$5,000 is budgeted in 2004/05 budget for Cultural Seeding Grants, \$3,650 remains unallocated.

**COMMENTS:**

The WA Italian Club Community Fair meets the criteria for the Cultural Seeding Grants. The WA Italian Club will acknowledge the Town's support during the 70 years celebrations with Town of Vincent signs or banners to be displayed.

An acquittal form will be completed by the WA Italian Club, after the event, detailing how the Cultural Development Seeding Grant was expended.

**10.3.5 Community Sporting and Recreation Facility Fund (CSRFF)**

<b>Ward:</b>	Both	<b>Date:</b>	11 October 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0074
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J. Anthony		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

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

<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council contribution</i>
<i>Low</i>	<i>French Mauritian Society of WA</i>	<i>\$8,904</i>

**COUNCIL DECISION ITEM 10.3.5**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**BACKGROUND:**

The purpose of the Community Sport and Recreation Facility Fund is to help the Western Australian Government provide assistance to community groups and local government authorities to develop well-planned facilities for sport and recreation. The types of projects that will be considered for funding include the construction of new facilities and upgrading, modification or additions to existing facilities to better suit community needs and provide greater opportunities for participation.

In July 2004 the Community Sporting and Recreation Facilities Fund (CSRFF) grant applications were advertised in the newspaper and application forms were available from local authorities and the Department of Sport and Recreation web site. CSRFF applications had to be submitted to the Town of Vincent by 5.00pm Friday 24 September 2004. Applications must be lodged at the Department of Sport and Recreation no later than 4pm, Friday 29 October 2004.

The maximum grant funded by the Department of Sport and Recreation will be no greater than one-third of the total cost of a project. The grant must be at least matched by the applicant's own cash contribution.

**DETAILS:**

**1. *French Mauritian Society of WA Inc.***

Proposed Project

Floodlighting for the petanque field and fallow green.

Total Cost

\$26,710 (exclusive of GST)

Amount sought from Council

\$8,904 (exclusive of GST)

Background

The French and Mauritian Society of WA are sharing the facilities with the North Perth Bowling Club on Farmer Street. For 2003/2004 the French and Mauritian Society of WA has a current membership of 85 adults.

The group applied for CSRFF funds in 2002/2003 to build petanque rinks on a bowling green which was unused. Consequently, they have also erected a fence across the green with the petanque rinks and part of the adjacent fallow green with a view of having a volley ball court and other leisure activities.

The current proposal is to provide for floodlighting to enable night games and leisure activities for members who work during the day. It is envisaged that this project could increase the usage of Woodville Reserve and make the facility more multi-purpose.

Recommendation

This project is supported as a low priority given that the Town has contributed to the previous capital costs of petanque rinks. It is recommended that Council support this application, with the provision of \$8,904 plus GST.

**CONSULTATION/ADVERTISING:**

Nil

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

The support of CSRFF grants is in keeping with the Town's Strategic Plan 2003-2008:  
KRA 1.4.

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

KRA 2.2(a) *"Investigate and implement mechanisms to improve community participation"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

Recommended funding for the projects will be listed in the 2005/2006 Budget for further consideration.

**COMMENTS:**

Council's endorsement of the above CSRFF applications is dependent on the support of these applications through the CSRFF program by the Department of Sport and Recreation.

Following Council's consideration of these projects, completed applications will be forwarded to the Department of Sport and Recreation for their consideration. The Town of Vincent will be notified in February 2005 of each project's success or failure to receive state funding. Grant monies will be made available from July 2005.

As part of the CSRFF process, the Town of Vincent is required to list projects in order of priority for funding. The priority ranking has been made in consideration to the benefits of the proposal to the Town and its community.

**10.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The Town of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the Town of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
20/09/04	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd (Manager) of Unit 25, 257 Balcatta Road, Balcatta and Western Australia Women's Soccer Association Inc of PO Box 38A, Thornlie re: Members Equity Stadium for events on 26/9/04, 4/10/04, 6/10/04, 12/10/04, 24/10/04, 7/11/04, and 12/11/04
23/09/04	Lease	3	Town of Vincent and Loton Park Tennis Club (Inc), cnr Bulwer and Lord Streets, Perth 6000 re: Loton Park Tennis Club Facilities
24/09/04	Deed of Covenant	3	Town of Vincent and Capital Management Group Australia Pty Ltd, c/o Prospera Partners Pty Ltd, Level 3, 89 St Georges Terrace, Perth and the Western Australian Planning Commission of 469 Wellington Street, Perth re: No. 320 (Lot 8) Lord Street, Highgate

11/10/04	Withdrawal of Caveat	1	Town of Vincent and Minter Ellison, Level 49, Central Park, 152-159 St Georges Terrace, Perth re: Lot 500 on Diagram 49387 (401-403 Oxford Street, Mount Hawthorn)
12/10/04	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd of Unit 25, 257 Balcatta Rd, Balcatta and Total Event Management of Total House, Cnr Belmont Avenue and Fulham Street, Belmont re: Local Chambers Luncheon on 13/10/04 at Members Equity Stadium
12/10/04	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd of Unit 25, 257 Balcatta Rd, Balcatta and Total Event Management of Total House, Cnr Belmont Avenue and Fulham Street, Belmont re: Uni Super Pensioner Seminar on 15/10/04 at Members Equity Stadium
12/10/04	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd of Unit 25, 257 Balcatta Rd, Balcatta and Total Event Management of Total House, Cnr Belmont Avenue and Fulham Street, Belmont re: Ladies Soccer Dinner on 24/10/04 at Members Equity Stadium
12/10/04	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd of Unit 25, 257 Balcatta Rd, Balcatta and Total Event Management of Total House, Cnr Belmont Avenue and Fulham Street, Belmont re: Members Equity Staff Conference on 29/10/04 at Members Equity Stadium
13/10/04	Lease	3	Town of Vincent and Kidz Galore Child Care Centre, 13 Haynes Street, North Perth WA 6006
13/10/04	Restrictive Covenant Deed	3	Town of Vincent and Subsidiary Pty Ltd of 118 Forrest Street, South Perth 6151 re: Nos 65-67 (Lot 113) Raglan Road and Lots 111 and 112 William Street, Mount Lawley

**10.4.3 Draft Amended Community Consultation Policy - Interim Report**

<b>Ward:</b>	Both Wards	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0116
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D Abel		
<b>Checked/Endorsed by:</b>	R Boardman, John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Interim Report as at 19 October 2004 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*
- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council to be held in November 2004.*

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**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

The Council at its Ordinary Meeting held on 10 August 2004 resolved as follows:

*"That the Council;*

- (i) *RECEIVES the Interim Report as at 4 August 2004 relating to the Community Consultation Workshop held on 20 May 2004 and review of Policy No 4.1.5 - "Community Consultation";*
- (ii) *APPROVES IN PRINCIPLE the changes to Policy No 4.1.5 - "Community Consultation" as detailed in this Interim Report under the categories of "supported" and "supported in part" by the Chief Executive Officer;*
- (iii) *NOTES that;*
  - (a) *the Policy relating to "Community Consultation" (mainly part 3 - Town Planning, Development and Heritage Matters) is being completely reviewed taking cognisance of the matters raised at the community workshop held on 20 May 2004 and the comments contained in this Interim Report; and*

- (b) *the draft amended Policy relating to "Community Consultation" will be presented at the Elected Members Forum to be held on 21 September 2004; and*
- (c) *a further report and a draft amended Policy relating to "Community Consultation" will be submitted to the Ordinary Meeting of Council to be held on 28 September 2004."*

The Council at its Ordinary Meeting held on 23 March 2004, considered this matter and resolved (inter alia) as follows:

*"That, to assist in the review of the Town's Community Consultation Policy, the Council APPROVES of the following;*

- (i) *a Community workshop to be held in mid to late May 2004;*
- ...; and*
- (vi) *following the workshop, the Town's Officers to prepare a revised draft policy and report back to Council by the first meeting in August 2004."*

The Draft Amended Community Consultation Policy was discussed at the Elected Member Forum held on 21 September 2004.

The Council at its Ordinary Meeting held on 28 September 2004 resolved as follows:

*"That the Council;*

- (i) *RECEIVES the Interim Report as at 22 September 2004 relating to the Draft Community Consultation Policy No 4.1.5; and*
- (ii) *NOTES that further report and a draft amended Policy relating to "Community Consultation" together with the Town of Vincent Community Consultation Submission Guidelines - Planning, Building and Heritage Matters will be submitted to the Ordinary Meeting of Council to be held on 26 October 2004; and*
- (iii) *AUTHORISES the Chief Executive Officer to include a charter under Town Planning, Development and Heritage Matters, that outlines consultees key principles in preparation of their submissions, including the responsibilities of the Town's Officers and Elected Members in processing and considering their submissions."*

#### **DETAILS:**

The Town's Officers are currently preparing the following draft documentation:

- (i) Amended Policy relating to Community\_Consultation - which will address matters such as those raised at the Elected Members Forum held on 21 September 2004 and detailed in Item 10.4.1 to the Ordinary Meeting of Council held on 28 September 2004;
- (ii) Community Consultation Charter - Planning, Building and Heritage Matters- which will address matters such as the key principles in the preparation of submissions, a table containing typical comments matters and typical comments examples, and key responsibilities of the Town's Elected Members and employees in processing and considering submissions;



- (iii) Community Consultation Submission Guidelines - Planning, Building and Heritage Matters - which will address matters such as the community consultation process, a table outlining matters that require specific community consultation, consultation process flow chart, community consultation charter, and how to make a submission and general queries; and
- (iv) Community Consultation Submission Form - Planning, Building and Heritage Matters - which will address matters such as details of the subject matter being advertised (including a compliance table outlining any variations to the acceptable development requirements for development applications); comment period; space for the submitter to provide their name, address and other contact details; questions whether the submitter objects to or supports the matter; space for the submitter's comments; and whether the submitter objects or not to their names being contained in the Council Meeting Agenda Report relating to the matter.

**CONSULTATION/ADVERTISING:**

The Draft Amended Community Consultation Policy once endorsed by the Council will be formally advertised for public comment.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

The Community Consultation Policy is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 2.3 *"Ensure effective public relations and communications"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

No additional funds have been necessary as all work has been carried out *"in-house"*.

**COMMENT:**

The Draft Amended Policy relating to Community Consultation, and associated Draft Community Consultation Charter, Submission Guidelines and Submission Form relating to Planning, Building and Heritage Matters are currently being developed. These matters have been found to be more onerous and time consuming than originally considered. Unfortunately, the documents have not been progressed to a stage where they are considered acceptable for consideration by the Council. These draft documents will be finalised in November 2004.

In light of the above, it is recommended that Council receives this interim report, and notes that a further report, the Draft Amended Policy relating to Community Consultation and associated draft documents, will be submitted to an Ordinary Meeting of Council to be held in November 2004.

#### **10.4.8 Attendance at LeisureCo Client Forum**

<b>Ward:</b>	-	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Mayor and Chief Executive Officer be authorised to attend the LeisureCo Client Forum to be held on the New South Wales (NSW) Central Coast from 25-26 November 2004 at an estimated cost of \$419 each.*

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**COUNCIL DECISION ITEM 10.4.8**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

The National Managing Director of LeisureCo Australia has invited the Mayor and Chief Executive Officer of their contracted local governments to attend a two-day Forum in Central New South Wales on 25 and 26 November 2004. It is envisaged that approximately 20 Mayors and Chief Executive Officers from throughout Australia will be attending.

The Forum aims to provide an overview of LeisureCo's approach in the ever changing regulatory and industry recreation/leisure centre environment.

Specifically it is planned to provide presentations on topics such as:

- New initiatives
- Strategic direction
- Trends occurring in LeisureCo Centres
- Client reporting
- Risk management initiatives
- Legal implications
- Program developments designed to target the wider community

In addition, a range of topical guest speaker presentations will be made.

**FINANCIAL IMPLICATIONS:**

In order to arrive at the venue, it will be necessary to depart on Wednesday 24 November 2004.

LeisureCo will cover all airfares, one night's accommodation and meals. The venue is Ningara Leisure Centre, Cumbi-Umbi, NSW, Central Coast. This is approximately 1.5-2 hours north of Sydney. In order to arrive at the venue, it will be necessary to depart on Wednesday 24 November, with the overnight's accommodation in Sydney to be borne by the Council.

The cost per person is approximately;

	<b>Costs</b>
Conference Registration	N/A
Accommodation (1 night) (\$200 per night)	\$200.00
Airfare (economy class)	N/A
Expenses allowance*	\$219.00
	<hr/>
	\$419.00
	<hr/>

\* To be acquitted within 7 days

#### **LEGAL POLICY:**

Council's Policy 4.1.15 – "*Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters*" - Clause 1.1(i) and (ii) states;

- "(i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;
- (ii) In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to the Council."

Cr Lake and the CEO are the Town's representatives on the Board of the Loftus Recreation Centre. Cr Lake has advised that she concurs with the Mayor and CEO's attendance at the Forum. She has indicated that she is available to attend if the Mayor is unavailable to attend.

On Wednesday afternoon, 24 November 2004, the Mayor and CEO propose to inspect the new Global Renewables multi-million dollar waste management facility located at Eastern Creek, Sydney. This technology is one of those being considered by the Mindarie Regional Council for its secondary waste treatment plant. The Mayor and CEO (non-voting) are the Town's representatives on the Mindarie Regional Council.

#### **Previous Attendance - Policy 4.1.13 - Clause 1.2**

This is the first occasion that a person from the Town has attended a National Forum on the recreational/leisure industry.

#### **STRATEGIC IMPLICATIONS:**

Attendance at the Forum is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 1.4 "*Maintain and enhance the Town's infrastructure to provide a safe, healthy, aesthetic and functional environment*".

#### **COMMENT:**

It is requested that approval be granted for the Mayor and Chief Executive Officer to attend the LeisureCo Client Forum. LeisureCo have been managers of the Town's Loftus Recreation Centre since its construction in 1988. With the proposed redevelopment of this Centre, information obtained at the Forum will be beneficial.

**10.4.10 Approval of Capital Works and Maintenance Program 2004-2024 for Leederville Oval, 246 Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0052
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ADOPTS the Capital Works and Maintenance Program 2004-2024 for Leederville Oval, 246 Vincent Street, Leederville, as shown in Appendix 10.4.10; and*
- (ii) *APPROVES of \$30,000 being placed in the Leederville Oval Reserve Fund each year, subject to this being reviewed during the annual budget process.*

**COUNCIL DECISION ITEM 10.4.10**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

At the Special Meeting of Council held on 30 October 2001, the Council approved of Leederville Oval to be redeveloped into a "Football Centre of Excellence" to be the home for East Perth and Subiaco Football Clubs. To ensure the facility is maintained in the future, a Reserve Fund has been created to provide for future capital works and maintenance.

Meetings have been held with the Project Architect and advice has been obtained from a Quantity Surveyor. The Quantity Surveyor has provided advice for the program as shown at Appendix 10.4.10.

**FINANCIAL/BUDGET IMPLICATIONS:**

Based on an annual average of 2.5% CPI increase and the Reserve Fund monies being invested by the Town at 4% per annum, the Reserve Fund would contain the following monies;

**Leederville Oval Reserve Fund**

	Opening Balance	4% Interest	Closing Balance
Year 1	<b>\$77,816</b>	\$3,113	\$80,929
Year 2	\$110,929	\$4,437	\$115,366
Year 3	\$145,366	\$5,815	\$151,180
Year 4	\$181,180	\$7,247	\$188,428

Year 5	\$218,428	\$8,737	\$227,165
Year 6	\$257,165	\$10,287	\$267,451
Year 7	\$297,451	\$11,898	\$309,349
Year 8	\$339,349	\$13,574	\$352,923
Year 9	\$382,923	\$15,317	\$398,240
Year 10	\$428,240	\$17,130	\$445,370
Year 11	\$475,370	\$19,015	\$494,385
Year 12	\$524,385	\$20,975	\$545,360
Year 13	\$575,360	\$23,014	\$598,374
Year 14	\$628,374	\$25,135	\$653,509
Year 15	\$683,509	\$27,340	\$710,850
Year 16	\$740,850	\$29,634	\$770,484
Year 17	\$800,484	\$32,019	\$832,503
Year 18	\$862,503	\$34,500	\$897,003
Year 19	\$927,003	\$37,080	\$964,083
Year 20	\$994,083	\$39,763	<b>\$1,033,847</b>

The Reserve Fund calculation is based on no monies being used during the period. This is obviously unrealistic, as it is expected that the monies will be progressively drawn upon as and when required. However, the figures do indicate that there will be sufficient funds to cover the anticipated capital works and maintenance items.

Anticipated income will be as follows;

Rent (both Clubs)	\$10,400 per annum
Catering Rights Tender	\$***** per annum*
Naming Rights Tender	\$***** per annum#
Other Events (e.g. WAFL Finals)	\$***** per annum
	-----
<b>Total</b>	<b>\$***** per annum</b>
	=====

\* *Investigations have revealed that the Catering Rights Tender will achieve an income of not less than \$\*\*\*\*\* per annum, increased by CPI.*

# *Investigations have revealed that Naming Rights will achieve an income of \$\*\*\*\*\* per annum - this is to be split one third each for EPFC, SFC and the Town*

\*\*\*\* = Confidential (Circulated separately to Elected Members).

The Leederville Oval Reserve Fund currently contains an amount of \$47,816 as at end of June 2004.

**LEGAL/POLICY IMPLICATIONS:**

N/A.

**ADVERTISING/COMMUNITY CONSULTATION:**

N/A.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3.2 - *"Develop business strategies that provide a positive triple bottom line return for the Town"*, and 3.2(e) *"Maintain separate costs centres for Perth Oval and Leederville Oval and other business units."*

**COMMENT:**

The Capital Works and Maintenance Program will be reviewed and refined annually to ensure that the Town's asset is maintained at a high level.

**APPENDIX 10.4.10**

**LEEDERVILLE OVAL  
246 VINCENT STREET, LEEDERVILLE**

**SCHEDULE OF POTENTIAL CAPITAL WORKS AND MAINTENANCE  
2004-2024**

Item	No	Year	Cost \$/2004 Each	Cost \$/2004 Total	Comment
1.00 <b><u>Buildings</u></b>					
<u>Structure</u>					
1.01 Grandstand Roof	1	2015	\$45,000	\$45,000	Based on condition of function room roof, this roof could also need replacement within the next 10 years (including gutters and fascias) These are non-compliant and require replacement to BCA Standards.
1.02 Grandstand balustrades & handrails	1	2005	\$20,000	\$20,000	
1.03 Grandstand - replacement of expansion joint grout	1	2012	\$6,000	\$6,000	
<u>Fittings And Fixtures</u>					
1.04 Windows and Doors			\$5,000	\$5,000	Replacement not expected within 20 year period apart from damage by accident or misuse.
1.05 Furniture and Fittings	nil				
<u>Interior Finishes</u>					
1.06 Redecorate building interiors - Grandstand common rooms	2	2010 and 2017	\$10,000	\$20,000	Allow for 2 redecorations over 20 year period.
1.07 Redecorate building interiors - Outbuildings (gatehouses, toilets, etc)	3	2009 and 2014 and 2019	\$10,000	\$30,000	Allow for 3 redecorations over 20 year period.
1.08 Replace carpets (Grandstand, Function Rooms/ Clubrooms)	1	2020 (average)	\$180,000	\$180,000	Allow for at least one replacement of carpets staggered over 20 years.
<u>Exterior Finishes</u>					
1.09 Redecorate building exteriors - Grandstand & Clubrooms	2	2010 & 2017	\$25,000	\$50,000	Allow for 2 redecorations over 20 year period

**APPENDIX 10.4.10**

Item	No	Year	Cost \$/2004 Each	Cost \$/2004 Total	Comment
1.10 Redecorate building exteriors - Outbuildings (gatehouses, toilets, etc)	2	2010 & 2017	\$5,000	\$10,000	Allow for 2 redecorations over 20 year period
1.11 Renovate exterior and upgrade fixtures of external toilet building at rear of grandstand.	1	2007	\$20,000	\$20,000	Toilet building needs refurbishment.
<b>2.00 External Works</b>					
2.01 Bituminous hot mix carpark paving	1	2020	\$60,000	\$60,000	Allow for one resurface in approx. 15 years time
2.02 Carpark light fittings	1	2020	\$10,000	\$10,000	Allow for staggered replacement over 20 years.
2.03 Playing field	50%	2010	\$50,000	\$50,000	Redevelopment works and turf replacement should not be necessary if it is properly maintained. Allow for partial replacement within the next ten years
2.04 Fencing And Gates		-	\$5,000	\$5,000	Replacement not expected within 20 year period apart from damage by accident or misuse
<b>3.00 Seating</b>					
3.01 Outdoor spectator seating		2012	\$10,000	\$10,000	Replacement not expected to be required for 15 - 20 years, apart from seats damaged by accident or misuse. Allow for partial replacement over the 20 year period.
<b>4.00 Services Plant And Equipment</b>					
<u>Air Conditioning Plant</u>					
4.01 Clubroom and offices - units for offices	1	2020	\$20,000	\$40,000	Apart from the Clubs' offices, all other AC plant will only run part time. Allow for one replacement of office units



**APPENDIX 10.4.10**

<u>Item</u>	No	Year	Cost \$/2004 Each	Cost \$/2004 Total	Comment
<u>Light Towers</u>					
4.02 Flood light lamps	1	2015 (average)	\$50,000	\$50,000	The flood light lamps have a 3000 hour design life but lose intensity over time. Allow for one staggered replacement of all lamps over the 20 year period
<u>Bore</u>					
4.03 Bore Pump	3	2009 & 2014 & 2019	\$6,000	\$18,000	Allow for 3 services over 20 year period
<u>Hot Water Units</u>					
4.04 Hot water Units	1	2020	\$10,000	\$10,000	Allow for one staggered replacement of all units over the 20 year period
<u>Tapware</u>					
4.05 Tapware in Public Toilet blocks and plumbing items	1	2015 (average)	\$5,000	\$5,000	Majority of the tapware will not require replacement within 20 years but allow for staggered replacement of tapware and plumbing items over the 20 year period
<b>5.00 <u>Contingency</u></b>			10%	<b>\$64,000</b> \$64,400	
<b>ESTIMATED TWENTY YEAR TOTAL (In \$/2004)</b>				<b>\$708,400</b>	
<b>6.00 <u>Provision For Inflation</u></b>					
6.01 Allow for inflation @ 2.5% p.a.(compounding) over say 15 years		say	40%	\$265,650	The majority of replacements are likely to be required in approx. 15 years time, and money in the sinking fund will earn interest to partly off-set inflation, so inflation has been discounted to 15 years rather than 20
<b>ESTIMATED TWENTY YEAR TOTAL (In \$/2004-2024)</b>				<b>\$974,050</b>	

**EXCLUSIONS AND NOTES**

<b>Item</b>	<b>Comment</b>
• Lift maintenance	This is the responsibility of both Clubs
• Air conditioning maintenance	This is the responsibility of both Clubs
• Catering equipment upgrade	This is the responsibility of the Caterer
• General Cleaning	This is the responsibility of both Clubs. Town is responsible for carpark cleaning and maintenance
• General maintenance and incidental repairs due to accidental damage, misuse or general wear and tear	This is the responsibility of both Clubs

**10.4.11 Approval to Advertise Tenders for the Naming Rights and Catering Rights for Leederville Oval, 246 Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	TEN0312, TEN0313
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of Naming Rights to be allocated Leederville Oval, 246 Vincent Street, Leederville;*
- (ii) *AUTHORISES the Chief Executive Officer to prepare documents and advertise the tender for the Naming Rights and Catering Rights of Leederville Oval, 246 Vincent Street, Leederville;*
- (iii) *ADVISES East Perth and Subiaco Football Clubs of (i) and (ii) above; and*
- (iv) *NOTES that a further report will be submitted to the Council for approval of the tenders.*

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**COUNCIL DECISION ITEM 10.4.11**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

---

**BACKGROUND:**

At the Special Meeting of Council held on 30 October 2001, the Council approved of the Redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by East Perth Football Club (EPFC) and Subiaco Football Club (SFC).

Since October 2001, there have been numerous meetings with EPFC and SFC to progress the project and to finalise lease negotiations and funding requirements. A report relating to the approval of leases is contained in this Agenda.

To maximise revenue and offset costs relating to the maintenance of Leederville Oval, it has been necessary to consider the sale of Naming Rights and Catering Rights.

### **Catering Rights**

The proposed lease for Leederville Oval will give both Clubs exclusive use over their clubrooms, offices and changerooms. The Oval, public open space (POS), carpark and other parts of the facility, such as grandstand, function rooms and toilets will remain under the control of the Town. A Ground Management Committee, chaired by the Town's CEO and comprising of the General Managers of EPFC and SFC will be formed to deal with the day-to-day matters arising from the operations of Leederville Oval.

A caterer will be required to supply food and beverage to Leederville Oval, predominantly the Western Australia Football League (WAFL) games, club events and also any other events approved by the Town.

It is proposed that the caterer will be allocated a lease over the common area, which comprises of two function rooms, with a capacity of 180 people for the VIP room and 150 people for the main function room. These two function rooms are separated by a bi-fold door and can be opened into one.

The caterer will be required to;

1. provide catering to Leederville Oval;
2. provide catering for other events;
3. maintain and be responsible for outgoings of the common area;
4. fit out the kitchen facilities for the common area;
5. obtain their own liquor licence for the common area; and
6. provide catering to the Clubs for club events (if requested by the Clubs);

In addition to the above, the caterer will be able to utilise the common area facilities for private functions and to be used as a base for their catering business.

### **Naming Rights**

The sale of Naming Rights for Leederville Oval will encompass the following;

1. the right to name Leederville Oval;
2. the right to place signage on Leederville Oval buildings and gates and also other locations (subject to Council approval);
3. responsibility for the provision and maintenance of all signage;
4. the rights and entitlements to a 10-person corporate open box for each WAFL game and other event held at Leederville Oval;
5. three complementary carparking bays at Leederville Oval for events;
6. complementary use of the function rooms at Leederville Oval grandstand for promotions (subject to availability);
7. logo recognition - all advertising and promotion to include the naming rights logo;
8. promotions - to be entitled to distribute flyers at WAFL games and events to promote the proposed tenderer's products and services;
9. promotional services using EPFC and SFC players (subject to Clubs' prior approval); and
10. use of the tenderer's names during announcements, for pre and post game events and in media releases.

In order to implement the rights for the 2005 season, it is proposed to advertise the tenders in late October and report to Council in early December 2004.

**FINANCIAL/BUDGET IMPLICATIONS:**

The expenditure required by the Town will be as follows;

Capital Works and Maintenance Program	\$30,000
Contribution to Ground Maintenance	\$15,000
	-----
<b>Total</b>	\$45,000 per annum
	=====

Anticipated income will be as follows;

Rent (both Clubs)	\$10,400 per annum
Catering Rights Tender	\$***** per annum*
Naming Rights Tender	\$***** per annum#
Other Events (e.g. WAFL Finals)	\$***** per annum
	-----
<b>Total</b>	\$***** per annum
	=====

- \* *Investigations have revealed that the Catering Rights Tender will achieve an income of not less than \$\*\*\*\*\* per annum, increased by CPI.*
  - # *Investigations have revealed that Naming Rights will achieve an income of \$\*\*\*\*\* per annum - this is to be split one third each for EPFC, SFC and the Town*
- \*\*\*\* = Confidential (Circulated separately to Elected Members).

It should be noted that naming rights for Bassendean Oval have been sold for \$50,000 per year for the next three years (Blue Steel Oval) and naming rights for Perth Oval have been sold for \$50,000 per year for the next three years (F-Tel) - on this basis, Leederville Oval with two clubs and better facilities should be able to achieve a higher income.

**LEGAL/POLICY IMPLICATIONS:**

A legal agreement will be required to be drafted for the catering and naming rights. The Local Government Act tender requirements will need to be followed.

Following the advertising of the tenders, a further report will be submitted for the Council's consideration and approval.

The proposed draft lease between the Town and EPFC and SFC allows for the sale of naming rights for Leederville Oval.

**ADVERTISING/COMMUNITY CONSULTATION:**

The tenders will need to be advertised for a period of not less than 14 days.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area - Economic Development - 3.2 (a) - "Review leases and commercial contracts to ensure the best return for the Town" and (e) "Maintain separate costs centres for Perth and Leederville Oval and other business units."

**COMMENT:**

The advertising of Catering and Naming Rights for Leederville Oval will provide income to offset costs required to maintain Leederville Oval as a "Football Centre of Excellence". Accordingly, it is recommended that the Council approves of the recommendation.

**10.4.15 Access and Equity Policy - Amendments**

<b>Ward:</b>	Both	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0053
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Jarman		
<b>Checked/Endorsed by:</b>	J.Anthony, M.Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES** the amended "Access and Equity" Policy No. 1.1.19 as shown in Appendix 10.4.15; and
- (ii) **AUTHORISES** the Chief Executive Officer to:
  - (a) *advertise the proposed policy amendments for a period of twenty one (21) days, seeking public comment;*
  - (b) *report back to the Council with any public comments received; and*
  - (c) *include the policy in the Policy Manual if no public submissions are received.*

**COUNCIL DECISION ITEM 10.4.15**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

The Town's current Access and Equity Policy was approved by Council at the ordinary meeting 14 August 2001.

The Town's Access and Equity Policy "aims to ensure that the Town of Vincent responds to the needs of all residents and customers in an equitable and non-discriminatory way."

The policy covers issues of equity of participation regardless of culture, language, age, socio-economic status, gender, sexuality or ability. The areas covered in the policy are:

- 1 physical inclusion;
- 2 community inclusion and participation;
- 3 information dissemination;
- 4 decision making processes, grievance mechanisms and public consultations;
- 5 training and development;
- 6 employment; and
- 7 community development.

**DETAILS:**

Approximately 38% of the Town's population speaks a language other than English. Major language groups within the Town include Italian, Greek, Vietnamese, Macedonian and Chinese. Approximately 17% of the Town's population has a disability. This includes communication impairments, therefore requiring a deaf interpreter to assist with participation. The Town has always supported people with specific requirements, stating that residents can make requests for material to be translated in a language other than English, Braille or placed in alternative formats. Deaf interpreters and interpreters using languages other than English are also made available upon the need being identified.

The Access and Equity Policy requires to be amended to reflect that when using translators and interpreters they are qualified to an appropriate standard. Bilingual family members and staff are not qualified translators and interpreters. There are many benefits and necessary factors as to why translators and interpreters need to be qualified. Qualified interpreters and translators are trained in a code of ethics and in issues of confidentiality, accuracy, and impartiality, whereas staff and family members do not necessarily have the same training. Qualified translators and interpreters are able to facilitate effective communication to a high standard, therefore reducing the likelihood of mistakes, emotional involvement and litigation.

In regards to languages other than English, translators and interpreters which are NAATI (National Accreditation Authority for Translators and Interpreters) accredited are highly skilled in English, their chosen other language(s) and have understandings of social and cultural factors in both language groups.

Qualified Deaf interpreters undertake extensive training in Auslan interpretation and are also required to be NAATI approved.

The Town's current Access and Equity Policy does support the facilitation of material in alternative languages and formats but does not reflect or support the importance of having qualified translations and interpreters.

**CONSULTATION/ADVERTISING:**

The new policy will be advertised in accordance with the Town's Community Consultation Policy for a period of twenty-one (21) days.

**LEGAL/POLICY:**

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

The Town's policies are required to comply with the following legislation in regards to operational administration, strategic planning and provision of services:

- Equal Opportunity Act 1984 (amended 1988)
- Racial Discrimination Act (1975)
- Racial Hatred Act (1995)
- Human Rights and Equal Opportunity Commission Act 1986
- Commonwealth Disability Discrimination Act (1992)
- Western Australian Disability Services Act (1993)

**STRATEGIC IMPLICATIONS:**

Additions to the Town's current Access and Equity Policy is in keeping with the Town of Vincent Strategic Plan 2003 - 2008.

Key Result Area 2.3: Ensure effective public relations and communications.  
*2.3a: Provide multilingual and multimedia information.*  
*2.3c: Commit to continuous improvement and best practices customer service.*

Key Result Area 2.6: Ensure that issues affecting access and equity for all community members are addressed in all strategies.  
*2.6c: Develop creative solutions to access and equity issues, relevant to the Town's diverse community.*

**FINANCIAL/BUDGET IMPLICATIONS:**

Each Section is responsible to meet the costs of translations and interpreters generated by their area.

Estimated costs are as follows:

Deaf Interpreting \$110p/hr minimum 2 hours

Translations \$32p/word minimum 200 words

Braille - \$6.16 per Braille page, plus \$1.65 for binding; 1 A4 page = 2.5 Braille pages

Interpreting – the Town is eligible for fee-free interpreting (depending on availability)

**COMMENTS:**

The Town of Vincent continues to lead the way in improving access and advocating for the rights of people with disabilities and for people from culturally and linguistically diverse backgrounds within the Town.

Changes to the current Access and Equity Policy will reflect the support the Town gives to our multicultural and disability communities, whilst ensuring that the Town is operating to industry standards. They will also increase the high level of customer service delivered and maintain our professional standards.

**10.4.17 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Wilton		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 26 October 2004 as distributed with the Agenda, be received.*

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**COUNCIL DECISION ITEM 10.4.17**

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**DETAILS:**

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

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from Department of Environment - Pollution Watch Initiative
IB02	Nos. 405-407 (Lots 301 & 300) William Street, Perth - Town Planning Appeal No. 229 of 2004 - Statement of Respondent
IB03	Notice of Forum - 2 November 2004
IB04	Letter of Appreciation - Ranger Services



Mayor Catania advised that Cr Cohen had declared a proximity interest in this Item. Cr Cohen departed the Chamber at 6.41pm and did not speak or vote on the matter.

**10.1.11 No(s). 15-19 (Lot(s) Y192 & Y193) Carr Street, Dual Frontage with Harwood Place, West Perth - Proposed Demolition of Existing Warehouse and Office and Construction of Twenty (20) Two-Storey Grouped Dwellings and Four (4) Storey Development Comprising Forty (40) Multiple Dwellings and Associated Part Undercroft Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0717; 00/33/2440
<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;*

- (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 Australand Pty Ltd on behalf of the owner WH Dilley & Others for proposed Demolition of Existing Warehouse and Office at No(s). 15-19 (Lot(s) Y192 & Y193) Carr Street, dual frontage with Harwood Place, West Perth, and as shown on plans stamp-dated 17 September 2004, subject to the following conditions:*
- (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;*
  - (g) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*

*(h) prior to the issue of a Demolition Licence, a proposal for the heritage (historical and social) interpretation of the site shall be submitted to and approved by the Town, and shall be installed on site prior to the first occupation of any redevelopment of the site, and thereafter maintained , by the owner;*

*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 Australand Pty Ltd on behalf of the owner WH Dilley & Others for proposed Construction of Twenty (20) Two-Storey Grouped Dwellings and Four (4) Storey Development Comprising Forty (40) Multiple Dwellings and Associated Part Undercroft Car Parking, at No(s). 15-19 (Lot(s) Y192 & Y193) Carr Street, dual frontage with Harwood Place, West Perth, and as shown on sketch perspectives stamp-dated 31 August 2004 and plans dated 17 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 and precinct area;*

*(b) the non-compliance with the building setbacks, plot ratio, number of storeys, pedestrian path, privacy, number of boundary walls, stores, out door living area and building height requirements of the Residential Design Codes and the Town's Policies relating to Beaufort Precinct and Newtown Locality Plan, respectively;*

*(c) the creation of an undesirable precedent in the locality;*

*(d) all vehicular ingress/egress to the site should be off Carr Street; and*

*(e) consideration of the objections received.*

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**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

Discussion ensued.

**Moved Cr Ker, Seconded Cr Chester**

*That the word "density" be inserted after the words "building setbacks" in clause (ii) (b).*

**AMENDMENT CARRIED (7-0)**

(Cr Torre was an apology for the meeting.)

**Moved Cr Chester, Seconded Cr Lake**

*That the word "overshadowing" be inserted after the word "density" in clause (ii) (b).*

**AMENDMENT CARRIED (7-0)**

(Cr Torre was an apology for the meeting.)

**MOTION AS AMENDED CARRIED (6-1)**

(Cr Torre was an apology for the meeting.)

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

**COUNCIL DECISION ITEM 10.1.11**

*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 Australand Pty Ltd on behalf of the owner WH Dilley & Others for proposed Demolition of Existing Warehouse and Office at No(s). 15-19 (Lot(s) Y192 & Y193) Carr Street, dual frontage with Harwood Place, West Perth, and as shown on plans stamp-dated 17 September 2004, subject to the following conditions:*
- (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;*
  - (g) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*

*(h) prior to the issue of a Demolition Licence, a proposal for the heritage (historical and social) interpretation of the site shall be submitted to and approved by the Town, and shall be installed on site prior to the first occupation of any redevelopment of the site, and thereafter maintained , by the owner;*

*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 Australand Pty Ltd on behalf of the owner WH Dilley & Others for proposed Construction of Twenty (20) Two-Storey Grouped Dwellings and Four (4) Storey Development Comprising Forty (40) Multiple Dwellings and Associated Part Undercroft Car Parking, at No(s). 15-19 (Lot(s) Y192 & Y193) Carr Street, dual frontage with Harwood Place, West Perth, and as shown on sketch perspectives stamp-dated 31 August 2004 and plans dated 17 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 and precinct area;*

*(b) the non-compliance with the building setbacks, density, overshadowing, plot ratio, number of storeys, pedestrian path, privacy, number of boundary walls, stores, out door living area and building height requirements of the Residential Design Codes and the Town's Policies relating to Beaufort Precinct and Newtown Locality Plan, respectively;*

*(c) the creation of an undesirable precedent in the locality;*

*(d) all vehicular ingress/egress to the site should be off Carr Street; and*

*(e) consideration of the objections received.*

#### **FURTHER REPORT:**

##### **Details**

The applicant has requested that the above development application and variations being sought are considered under Clause 40 of Town of Vincent Town Planning Scheme No.1, which allows Council to consider non-complying applications.

Clause 40 of Town of Vincent Town Planning Scheme No.1, states as follows:

*"(1) In this clause:-*

*(a) an application which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a planning policy or in the Scheme Map), where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; and*

*(b) a non-complying application does not include an application involving a prohibited use.*

*(2) Subject to subclause (3), the Council may refuse or approve a non-complying application.*

*(3) The Council cannot grant planning approval for a non-complying application unless –*

*(a) if so, required by the Council under Clause 38 (2) and the application has been advertised; and*

- (b) *the Council is satisfied by an absolute majority that –*
- (i) *if approval were granted, the development would be consistent with –*
- (a) *the orderly and proper planning of the locality;*
- (b) *the conservation of the amenities of the locality; and*
- (c) *the statement of intent set out in the relevant Scheme Map; and*
- (ii) *the non-compliance would not have any undue adverse affect on –*
- (a) *the occupiers or users of the development;*
- (b) *the property in, or the inhabitants of, the locality; or*
- (c) *the likely future development of the locality."*

The applicants have submitted the following comments:

*"It would be possible to develop a proposal with two/three bedroom apartments that would result in the number of dwellings exceeding that proposed in the above proposal. The proposal is considered to provide a superior development, which is responsive to the streetscape, amenity circumstances of adjoining developments and in line with Council's objective in the provision of a range of dwellings types. The development is preferred in terms of its overall height, scale and bulk. Having regard to the Scheme's objectives, the proposal is not considered to have an adverse impact on the amenity of the occupiers or users of the development, the residents of the locality or future development of the locality.*

*The applicants consider that the proposed development is reasonable and justifiable in relation to the context of the above requirements."*

**Comments**

The above comments from the applicants are outlined in the Agenda Report.

**Density**

The above proposal is not consistent in terms of orderly and proper planning of the locality, conservation of the amenities, the intent set out in the scheme map and would also be considered to have an undue adverse affect on occupiers or users of the development, the property in or the inhabitants of the locality. As such, the use of Clause 40 in this instance is not supported.

**Conclusion**

The Officer Recommendation for refusal remains unchanged, as previously stated in the Agenda Report.

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<b>Landowner:</b>	WH Dilley & Others
<b>Applicant:</b>	Australand Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential/Commercial R80
<b>Existing Land Use:</b>	Warehouse and Office
<b>Use Class:</b>	Multiple Dwellings and Grouped Dwellings
<b>Use Classification:</b>	"P" & "P"
<b>Lot Area:</b>	6084 square metres

**COMPLIANCE:**

<b>Requirement</b>	<b>Required</b>	<b>Proposed*</b>
Stores-Dimension and Area	1.5 metres (4 square metres in area)	Less than 1.5 metres (4 square metres in area)
No. of Storeys	2 storeys	2 storey grouped dwellings and 4 storey development comprising multiple dwellings with part undercroft car parking.
Plot Ratio	R80-Multiple dwellings - 1.0 or 2494 square metres based on land area of 2494 square metres.	1.173 or 2926 square metres based on land area of 2494 square metres.
	R60 -Grouped dwellings - 0.65 or 2333 square metres based on land area of 3590 square metres.	0.79 or 2840 square metres based on land area of 3590 square metres.
Density	20 grouped dwellings, 24 single bedroom and 3.87 multiple dwellings.	20 grouped dwellings, 24 single bedroom and 16 two bedroom multiple dwellings. Standard actual density calculation is not readily workable due to the various types of dwellings proposed and the different densities applying to the grouped dwellings and the multiple dwellings in the R Codes.
Outdoor Living Area	4 metres dimension	3.5 metres dimension
Setbacks- Northern/ Carr Street elevation-First floor	6 metres	2.5 to 4.5 metres
Setbacks-Eastern elevation-Wall 1	2.2 metres	Nil
Setbacks-Eastern elevation-Wall 2	2 metres	Nil
Setbacks-Eastern elevation-Wall 3	1 metre	Nil
Setbacks-Eastern elevation-Wall 4	1 metre	Nil
Setbacks-Western elevation-Wall 1	2.1 metres	Nil
Setbacks-Western elevation-Wall 2	1.9 metres	Nil
Setbacks-Western elevation-Wall 3	1 metre	Nil
Setbacks-Eastern elevation-Second floor	8.7 metre	4.5 metres
Setbacks-Eastern elevation- Third floor	10 metres	4.5 metres
Setbacks-Western elevation-Third floor	7.7 metres	4.5 metres

Setbacks-Southern/Harwood Place elevation-Fourth floor	11.5 metres	10.7 metres
Setbacks-Southern/Harwood Place elevation-Fourth floor	11.5 metres	10.5 metres
Setbacks-Eastern elevation Fourth floor	12.5 metres	4.5 metres
Setbacks-Eastern elevation Fourth floor	13.1 metres	11 metres
Setbacks-Western elevation Fourth floor	9.8 metres	4.5 metres
Setbacks-Western elevation Fourth floor	9.8 metres	4.5 metres
Height of wall on eastern boundary	Maximum 3.5 metres and average of 3 metres	3.3 to 6.1 metres
Privacy-Balconies	7.5 metres setback or privacy screen to 1.6 metres in height above finished floor levels.	Less than 7.5 metres and no screening to 1.6 metres in height.
Balcony-Size and dimension	10 square metres and 2 metres dimension	9.8 square metres and 2 metres dimension
Communal accessway	1.2 metres wide pedestrian path separate from vehicular access	Partly proposed

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

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

#### **SITE HISTORY:**

The Betts Shoe Warehouse and Office currently operate from the above site.

#### **DETAILS:**

The applicant seeks to demolish the existing buildings on-site and construct twenty (20) two-storey grouped dwellings and a four (4) storey development comprising forty (40) multiple dwellings and associated part undercroft car parking.

The applicant has submitted a comprehensive submission in support of the proposal which has been "Laid on the Table", which is summarised as follows:

- Under current zoning, the site can be developed with a range of residential developments. The applicant (Australand Holdings) has undertaken other similar quality jobs in the Town, such as the "Maltings". Australand aim is to provide a mix of quality dwellings at the above site.
- The proposal is for a total of sixty (60) dwellings. Ten (10) two storey group dwellings are proposed with frontage to Carr Street, and another ten (10) two storey grouped dwellings are proposed in the middle of the development, with access from either Carr Street or Harwood Place. The remaining forty (40) multiple dwellings are located at the rear of the site, when viewed from Carr Street and is 4 storeys in height with a part under croft car parking.
- The current use of the site represents a strictly non residential use. The 4 storey dwellings are approximately 60 metres from Carr Street, towards the rear of the site, to soften the overall interface with Carr Street, and also utilise the fall of the land to the rear, which reduces the rear interface considerably.

- The site does not have a substantive frontage to Harwood Place as it is a cul de sac. Harwood Place provides access and frontage to a number of commercial and residential properties. The introduction of residential interface at this location is considered a vast improvement to the street presentation and the amenity of the area.
- Clause 20 of the Scheme allows Council to consider an increase in density to 50 percent, where the development results in the discontinuance of a non conforming use, or retains a building of a particular character. The removal of the current use and the small density variation are both reasonable and justifiable and within Council's approving parameters.
- Proposal has been assessed against the R Codes and found to substantially meet the acceptable standards and requires consideration under the performance criteria.
- In terms of building height and bulk, it is considered the development form is preferred in terms of overall height, scale and bulk. The development is also not considered to have an adverse impact on the amenity of the occupants of the development, residents of the locality or future developments in the locality.
- Car parking has been provided in compliance with the R Codes requirement.
- Consideration has been given to the performance criteria in the R Codes, including sunlight, overshadowing, and habitable spaces in relation to the side setbacks proposed.

Under building height, the Town's Beaufort Precinct Policy states that:

*"Redevelopment should provide a transitional reduction in building scale and height from the city centre to the residential areas beyond. New buildings should be of a scale compatible with the majority of existing buildings and comprise a consistent built form in relation to height, setbacks and street frontage."* Particular consideration has been given to the building height in terms of topography of the site, abutting streetscape and adjoining development. This has resulted in a 2 storey height along Carr Street and a 4 storey height at the rear, rather than a blanket 3 storey height for the entire development, which is considered not site responsive. The R Codes also prescribe performance criteria in relation to building height, which have been taken into consideration, in protecting the amenity of the adjoining properties through locating the building to the rear, where the impact is considerably less.

- Submission of a traffic impact assessment which has been laid on the table, has been further amended following consultation with residents. Egress and ingress is provided off Carr Street for the 20 grouped dwellings. Access only to the site is provided from Harwood Place, with all egress to Carr Street. The forecasted volumes of traffic are within expected capacities for the road types servicing the area. The site is also well served with public transport.
- Australand has had various meeting with the residents along Harwood Place to resolve issues and concerns for the development. Furthermore Town's Elected Members have been informed and involved in the proposal.
- The proposal substantially meets the aims and objectives of the Council within its planning framework.
- Imperative that the proposal be considered and determined by Council on 26 October 2004, due to contractual arrangements.

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

The proposal was advertised and three (3) submissions from individual persons and another comprehensive submission, which is summarised as follows, from the "harwood place + action group". There was also a note of appreciation from one of the two individual submissions received.



The issues and concerns raised in the submissions are summarised as follows:

- The proposed access to the development site would drastically impinge upon the residents living along Harwood Place. *"Half the street is residential and they already share the street with several commercial businesses. The residents on this street have no private car parking, which means that the street becomes extremely congested with cars not only from the residents but also from the excess customers using the street to park when the private business car park areas are full"*.
- The access from Harwood Place should be deleted.
- Setbacks for walls on the boundary to comply with the relevant requirements.
- Balconies to be screened.
- Setbacks to southern elevation to comply.
- What measures are being taken to remedy the current inadequate parking spaces along Harwood Place, as in the evenings, it is difficult to find a space to park in the street at all. There is likelihood that visitors and residents of the above site will also utilise Harwood Place for car parking needs.
- What additional measures are being taken to accommodate excess vehicles than planned provided.
- What measures are being taken to ensure that traffic do not exit onto Harwood Place from the above development site.
- What measures are being taken to avoid noise resulting from the emptying of rubbish bins outside No(s) 22-26 Harwood Place, as noise levels are already high for residences with bedrooms at the front.
- Proposal should be refused as it does not comply with the development requirements of the Town of Vincent.
- The "harwood place + action group", have also advised that they seek to work with the Council, the developer and architect to ensure a satisfactory outcome is achieved, and generally support in principle the proposed development, except the access off Harwood Place. If Harwood Place is used as an access point, no parking can exist along it. The street is too narrow and busy and will eventuate in more bottlenecks along Newcastle Street and within Harwood Place. Claims that there will be no existing traffic added onto Newcastle Street and Harwood Place intersection is disputed. Other matters not supported by the group or no comments made relate to the number of storeys proposed, the density of the development, courtyard, southern setback for the fourth floor and privacy associated with the balconies. The existing Australand development at "Paddington Place" cast a shadow over the external areas of No. 26 Harwood Place. The proposal would completely overshadow all other areas.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Policy relating to the Beaufort Precinct has been stated by the applicant in their above submission. Furthermore, under the Residential/Commercial area, the Policy states that:

*"Over time, this area is to be transformed from a predominantly commercial area to an area of compatible residential and commercial uses. Commercial uses are not to be permitted to develop independently of residential uses.*

*The protection and enhancement of the amenity and general environmental standards of existing and future residential development in and around the Precinct is important."*

Under the Newtown Locality Plan Policy , for residential zoned land, the requirement is as follows:

"i) *Height: A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk."*

**Demolition**

The applicant has provided an independent Heritage Assessment, which is shown as an attachment to this report. The Heritage Assessment is considered acceptable by the Town's Heritage Officers and complies with the criteria and general format required by the Town's Heritage Management Policies 3.6.1 and 3.6.2.

The place, being former office and warehouse of the Betts Group (Cecil Bros) at No. 17 (Lots 192 and 193) Carr Street, West Perth has been identified as having *little to some* social and historic value in the following statement of significance extracted from the Heritage Assessment:

*"The subject place has little to some historic value as it was the location of the head office and warehouse of the Betts Group, formerly Cecil Bros. This Western Australian company has achieved prominence throughout Australia and is significant for its contribution to the economy of the state and the development of the business community. The place also had an association with the Goodyear Tyre and Rubber Company for over 20 years.*

*The subject place is associated with architectural firm Haward Bonner and associates which undertook design work in Western Australia pre and post World War Two....*

*The place has little to some social value for its contribution to the community's sense of place. Its dominant presence in the streetscape since 1959 has been consistent since its construction as few other large commercial premises are located in the street.*

In light of the documentation provided in the Heritage Assessment and the limited nature of identified cultural heritage significance, it is recommended that the proposed demolition of the place be approved, subject to the standard conditions as well as an appropriate condition requiring any future redevelopment of the site to provide interpretive material, visible from the public domain, that recognises the social and historical aspects of the place as described in the Heritage Assessment. An additional copy of the Heritage Assessment is also to be provided for the Town's Local Studies Collection.

### **Density**

Under the R80 density, 20 grouped dwellings, 24 single bedroom and 3.87 two bedroom multiple dwellings are permissible. The proposed 20 grouped dwellings, 24 single bedroom and 16 two bedroom multiple dwellings are considered excessive, and moreover do not comply with the criteria under Clause 20 (2) and (3) of the Town of Vincent Town planning scheme No.1, which states as follows:

- "(2) *Subject to compliance with the procedures set out in the Residential Planning Codes for notifying affected owners and occupiers, the Council may grant an increase in the permitted dwelling density by up to 50% if -*
- (a) *the proposed development effects the discontinuance of a non-conforming use; or*
  - (b) *the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention; or*
  - (c) *the proposed development would remove all existing vehicular access to and from the site from a road shown on the functional road hierarchy map as a primary distributor or district distributor (A).*
- (3) *Where the Council allows an increase in the permitted dwelling density, the standards and provisions of the Residential Planning Codes which relate to that higher density are to apply."*

The applicant has the opportunity to comply with the above density requirements. The site is zoned Commercial/Residential R80 and to support an increase in density for this site is likely to set undesirable precedent for other sites in the locality. The applicants claim that the development will cause the discontinuance of a non-conforming use is considered incorrect, as the current use is permissible subject to Council's approval. The increased density has also indirectly contributed to some of the variations requested, such as those relating to store size, setbacks, height and number of storeys. On the above basis, the increase in the density is not supported.

### **Heights**

There are no building heights stipulated in the Beaufort Precinct Policy for the Commercial/Residential zoned land. Under the Newtown Locality Plan Policy, the height limit for residential development is 2 storeys (including loft). On the above basis, a reduction in height to a 3 storey development with associated part undercroft car parking is considered reasonable and compatible in this instance, taking into account the height of surrounding developments in the locality.

### **Traffic Report**

The Town's Technical Services have advised that the proposed development has vehicle access from both Carr Street and Harwood Place. The access from Harwood Place is an entrance only and will mainly cater for the multiple dwellings. The Carr Street access will cater for the multiple dwellings vehicles exit and both entry and exit for the grouped dwellings. The development comprises 24 single bedroom multiple dwellings, which will each produce an estimated 6 vehicle trips a day, 16 two bedroom multiple dwellings, which will each produce an estimated 8 vehicle trips a day and 20 grouped dwellings, which will each produce an estimated 8 vehicle trips a day.

Using the above estimates, the entry to the development site from Harwood Place will be catering for an additional 272 vehicles per day (VPD) and based on the Town's traffic counts for the existing traffic on Harwood Place of 213 VPD, this will result in a 128 per cent increase in traffic volume. The increase in traffic volume for Carr Street is 592 VPD, and based on the Town's traffic count of 5615 VPD, the traffic increase would be 11 per cent.

The Perth Metropolitan Area Functional Road Hierarchy classifies Harwood Place as an Access Road with a maximum volume of 3,000 VPD; and Carr Street as a Local Distributor Road with a maximum volume of 6,000 VPD. Although the increased traffic volume for Harwood Place will still be well under the classified limit it is a substantial increase and may be of some concern for the existing residents. The increase in traffic volume in Carr Street is only 11 per cent and the road's traffic facilities should cater with this increase with little or no impact on residents.

The owners/strata managers of the above site would have to ensure that vehicles do not exit onto Harwood Place. One way is by signage. If the proposal is approved, that should be a condition to this effect.

### **Setbacks**

The proposed setback variations requested are considered acceptable and would contribute to the overall design of the building. The current privacy variations can be overcome by way of requiring 1.6 metres high fixed screening of the affected balconies on the affected elevations. On this basis, the setback variations are supported.

### **Plot Ratio**

The combined plot ratio for the above site is 0.94 in lieu of 1.0 under the R80 applying to the site. On the above basis, the variations to both the individual calculations is within acceptable standards and supported, as the overall impact of the plot ratio for the site is not changed.

### **Open Space**

#### Communal Open Space

All the multiple dwellings have been provided with a balcony area, directly accessible from a habitable room.

Although it could be argued that the R Codes require a communal open space area of 16 square metres for each dwelling, Table 1 of the R Codes is ambiguous, as it only appears to require one communal area of 16 square metres for the development. Additionally, 640 square metres (40 units x 16 square metres) of communal open space is considered excessive for a development of this scale. The proposed communal open space is 500 square metres.

In light of the above, and that each unit has its own outdoor living area or balcony for entertaining, which is required to be increased to the minimum standard size in some instances, the proposed communal open space area is considered adequate to meet the future needs of the residents.

#### Courtyard/Outdoor Living Area

One of the grouped dwellings has a courtyard space below the requirements of the R Codes. The applicant has advised that this variation can be complied with.

#### Balcony

The variation to the balcony size is not supported, and should comply with the minimum standards.

### **Privacy**

In terms of privacy, some of the proposed balconies on the upper floors of the multiple dwellings and the grouped dwellings in the middle row closest to the eastern and western boundaries are closer than 7.5 metres to the adjoining lot boundary. This overlooking can be overcome by the imposition of a condition requiring all the above mentioned balconies closer than 7.5 metres to the adjoining boundary be screened to a height of 1.6 metres from the respective finished floor level.

### **Stores**

The variation to the size and dimension of the proposed stores are not supported, as there is opportunity for the standard size stores to be provided for such residential developments.

Noise from the emptying of the bins is "part and parcel" of any development , and as such is dismissed.

### **Overshadowing**

The overshadowing of 37 per cent of the adjoining southern property complies with the 50 per cent overshadowing requirements of the R Codes.

### **Car Parking and Communal Pedestrian Path**

The car parking is complied with, as 104 car bays are provided in lieu of 103 car bays. As such there is no further requirement to provide for additional car parking spaces if the need arises. The proposal will require to be provided with a continuous pedestrian path with a minimum width of 1.2 metres.

There is no immediate plans to increase on-street car parking along Harwood Place.

### **Health, Building and Engineering**

The relevant health, building and engineering requirements will generally be addressed at the Building Licence stage.

### **Conclusion**

The proposed development is considered to be over height and exceeds the permissible density in terms of number of dwellings being proposed, resulting partly in some of the resultant variations, such as those relating to setbacks, size of stores, balconies and courtyard. This has also contributed in unreasonable overall bulk and scale of the proposed development in comparison to the adjacent and surrounding developments.

It is considered that the proposal will have an undue adverse impact on the amenity of the area, in terms over development height and scale, which would also create an undesirable precedent in the area. It is therefore recommended that the development application for the 20 grouped dwellings and 40 multiple dwellings be refused for the above-mentioned reasons.

The demolition of the buildings on-site is however supported and recommended for approval subject to standard and appropriate conditions.

Cr Cohen returned to the Chamber at 6.52pm.

**10.1.8 No(s). 5 (Lot(s) 71 & 72) Chamberlain Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House - Reconsideration of Condition**

<b>Ward:</b>	North	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	Smiths Lake; P6	<b>File Ref:</b>	PRO2877; 00/33/2492
<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 APG Homes on behalf of the owner I Basei & J Lane for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No(s). 5 (Lot(s) 71 & 72) Chamberlain Street, North Perth, and as shown on plans stamp-dated 8 July 2004, subject to:*

- (i) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) a road and verge security bond or bank guarantee of \$550.00 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) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (v) 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);*
- (vi) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (vii) subject to first obtaining the consent of the owners of No. 3 Chamberlain 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. 3 Chamberlain Street in a good and clean condition;*

- (viii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (ix) *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;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to Bedroom 3 on the northern elevation on the first floor shall be screened with a permanent obscure material 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 obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (xi) *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 Parking and Access Policy and Australian Standards AS2890.1 - "Off Street Parking";*
- (xii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xiii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating that:*
- (a) *the landscaping on the western boundary adjacent to car-parking bays 1 and 2 for the existing dwelling being removed to facilitate the manoeuvring of vehicles; and*
- (b) *vehicular access to the rear dwelling being provided only from the right of way. There is to be no vehicular access to the rear dwelling from Chamberlain Street;*

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

(xiv) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Doran-Wu, Seconded Cr Ker**

*That the recommendation be adopted.*

**Discussion ensued.**

**Moved Cr Cohen,**

*That clause (xiii) (b) be deleted.*

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

**ORIGINAL MOTION CARRIED (8-0)**

<b>Landowner:</b>	I & J Basei
<b>Applicant:</b>	APG 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>	718 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Density	R30 (2 grouped dwellings)	R27.85 (2 grouped dwellings)
Street Setbacks Policy: Rights of Way	In the case of a new dwelling at the rear of other dwelling(s) on site and adjacent to a (legally) available right of way, that dwelling is to address the right of way in a traditional interactive manner.	Dwelling does not address right of way



Vehicular Access and Street Setbacks Policy: Carparks and Garages	Car parking to be accessed from an existing right of way where (legally) available.	Car parking accessed from battleaxe style access leg from Chamberlain Street.
Southern Setback (First Level, Bedroom 3)	3.0 metres	1.5 metres
Southern Setback (First Level, Sitting Room)	3.2 metres	2.2 metres - 4.7 metres
Southern Setback (First Level, Balcony)	3 metres	2.2 metres - 2.7 metres
Western Setback (First Level, Sitting Room)	2.8 metres	2.2 metres
Eastern Setback (First Level, Bedroom Room)	1.9 metres	1.5 metres
Retaining Wall Height (Southern Boundary to ROW)	0.5 metre	0.6 metre - 0.8 metre
Privacy: Cone of Vision (Bedroom 3)	4.5 metres	2.8 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.

\* 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.

#### **BACKGROUND:**

14 September 2004 The Council at its Ordinary Meeting resolved to conditionally approve proposed additional two-storey grouped dwelling to existing single house.

#### **SITE HISTORY:**

The site is currently occupied by a single storey house. The rear right of way to the subject property has been resumed and vested in the Town. The right of way is sealed and has a width of 5 metres.

#### **DETAILS:**

The applicant seeks reconsideration of condition (xiii) (b) of the Planning Approval granted by Council at its 14 September 2004 Ordinary Meeting. Condition (xiii) (b) is as follows;

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

*.... (b) vehicular access to the rear dwelling being provided only from the right of way. There is to be no vehicular access to the rear dwelling from Chamberlain Street;*

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

The applicant has submitted written justification for removal of the subject condition and this is attached to the report.

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

There is no need to advertise the above matter.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Street Setbacks and Vehicular Access Policy**

The applicant seeks variations to the Town's Policies relating to Street Setbacks and Vehicular Access. The intent of the Town's Street Setbacks Policy, in relation to development adjacent to rights of way, is to facilitate the creation of a reasonable streetscape and improved amenity, social interaction and casual surveillance between developments and the rights of way.

The intent of the Town's Street Setbacks (Carports and Garages) and Vehicular Access Policies is to also address the location for access points for vehicles to dwellings within the Town. The Policies are explicit in the requirement for car parking, or access to car parking, being provided from a right of way if available. In this instance, the right of way is sealed, five (5) metres wide and vested in the Town.

**Response to Applicants Submission**

In relation to justification provided by the applicant, clarification for Council is needed. It is noted the width of the accessway will not need to increase to 5.5 metres. The provision of a 1.5 metres pedestrian accessway/service corridor can be contained within the existing driveway, or alternatively, it provides an opportunity for the applicant to landscape the existing driveway, (which is currently limited in its sealed area as existing - see photograph) and solely provide a 1.5 metres pedestrian access way/service corridor. This will aid in the beautification of the Chamberlain Street frontage.

The applicant is concerned that any development oriented from the right of way will be effected by the location of a sewer line at the rear of the existing property. The Town's Officers note the sewer line is located 2.1 metres from the existing rear boundary and is therefore within the potential front setback area for a dwelling with frontage to the right of way.

**Related Matters**

The other matters relating to the proposal have been addressed in the Report, Item 10.1.6 to the Ordinary Meeting of Council held on 14 September 2004.

**Summary**

The proposed development, as submitted and for reasons outlined above, would result in inappropriate development of the site and an incongruous feature in the street and right of way 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 Policies, and the previously applied condition (xiii) (b) requiring vehicle access only from the right of way should be retained accordingly.

**10.1.5 No(s). 18 (Lot(s) 185) Windsor Street, Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	18 October 2004
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2908; 00/33/2400
<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 F Morel on behalf of the owner Anne Morel Nominees Pty Ltd for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No(s). 18 (Lot(s) 185) Windsor Street, Perth, and as shown on plans stamp-dated 10 August 2004 (Site Plan and Floor Plan of existing dwelling), and amended plans stamp-dated 15 October 2004 (Site Plan, Floor Plan, Elevations and Height Averaging Calculation) 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 Windsor Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) a road and verge security bond or bank guarantee of \$550.00 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) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (v) 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);*
- (vi) compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (vii) *first obtaining the consent of the owners of No. 13 Marlborough 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. 13 Marlborough in a good and clean condition;*
- (viii) *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;*
- (ix) *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;*
- (x) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (xi) *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 Parking and Access Policy and Australian Standards AS2890.1 - "Off Street Parking";*
- (xii) *a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that;*
  - (a) *the overall width of the driveway and crossover not occupying more than 40 per cent, being 5.67 metres, of the frontage of the property;*
  - (b) *the driveway being no closer than 0.5 metre to the street verge tree; and*
  - (c) *the proposed garage wall adjacent to the right of way incorporating visual truncation to the satisfaction of the Town's Technical Services Division.*

*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.*

Cr Chester advised that he no longer wished for Item 10.1.5 to be discussed. He wished to discuss Item 10.1.15. The CEO advised that Item 10.1.15 was not finalised and therefore would not be included in the agenda.

**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

<b>Landowner:</b>	Anne Morel Nominees Pty Ltd
<b>Applicant:</b>	F Morel
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	314 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Garage Street Setback	Garages setback at 6 metres from the frontage street or behind the main building line.	Existing garage setback reduced by 700 millimetres within street setback area.
North-western (Study) Setbacks	1.5 metres	1.1 metres
Crossover/Driveway Width	Maximum 40 per cent of property frontage	42 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.

**SITE HISTORY:**

The site is occupied by a single storey house which fronts Windsor Street. A 4 metres wide, Town owned and unsealed right of way (ROW) abuts the north-western boundary of the subject site for half the length of the boundary, the ROW then turns at right angles to the dwelling boundary alignment.

**DETAILS:**

The applicant seeks approval for partial demolition of the existing single storey dwelling, additions to the rear of the dwelling, and alteration and front addition to the existing garage. 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 was advertised and no comments were received during the advertising period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Garage Setback**

The applicant proposes to alter and extend the front of the existing garage; the existing garage is located within the front setback area and as such requires a variation to the Town's Street Setbacks Policy. The applicant has provided the following justification for the alteration and addition to the existing garage.

*"As the property abuts a laneway to the west (recently upgraded in response to anti-social behavior), is close the East Perth Railway Terminus and is opposite institutional buildings and an empty church, it is proposed to retain the period gabled garage located at the south-west corner to reduce the possibility of vandalism and in the interests of family and vehicle security.*

*The garage however has been crudely joined to the window hood of the dwelling (refer to attached photograph) and in the interests of reinstating the original streetscape appearance of the house and to improve light and ventilation to the front lounge room of the dwelling, it is proposed to correct this by separating the two structures to provide for a 1 metre clearance. This involves demolishing the rear wall of the garage and, in order to retain sufficient length for its purpose (5.4 metres), it is proposed to compensate by moving the front wall and gable structure, and existing security door, 0.7 metres closer to the street and reinstate the rear wall with a new stud wall lined externally with weatherboard. A new rear door for access can then be located providing more secure access to the front door and less restriction to the open parking area adjacent."*

The Town's Officers concur with the applicant's comments and justification for the alteration and addition to the existing garage. Accordingly, the variation is considered supportable in this instance.

**Setbacks**

The applicant seeks a variation to the north-western setback requirement. It is noted that the setback variation is considered minor, the setback abuts a ROW, no objections were received during the advertising period and the setback follows the main building line.

The setback is not considered to unduly compromise the privacy of adjoining residents or affect the amenity of the area. Accordingly, the variation is considered supportable.

**Driveway/Crossover Width**

The applicant seeks a variation to the driveway/crossover width. The Town's Officers have conditioned the recommendation to comply with the R Codes requirements.

**Summary**

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

**10.3.1 Hyde Park Rotary Community Fair 2005**

<b>Ward:</b>	North Perth	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	Hyde Park Precinct P12	<b>File Ref:</b>	RES0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Anthony		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the public submissions received concerning the Hyde Park Community Fair;*
- (ii) *PERMITS the Rotary Club of North Perth to hold the Hyde Park Community Fair on 6 and 7 March 2005, subject to;*
  - (a) *event application fees for the fair at Hyde Park being waived;*
  - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
  - (c) *full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report; and*
  - (d) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*

*to the satisfaction of the Chief Executive Officer; and*
- (iii) *APPROVES the sponsorship contribution of \$10,000 to assist with the costs of the event as listed in the 2004/2005 Budget.*

**Moved Cr Doran-Wu, Seconded Cr Chester**

*That the recommendation be adopted subject to the addition of new clause (iv) as follows:*

- "(iv) *REQUESTS that the Rotary Club of North Perth provides the following information for inclusion in the Management Plan:*
  - (a) *the number of community groups included in the fair;*
  - (b) *indicate what action will be undertaken to increase the number of community groups involved in the fair in the future."*

**Discussion ensued.**

**Moved Cr Lake,**

- "(v) *REQUESTS that the Management Plan be amended to reflect the appropriate behaviour to be used in the whole park, with particular reference to the trees;*
- (vi) *REQUESTS that the Rotary Club of North Perth prepare a leaflet to be distributed to all stall holders on the appropriate behaviour to be used when in the park;*
- (vii) *ALLOCATES \$2,000 of the funds budgeted for the Town's contribution to go towards the funding involvement for Local Community Groups."*

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

**Moved Cr Lake, Seconded Cr Ker**

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

*“(v) REQUESTS that the Management Plan be amended to reflect the appropriate behaviour to be used in the whole park, with particular reference to the trees;”*

Discussion ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**Moved Cr Lake, Seconded Cr Ker**

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

*(vi) REQUESTS that the Rotary Club of North Perth prepare a leaflet to be distributed to all stall holders on the appropriate behaviour to be used when in the park;*

Discussion ensued.

**AMENDMENT LOST (3-5)**

(Cr Torre was an apology for the meeting.)

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

**Moved Cr Lake,**

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

*(vi) REQUESTS that the Rotary Club of North Perth provide information to be distributed to all stall holders on the appropriate behaviour to be used when in the park;*

**MAYOR RULED THAT THE AMENDMENT IS NOT SUBSTANTIALLY DIFFERENT TO THE AMENDMENT THAT WAS CONSIDERED AND LOST AND THEREFORE DID NOT ACCEPT THE AMENDMENT**

Discussion ensued.

**Moved Cr Lake, Seconded Cr Chester**

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

*(vi) REQUESTS the Rotary Club of North Perth to consider allocation of funds towards the involvement of local non profit community groups;*

Discussion ensued.

**AMENDMENT LOST (1-7)**

(Cr Torre was an apology for the meeting.)



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

**SUBSTANTIVE MOTION CARRIED (7-1)**

(Cr Torre was an apology for the meeting.)

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

**COUNCIL DECISION ITEM 10.3.1**

- (i) *RECEIVES the public submissions received concerning the Hyde Park Community Fair;*
- (ii) *PERMITS the Rotary Club of North Perth to hold the Hyde Park Community Fair on 6 and 7 March 2005, subject to;*
  - (a) *event application fees for the fair at Hyde Park being waived;*
  - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
  - (c) *full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report; and*
  - (d) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report**to the satisfaction of the Chief Executive Officer;*
- (iii) *APPROVES the sponsorship contribution of \$10,000 to assist with the costs of the event as listed in the 2004/2005 Budget;*
- (iv) *REQUESTS that the Rotary Club of North Perth provides the following information for inclusion in the Management Plan:*
  - (a) *the number of community groups included in the fair;*
  - (b) *indicate what action will be undertaken to increase the number of community groups involved in the fair in the future; and*
- (v) *REQUESTS that the Management Plan be amended to reflect the appropriate behaviour to be used in the whole park, with particular reference to the trees.*

***FURTHER REPORT:***

The Rotary Club of North Perth advised that last year's Rotary Fair raised the amount of \$7,000 after all expenses had been met.

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**DETAILS:**

The Rotary Club of North Perth has submitted a proposal to hold the Hyde Park Community Fair on the Labour Day long weekend of 6<sup>th</sup> and 7<sup>th</sup> of March 2005.

The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus.

The Rotary Club of North Perth considered the 2004 Hyde Park Fair to be successful, with good attendance figures, increased stall holders and quality entertainment.

Funds raised were allocated to the following causes:

- a) The Life Education Centre, for the drug awareness education programme for primary schools;
- b) Rotary Foundation (set up to fund programmes for disadvantaged people in developing countries);
- c) Australian Rotary Health Research Foundation, (currently funding a burns programme through Dr. Fiona Woods); and
- d) Community Chests of Rotary Clubs, St Johns Ambulance and Boy Scouts who assisted the Fair.

An internal working group has been established to determine a management plan and coordinate the Fair from the perspective of the Town with the following representatives:

- ◆ Manager Community Development (Chairperson)
- ◆ Manager Parks Services
- ◆ Manager Law & Order Services
- ◆ Manager Health Services
- ◆ Public Events Section, WA Police Service
- ◆ plus representatives from the organising committee.

In previous years, the Working Group has met regularly and discussed the conditions as stipulated plus coordinated a management plan for the smooth running of the fair.

The plan included the following aspects:

1. Parking allocations and permits;
2. Coordination of the Town of Vincent display;
3. Allocation of sites and vetting events;
4. Risk Management Plan;
5. Food stall permits and inspections;
6. Site inspections; and
7. Noise management.

The Fair will have community stalls, carnival rides, stage entertainment and other community attractions. This year, fair organisers are committed to encouraging the involvement of local community groups. Organisers are committed to improving the calibre of entertainment.

The Hyde Park Community Fair has in previous years been monitored by Council officers from various service areas. All officers involved reported satisfaction with the proceedings of the Fair with no major problems. All parties agree that the conditions stipulated for this year's Fair, should be applied to future fairs. Additional conditions pertaining to noise control, litter control and additional temporary toilet facilities (including accessible facilities) will also be implemented.

The Fair organisers are requesting funding support due to increased costs in advertising, entertainment, holding more fair attractions and public liability insurance costs. The capacity to obtain sponsorship is reduced due to competition with other events and festivals. The Fair did well in 2004 to recruit more security including volunteers for parking control, and securing entry and exit ways at the park in order to meet the demands of increased fair patronage. This will continue in 2005.

At the Ordinary Council meeting on 18 November 2003, the following resolution was adopted;

*"That;*

- (i) the Council PERMITS the Rotary Club of North Perth to hold the Hyde Park Community Fair on 29 February and 1 March 2004, subject to;*
  - (a) event application fees for the fair at Hyde Park being waived;*
  - (b) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
  - (c) full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report;*
  - (d) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report; and*
  - (e) an improved parking management plan that reduces significantly the impact and number of vehicles parking on Hyde Park over the period of the Fair;*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) the Council APPROVES a sponsorship contribution of \$10,000 to assist with the costs of the fair to be funded from the line items "Rotary Fair (\$3,000)" and "Unallocated Festivals (\$7,000)" as listed in the 2003/04 Annual Budget; and*
- (iii) as soon as practicable after the 2004 Fair, the Town seeks comments from the local community about the Fair. The comments to be sought by letter to households within 200 metres of Hyde Park, from local precinct groups and through an advertisement in the local paper."*

**PUBLIC COMMENTS:**

In accordance with the resolution of the Ordinary Meeting of Council on 18 November 2003, a document seeking public comments was prepared with the following points as a guide:

1. Do you agree with the general conduct of the Fair in terms of the date, venue, types of activities, parking and organisation of activities through the day?
2. Is there anything you would have changed about the organisation of the Fair?

3. In your opinion, what sort of positive or negative impact does the Fair have on Hyde Park and its surrounding infrastructure?
4. In your opinion, what sort of positive or negative impact does the Fair have in terms of providing leisure and cultural activities for the local community?
5. Organisers for events held in Hyde Park are required to notify surrounding residents at least two weeks in advance of the date and times of the Fair. Do you think this is of assistance to you as residents and should continue?

This document was distributed to residents living in the following streets adjoining the park;

- Throssell Street;
- Glendower Street;
- Primrose Street;
- Bulwer Street (Part);
- William Street (Part);
- Knebworth Avenue;
- Harley Street;
- Chatsworth Road;
- Mary Street;
- Lincoln Street;
- Bulwer Avenue;
- Grant Street;
- St Alban's Avenue;
- Vincent Street (Part);
- Chelmsford Road;
- Grosvenor Road;
- Ethel Street;
- Fitzgerald Street (Part);
- Norfolk Street;
- Hyde Street;
- Hutt Street (Part); and
- Jack Markes Lane.

Advertisements were lodged in the local newspapers and comments were sought by the due date of Monday 16 August 2004.

A total of twenty-four (24) responses were received of which eight (8) were received via email. The following responses were collated as a result of these invitations.

**1. Do you agree with the general conduct of the Fair in terms of the date, venue, types of activities, parking and organisation of activities through the day?**

- *There are too many expensive & pyramid stalls (Avon, Nutrimetics, etc)*
- *Yes, it was much better this year because it reverted to the old crafts, etc, not so many sideshows.*
- *No. I think the Fair (once good) is long since past its use-by-date. It seems to be kept going by organisers and some parts of the Town of Vincent Council patting each other on the back about how good it is when in reality they are living in the past when it was good and they didn't have weekend markets etc with nik-naks & stuff. .*
- *The time chosen usually coincides with hot weather which makes it uncomfortable during the middle of the day. The farm animals are good as is some entertainment. I don't think the Fair offers anything unique in these days of weekend markets. It could be made into more of a local community fair by discouraging the bric-a-brac stalls and encouraging things like food stalls with food representing the range of cultural groups in Town of Vincent, entertainment along a similar theme, etc. That is, take it back to a more localised community event rather than a mini Subi or Freo market.*
- *I do not support the Fair as it does not reflect the cultural and general social setting of inner city living around this beautiful area.*
- *Parking in surrounding streets and lanes a big problem, people ignore the signs. Volume of music, announcements, side show far too loud, even at a distance and on the ground is deafening.*
- *I find the activities very 'hokey' ie low quality and sophistication. The 'fun fair' part is cheap & nasty.*

- *As the Fair lasted only 2 days, there seemed little point holding it on a long weekend which has been hot for as many years as I can remember. A change of date to spring or autumn would be welcome.*
- *Date-great, Venue-great, Activities-very poor.*
- *Date and venue are fine. What activities? What organisation? Parking-bit squeeze but can live with it for 3 days.*
- *Date-good on long weekend Sun/Mon. Parking always a problem for residents on Fair weekend. Illegal parking on park ground a big issue with Rangers not very reliable.*
- *Yes, it is unfortunate that immediate residents are inconvenienced by parking problems but it is not a valid reason to cancel the Fair as the benefits far outweigh the inconvenience. It is only once a year, afterall.*
- *Fair days are fine, however more thought must be given to parking situation in the surrounding areas. It is a nightmare for residents in close proximity.*
- *Yes*
- *Yes*
- *Yes*

**EMAIL RESPONSES:**

- *I don't agree with the Fair at all. It has gone down hill since the early 1980s when there was a greater focus on true crafts (not some imported rubbish that is passed off as craft). I don't have an issue with the organisation as such. When the Fair was at its peak there wasn't much competition and it offered a fair amount of variety. Nowadays there are markets and the like around the metro area so it is unlikely that the same crowd numbers will turn up making a larger fair less viable.*
- *Yes, as a non participating observer although it does appear to be a rather suburban event.*
- *I agree with all the general conduct of the Rotary Fair. I have lived close by for 6 years and encountered no problems.*

**2. Is there anything you would have changed about the organisation of the Fair?**

- *Not really*
- *No*
- *More stalls & greater variety*
- *Restrict parking in surrounding streets*
- *Yes, The stalls (craft types) have deteriorated and need to be upgraded if you want the crowds to support them. Obviously the driving force of years gone by is not there now and the standard of the fair has dropped.*
- *No, seeming to run well. The set up with stalls along paths and the rides etc away in the corner almost. The stage doesn't support a large group but I know plas are to expand the stage area for future gigs.*
- *More stands, more stalls, lay out could be better placed. Needs more pizzaz. Better quality stalls, more community stalls, more information type stalls. Why no Town of Vincent stall?*
- *What happened to the craft side of the Fair?*
- *The present format has become too commercial, tired and a little tawdry. It is time for some new ideas, more like village fete with less expensive activities and more spread out. Some areas are extremely crowded while most of the park is empty.*
- *More and better stalls. Better quality performances, MC.*
- *Yes, services about parking problems, especially Jack Marks Lane. Reduce the volume - no need to be amplified as much. It can be heard north of Walcott St. Closing time strictly 10pm each day.*
- *Less of the market style booths that are commonly seen around town each weekend.*
- *No*

*EMAIL RESPONSES:*

- *Changes I would like to see are for Rotary to involve more ethnic, including Islamic, participation in the stalls*
- *As its not a fair I feel attracted to maybe some research to clarify target market could help organisers attract a broader crowd (supposing that is what they want).*
- *Remove the side shows rides, increase the craft content and make the entertainment more professional.*

**3. In your opinion, what sort of positive or negative impact does the Fair have on Hyde Park and its surrounding infrastructure?**

- *Very positive*
- *Probably negative, especially on the park lawns & gardens & certainly negative in the wonderful peace of the park.*
- *I can't see much benefit to the infrastructure, impact on park is generally minimal. It would be good for any money made to go into continuing the upgrade things in the playgrounds.*
- *This word needs classification, does it mean roads, houses, people sweltering in their houses with windows and doors shut to block out the noise? Plenty of bins always provided.*
- *I don't think it causes any lasting problems. Minor grass damage which quickly repairs.*
- *The clean-up is always quick and effective, so no observable long term impact.*
- *No positive impact at all. External suppliers/business profit. Local business suffers greatly.*
- *Positive - as it allows non ratepayers to see and enjoy the beautiful surroundings of Hyde Park.*
- *Positive - shows off the park and its beauty. Negative - dumping rubbish, walking through garden beds, annoying wildlife, illegal parking, temper tantruming through lack of parking.*
- *It is a great community activity and needs to be supported. There is no negative impact on the surrounding infrastructure worthy of note.*
- *Parking, Parking, Parking & resident's access.*
- *Positive*
- *No impact*
- *It puts the park to a useful purpose. More street rubbish but otherwise good.*

**EMAIL RESPONSES**

- *I don't believe that the fair has any positive impacts at all. I don't think that the supposed financial benefit (ie money that Rotary obtains) is worth the damage to the park. I don't believe that the income is significant once the Town's donation and the staff time (before and after) are taken into account. There is some short term wear and tear on the lawns. From memory there is a slight increase in rubbish in the surrounding streets but I don't think that it is significant.*
- *Does put pressure on local parking however so long as adequate notice of Fair is given I don't see this as a problem.*
- *It's all positive impact - the more people exposed and aware of the park, its beauty, fragility and facilities available the better.*

**4. In your opinion, what sort of positive or negative impact does the Fair have in terms of providing leisure and cultural activities for the local community?**

- *Unknown*
- *I think it is a damn good idea*
- *Positive*
- *Overall effect is positive - allows cultural diversity to be seen*
- *The locals are out in full force for this event supporting the stalls and the cultural events be they good or bad.*
- *The Fair is a good way for the community's cultural groups to be seen and heard by a different group. Different stalls and food is also great to experience in the park in summer.*
- *It does not have any impact - it is the same stuff every year. It is 'old hat' needs to be livened up.*
- *No community feel anymore. Just costs money - rides are ridiculously expensive.*
- *Currently a negative impact on the purse and nerves of parents of young children in particular. Activities eg belly-dancing, rides, have no cultural or leisure value. What about Nyoongar guided tours to the parks heritage and fauna.*
- *The idea of having a Fair is good - just the quality needs to be improved.*
- *Minimal, seen one seen them all. People are like sheep, seeing a few cars lined up they'll line up to see what's going on. On the positive side, its handy for me to pick up a take-away meal.*
- *I believe it is far much of a 'Rockingham/Mandurah style of activity' which creates the wrong impression, does considerable damage to the garden and is not well supported by the local community in numbers of attendance.*
- *Given the number of cars in the street the Fair could be perceived as catering more to those outside of the local community. It is really for the local community?*
- *I don't think the Fair does a lot for the local community. Judging by the number of cards, most people are coming from outside Town of Vincent.*
- *Positive*

**EMAIL RESPONSES:**

- *All positive for the local community. I note the large number of Asian children who attend and enjoy themselves. It's not often that people get something like this and for no admission charge.*
- *I enjoy diversity so it is great to have the choice to attend this event and it is pleasant to hear crowd noise emanating from the park, however I would not like it if the park was frequently used at this intensity because, locally, this park offers a rare place of tranquillity which I appreciate and utilise.*
- *I don't believe that the Fair provides much in terms of leisure or cultural activities. I have not spent any time there over the last two years because the general ambience is one of an overly expensive side show with amateur entertainment.*

**5. Organisers for events held in Hyde Park are required to notify surrounding residents at least two weeks in advance of the date and times of the Fair. Do you think this is of assistance to you as residents and should continue?**

- *Yes*
- *Yes, But I am not in favour of organised events in the park. Why not keep its peace? For events, go to the proper venues, eg the Royal Show.*
- *Of no real assistance, though it occasionally does help when telling friends or family to avoid visiting on this weekend because of the lack of parking.*
- *Yes*

- *I don't recall receiving notification of events and I live opposite. Is this a new innovation? Parking inspectors need to have a high priority duty schedule for this area over those 2 days, especially later in the days when crowds (sheep) build up.*
- *Yes*
- *Yes, definitely. Other issues: If the Fair included activities with real community, indigenous, arts or heritage value, grants could be access to subsidise it. See [www.grantsearch.com.au](http://www.grantsearch.com.au)*
- *Council needs to be less fussy about where people park on the day. Better parking needs to be set up.*
- *Yes*
- *Yes, reminds us of big events and assists in planning if we stay in and don't move the car or we go out all day/night.*
- *Yes. As a courtesy to residents who are inconvenienced by parking - it may assist them to plan their activities that weekend.*
- *I have yet to receive anything in my letter box.*
- *Yes*
- *It does not worry us as I think they do a good job raising money.*
- *Not really necessary*

**EMAIL RESPONSES:**

- *I think that it is a good idea to keep locals informed particularly if residents do not have off street parking. A flyer seems the most effective method.*
- *I have not been aware of any prior notice specifically directed to surrounding residence. It is a good idea.*
- *I don't feel it is necessary for the organisers to advise those living near the park. If it is required then perhaps the approach should be for Rotary to "invite" the residents to attend the fair and to advise what is put in place regarding parking restrictions if the residents see this as a concern.*

The responses were collated from the following locations:

<b>Street:</b>	<b>Suburb:</b>
Mary Street	Highgate
Chelmsford Rd	Mt Lawley
Chatsworth Rd	Highgate
Bulwer Ave	Highgate
Hutt	Mt Lawley
Chatsworth Rd	Highgate
Chatsworth Rd	Highgate
Grosvenor Rd	Mt Lawley
Glendowar St	Perth
Vincent St	Mt Lawley
Chelmsford Rd	Mt Lawley
Throssell St	Perth
Parlmerston/Glendower	Perth
Vincent St	Mt Lawley
Palmerston St	Perth
Chelmsford Rd	North Perth
Glendowar St	Perth
Vincent St	Mt Lawley
William St	Highgate



**General responses via email**

*The Loftus Community Centre has participated as a stall holder at the Hyde Park Fair for a number of years. The organisers of the Fair have been very supportive of the Community Centre by giving us a stall position for free. To the Community Centre, the Fair is a great way to inform the general community of our activities and many new members have come to the Centre from seeing our stall.*

*The Management Committee of the Loftus Community Centre encourages the Town to continuing supporting this fantastic community event.*

Jane Scott  
Coordinator

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*I am a local resident and thank you for the opportunity to voice my opinion an aspect of the Hyde Park Fair.*

*I am very pleased with how the fair is run. Apart from the parking, which will always be a problem, and which I can not offer any solutions, I only have one real concern.*

*A friend of ours lives in Grosvenor Road and has a 14 year old son. This young child told his mother he bought a marijuana smoking implement from a stall at the fair for \$6. I found this very hard to believe and told my friend I thought her child was lying because he had been caught using one in his bedroom. The child protested he was telling the truth and that he'd bought it from a jewellery stall, so we went down to investigate it for ourselves. Sure enough, there they were, right in front, at eye level to even smaller children. We were incensed and I asked the woman behind the counter exactly what they were for. She openly said they were for smoking marijuana or any tobacco and that they were \$6.50. I told her that the day before they were cheaper and did she realise that she'd sold one to a 14 year old? This woman became very defensive and said she wouldn't have sold one to a child of that age. I told she had and that I thought it was discussing and would be making my objections known to the Council.*

*I do realise it is not illegal to sell "bongs" in W.A. However, I am very much of the opinion that this being a Community Fair with thousands of families and children is not the place to have them for sale, particularly right under the children's noses or at their height on the stall. I also wonder how this woman would have known what age the child was or whether she had even bothered to ask?*

*I would be very interested in your response. At the time I had contemplated writing a letter to the local paper but feared it would give the fair bad publicity which clearly it doesn't deserve. I then decided I would write to you and time got away from me, so I'm very pleased to have this opportunity.*

V. Carver  
Mount Lawley

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*While I don't disapprove of the Rotary Club using Hyde Park as a venue, I feel the Town should have a say in the type of stalls the fair offers. In previous years I have been disappointed with the same-old imported Bali-type crafts and junk food stalls (excessive fairy floss and hot dogs). The Rotary Club should be actively promoting Western Australian arts, crafts and wares while including healthier foods and healthy lifestyle stalls. The Town should be encouraging safer, healthier (and happier) Vincent events. Thank you for allowing residents to comment on this matter.*

S. Arnell  
Perth

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*I feel there should not be a fair, as it is currently run, in Hyde Park. The Park is a great community asset and the Fair is certainly not a community event. It has the feel of a cheap commercial venture. A community focused event such as The Autumn Festival, as put on by, I think, the City of Stirling is educative, interactive and a true community family event. The Hyde Park Fair is purely a money making venture.*

*I also, unfortunately, had the experience of seeing an accident on one of the rides. The situation was very poorly managed with the owner who did not even go to see whether the child was ok, but was totally reactive and passing blame onto everyone. Really appalling! Needless to say he was threatened with legal action by the girls parents. Whether this was carried through with, I do not know.*

*My family along with the other family I was with, and I am sure the many witnesses to this event will not be supporting this "Community Event" again.*

K Kennedy

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*It is great to have an opportunity to provide feedback of the Rotary Fair as I have been attending most years since I came to Perth in 1983.*

*Over these years I have noticed increased commercialisation and fewer community groups represented, which is a real shame.*

*I do believe that this is largely due to the cost involved - I am heavily involved in a craft group, and would love to have a stall, but cannot afford the amount required (I can't remember what it was when I enquired a couple of years ago, but do recall it was at least \$200).*

*I really believe that if you could provide more things to see rather than costly rides, etc you would attract more families again.*

*I would love to see a re-emergence of the old style fair, with lots of community groups (some weird and whacky) represented. It could still raise some funds for Rotary - most groups would be happy to pay a small fee and/or donate a percentage of sale (if any).*

*Sorry for such a rushed note, but I hope it helps in planning. (By the way, I have not received any correspondence - not sure how local you have to be - I live a few minutes walk away (73 Harold Street) and spend a lot of time in Hyde Park).*

C. Chamberlain

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### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008

Key Result Area

2.1 Celebrate and acknowledge the Town's cultural diversity

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

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

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

The Rotary Club of North Perth has received a sponsorship of \$3,000 (three thousand dollars) in 2002 and 2003 for this event. An amount of \$10,000 (ten thousand dollars) was provided for the event in the 2004/2005 Budget.

### **CONDITIONS/POLICY:**

The standard conditions for sponsorship would apply to this event:

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

### **COMMENTS:**

The feedback received from the community has generally been positive. There were also comments on the impact on the park, parking and increasing commercial nature of the fair. The feedback will be discussed with the organisers of the Fair to ensure that issues such as the quality of stalls and events, risk management and notification of the event to residents in the area are addressed.

This is one of the most heavily patronised events organised in the Town apart from the Leederville Street Festival which also receives sponsorship funds from the Town. The sponsorship by the Town will provide the opportunity for the Town to be featured in advertisements in the West Australian and community newspapers. The revenue from the Fair will continue to be allocated to a variety of community based initiatives.

The Rotary Club has taken responsibility for any damage on the park through the forfeit of the bond in previous years and they are proactive in working with officers to ensure damage is minimised. It is considered that the Rotary Club of North Perth has managed the Fair in accordance with the recommendations outlined by officers, if conducted in the same manner incorporating suggested minor improvements, the Fair will continue to be well supported by the Town and the community.

**10.1.1 Further Report - No(s). 24 (Lot(s) 42) Galwey Street, Leederville - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	18 October 2004
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO2841; 00/33/2295
<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 Philip McAlister Architect on behalf of the owner GA Hay for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No(s). 24 (Lot(s) 42) Galwey Street, Leederville, and as shown on plans stamp-dated 11 June 2004 and amended plans stamp-dated 2 September 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) subject to first obtaining the consent of the owners of 26 Galwey Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing 26 Galwey 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 Galwey Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows on the upper levels facing both east and west (including stairwell windows) 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;*
- (vi) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*

- (viii) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (ix) *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;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *standard visual truncations, in accordance with the Town's policy and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s); and*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Galwey Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Chester, Seconded Cr Ker**

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

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

*prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that;*

- (a) the street verge tree is protected and remains in its existing location, to the satisfaction of the Town's Parks Services;
- (b) the driveway being no closer than 0.5 metre to the street verge tree; and
- (c) the proposed parapet wall adjacent to No. 26 Galwey Street being no more than 3.5 metres high with an average height not exceeding 3 metres above the natural ground level.

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

Cr Farrell departed the Chamber at 7.19pm.

Discussion ensued.

**CARRIED (6-1)**

(Cr Farrell was absent from the Chamber and did not vote. Cr Torre was an apology for the meeting.)

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

#### **COUNCIL DECISION ITEM 10.1.1**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Philip McAlister Architect on behalf of the owner GA Hay for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No(s). 24 (Lot(s) 42) Galwey Street, Leederville, and as shown on plans stamp-dated 11 June 2004 and amended plans stamp-dated 2 September 2004, subject to:*

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) *subject to first obtaining the consent of the owners of 26 Galwey Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing 26 Galwey 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 Galwey Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows on the upper levels facing both east and west (including stairwell windows) 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;*
- (vi) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (viii) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (ix) *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;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *standard visual truncations, in accordance with the Town's policy and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that;*
  - (a) *the street verge tree is protected and remains in its existing location, to the satisfaction of the Town's Parks Services;*
  - (b) *the driveway being no closer than 0.5 metre to the street verge tree; and*
  - (c) *the proposed parapet wall adjacent to No. 26 Galwey Street being no more than 3.5 metres high with an average height not exceeding 3 metres above the natural ground level.*

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



(xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Galwey Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

**FURTHER REPORT:**

It is noted that the parapet wall is non-compliant with Clause 3.3.2 A2 (iii) of the Residential Design Codes (R Codes) and the Compliance Table has been amended accordingly.

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Setbacks - Eastern Side	1.5 metres (lower) 2.1 metres (upper)	1.2 metres to 3.0 metres 1.2 metres
Western Side	1.5 metres (lower) 2.1 metres (upper)	Nil to 1.0 metre 1.0 metre to 1.9 metres
Southern Side - Balcony	6 metres (upper)	4 metres
Sightlines	Walls and fences truncated or no higher than 0.75 metre within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets interact.	Front fence abuts adjoining neighbour's (east) vehicle access point, and no truncation has been provided.
<u>Buildings on Boundary</u>	<u>Walls not higher than 3.5 metres with an average of 3 metres</u>	<u>4 metres</u>

\* 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.

It is noted the non-compliance with Clause 3.3.2 A2 (iii) of the R Codes was not advertised during the statutory advertising period, but was subsequently addressed in the objection letter received from the affected neighbour.

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 14 September 2004 resolved to defer the application for proposed demolition of existing single house and construction of a two-storey single house to address issues raised in discussion including setbacks, overshadowing and loss of light on adjoining properties. Comments by the applicant are included in italics; the applicant submission appears in full as an attachment to this report.

**Consultation Process**

An extract from the standard procedures outlined in the Town's Community Consultation Policy states; *"3.2.1 The written notices to owner(s) and occupier(s) of adjoining affected properties will be undertaken by the Town..."*

This procedure was undertaken as part of the advertising period and the unusual situation arose that the owners and occupiers of the same dwelling had opposing views on the subject development. In considering the opinions of both owners and occupiers, the Town's Officers felt it appropriate to explicitly state the connection between the responses for Council's consideration.

#### **Overshadowing and Loss of Light**

It is noted that the performance criteria outlined in Clause 3.9.1 of the Residential Design Codes relates to solar access for major openings to habitable rooms, the measurement of which is not immediately quantifiable. The intention of this provision is to protect reasonable solar access to adjoining properties from new development.

The Town's Officers make reference to the following extract from the Residential Design Codes (R Codes); "*A shadow may not exceed the limit but may fall over the only available outdoor living area, or living room window, of an adjoining house.*"

The orientation of the subject site, being north - south with the street frontage facing the south, means that at 12 noon on June 21 overshadowing will predominately occur onto the road reserve with little or no effect on adjoining properties. It is noted that the subject property complies with the acceptable development as outlined in Clause 3.9.1 P1 A1 of the R Codes.

The applicant has provided the following;

*"The window adjacent to the proposed parapet wall has good access to light at all times of day except early morning till approx 10.00 am on most mornings. There is no restriction of air to either window and, in fact the boundary wall will capture and divert western breezes and improve airflow to the window in question."*

#### **Parapet Wall on Western Boundary.**

The following is provided by the applicant in response to Council's concerns regarding the parapet wall.

*"4. The adjacent property has a nil front setback and a boundary parapet wall abutting my Clients Lot. The Parapet wall is 5.5m long and 4.8m high. This wall impacts negatively on the amenity of my Clients property - Lot 42 (No.24 Galwey Street). The design of the proposed residence has worked to reduce this impact by abutting the 2 car garage against this wall.*

*5. The proposed development proposes a parapet wall for the length of the garage only and 1 m forward overhang and this wall partly covers the existing boundary parapet wall...*

*6. The proposed parapet impacts on only ONE bedroom window opposite it -as shown clearly on the drawings. The second window is adjacent the new house... There is NO loss of amenity to the second east facing window as access to light and air is compliant with the R-Code requirements in this regard."*

#### **Setbacks and Impact on Neighbours**

The following is provided by the applicant in response to Council's concerns regarding setbacks and impacts on adjoining neighbours.

*"7. The main habitable rooms of the adjacent western property face Scott Street and the North and their main external area – the proposed parapet wall has NO effect on the windows to the major rooms of the adjacent property.*

*8. There are NO major openings on the west elevation of the proposed development, specifically to provide better privacy to my client and the neighbours eastern windows This is a better situation than the current existing dwelling which has two major openings of major habitable rooms facing the adjacent neighbours windows.*

9. *Comments made previously regarding bulk and scale of the proposed dwelling are emotive and ill informed. Firstly the proposed development is adjacent on the west side to an existing building with front parapet wall that is 5 metres high with sections 5.6 metres high ON THE STREET BOUNDARY, nil setback and with a return of this height of wall on the boundary abutting this proposal. The bulk and scale of this building is accepted it would seem by those who commented previously. The top of roof parapet of the Proposed Development is 6.3m above ground floor level and approx 1.3 metres above the adjacent neighbour's parapet wall. Further, this height is NOT on the front boundary as with the adjacent property, but setback 6 metres from the front boundary as required by the Planning Scheme. The bulk and scale is not only within the requirements of the R-Codes, it will be less than the existing adjacent shop/house building on its western side.*

10. *The ridge of the existing residence on the eastern side is approx 5.5m high and approx 0.7m below the top of the roof parapet of the proposed development and the east wall of the proposed development is broken into two panels of different materials by a central courtyard reducing the bulk of this elevation. There are similar examples of the same situation where 2 storey houses abut single storey houses in Galwey Street (see attached Photo) and elsewhere in the Town of Vincent – most notably Lincoln Street , Randall Street and Palmerston Street. There has clearly been no unreasonable loss of amenity or streetscape from bulk and scale in these other places. The proposed development is no larger or greater in scale than these other examples and will have no greater negative impact on streetscape or amenity from bulk and scale."*

#### **Summary**

The Town's Officers concur with the applicant comments, and the previous Officer Recommendation for conditional approval remains unchanged.

The following is a verbatim copy of the minutes of the item placed before Council at its Ordinary Meeting held on 14 September 2004.

#### **"OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Philip McAlister Architect on behalf of the owner GA Hay for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No(s). 24 (Lot(s) 42) Galwey Street, Leederville, and as shown on plans stamp-dated 11 June 2004 and amended plans stamp-dated 2 September 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) subject to first obtaining the consent of the owners of 26 Galwey Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing 26 Galwey 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 Galwey Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows on the upper levels facing both east and west (including stairwell windows) 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;*
- (vi) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (viii) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (ix) *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;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *standard visual truncations, in accordance with the Town's policy and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s); and*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Galwey Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Ker returned to the Chamber at 7.50pm.

Moved Cr Cohen, Seconded Cr Lake

That the Item be DEFERRED to address various concerns including setbacks, overshadowing and loss of light on adjacent properties.

CARRIED (6-2)

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

(Cr Torre was an apology for the meeting.)

Landowner:	GA Hay
Applicant:	Philip McAlister Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	299 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Setbacks - Eastern Side	1.5 metres (lower) 2.1 metres (upper)	1.2 metres to 3.0 metres 1.2 metres
Western Side	1.5 metres (lower) 2.1 metres (upper)	Nil to 1.0 metre 1.0 metre to 1.9 metres
Southern Side - Balcony	6 metres (upper)	4 metres
Sightlines	Walls and fences truncated or no higher than 0.75 metre within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets interact.	Front fence abuts adjoining neighbour's (east) vehicle access point, and no truncation has been provided.

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

**BACKGROUND:**

*The site currently occupied by a single storey single house.*

**DETAILS:**

*The applicant seeks approval for proposed demolition of existing single house and construction of 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:**

*The proposal has been advertised and two submissions were received during the two week period. Both submissions object to the subject proposal. It is noted that the western neighbours (tenants only) have signed off on the plans as submitted 11 June 2004, however, the owners of this same property have objected to the proposal. A summary of the reasons for objection are as follows:*

- *The proposal does not protect the amenity of the locality, nor preserve the existing character;*
- *The setback variations being sought on both the eastern and western boundaries will result in an increased impact on neighbouring properties in terms of bulk and scale, and is inconsistent with the Town's Policy 3.2.8 (Building Scale);*
- *The front fence and street walls proposed as part of this development do not comply with the Town's Policy in relation to street walls and fences; the Street Walls and Fences Policy allows a maximum front wall height of 1.8 metres (solid to a maximum height of 1.2 metres);*
- *Site levels do not comply with Town's Policy 3.2.7 (Site Levels) which requires site levels not to be altered significantly as a result of development, with the maximum fill permitted being 0.3 metre. The proposal indicates a 0.5 metre level of fill at the front of the property;*
- *The development will result in overlooking into adjoining properties from the terrace and living areas located on the upper level;*
- *The use of zincalume metal cladding on the external facades will seriously affect the amenity of neighbouring properties.*

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

*Nil.*

**FINANCIAL/BUDGET IMPLICATIONS:**

*Nil.*

**COMMENTS:**

*Heritage*

*The subject dwelling is a single storey brick and tile house of relatively recent construction, which conforms to the traditional setbacks and overall size and scale of the houses predominant along the street. It is not listed on the Town of Vincent Municipal Heritage Inventory or Interim Heritage Data Base. As such the demolition is supported.*

*Setbacks*

*The applicant is seeking variations to the south, west and east setback requirements.*

*The setback on the eastern ground floor is considered minor and therefore considered supportable. A nil setback on the western boundary is proposed for the garage. It cannot be considered under the provisions of the Residential Design Codes Policy 3.2.1 (Buildings on Boundary) as it is non-compliant with the minimum height requirements. The nil setback will have no undue impact on the residential amenity of the adjoining area, as there is an existing parapet wall located where the proposed parapet wall is to be built.*

*The first floor setback variations are not considered to impinge on the amenity of the surrounding residents. The openings on the eastern and western elevations are not considered major openings as they are less than one square metre in area, are constructed with frosted or translucent glass or screened, or have a sill height above 1.6 metres. The impact of the reduced setbacks is therefore not considered to unduly impact on the privacy and overshadowing effect on adjoining properties.*

*Overall, the setback variations are not considered to unduly compromise the privacy of adjoining neighbours or unduly affect the amenity of the area. In light of the above, the setback variations proposed are considered supportable.*

*Response to Objectors*

*It is noted that the applicant has submitted revised plans addressing some of the issues outlined by the objectors. The following is provided by the applicant in response to the objections received:*

*"Amenity and Character of the Locality*

*This new residence is part of a street with a wide range of housing styles, ages and setbacks. The design of this new residence is unashamedly contemporary, but its scale and design complement, and I believe contribute to the existing diverse streetscape of Galwey Street. The residence has been designed to meet the requirement of 21st century contemporary living with strong emphasis on being an energy sustainable home.*

*Setback Variations*

*The set back to Eastern boundary is 1.2m. The length of internal courtyard has been revised to 4m therefore the walls on the east facade are interpreted as two separate walls. The set back of 1.2 metres complies with Table 2A of the R-Codes.*

*The setback to west boundary has been revised (1.5 metres for lower wall and 2.1 metres for upper wall) to meet Residential Design Code requirement. However I request the variation to be approved regarding proposed parapet wall. The building on Lot 41 has a parapet boundary wall on the shared boundary with Lot 42. The planning of the house includes a new boundary parapet wall abutting the neighbours boundary wall and continuing north from it. The property is commercial use. They have signed a copy of the proposal indicating they have seen and have no objections to the proposed boundary parapet wall (tenants only). Subsequently drawing SK4a has been developed to reduce area and cost of the residence, however, the relationship between the proposed house, west boundary and neighbour's property remains the same.*

*Bulk and Scale*

*The proposed double story residence in my opinion does not impose greatly on the existing streetscape. It has been designed with variable set backs to the front and side elevations to minimize the impact on the street and neighbouring properties.*

*The Second story has been set back from the street 6-8m and side elevation setbacks comply with the R-codes with the exception of the parapet wall.*

Front Fence

*The front fence has been revised as shown on attached drawing to provide truncation to Lot 9 No. 22 as per your comment. The entry gate has been removed and the fence redesigned with 1.8m high piers and open timber panels between the piers.*

Site Levels

*The main house level has been revised to 25.80m ADH to meet Town's Policy 3.2.7 of maximum of 0.3m fill to the front of proposed residence.*

Privacy and Overlooking

*The east, west and south sides of the proposed terrace have been designed with a timber screen to prevent overlooking and retain privacy for both my client and the neighbour.*

*The east courtyard glass wall incorporate the obscure glazing 2.1 metres from the ground floor level to 1.65 metres above first floor level as shown on east elevation.*

External Finishes

*The query regarding cladding indicates a misunderstanding that the facade would have a "zincalume" cladding which would be shiny. This is incorrect. We plan to use a product called "VM Zinc" cladding from Europe. This is a naturally matt zinc cladding fixed in panels. This is the material recently used to clad the curved section of the new Perth Convention Centre. I attach a copy of the material brochure for your information."*

Summary

*On the above basis, the proposed development is considered acceptable development, subject to standard and appropriate conditions to address the above matters."*



**10.1.2 No(s). 315-323 (Lot(s) 7 and 712) Bulwer Street and No(s). 264-266 (Lot 12) Fitzgerald Street, Perth - Proposed Demolition of Existing Two (2) Single Houses, and Construction of a Two-Storey/Part Three-Storey Mixed Use Development Comprising Showroom, Shops and Eight (8) Grouped Dwellings and Eight (8) Single Bedroom Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO2139; 00/33/2409
<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 BY AN ABSOLUTE MAJORITY the application submitted by J M Perrine on behalf of the owner Interwest Pty Ltd and H T Luc & L P Quach for proposed Demolition of Existing Two (2) Single Houses, and Construction of a Two-Storey/Part Three-Storey Mixed Use Development Comprising Showroom, Shops and Eight (8) Grouped Dwellings and Eight (8) Single Bedroom Dwellings, at No(s). 315-323 (Lot(s) 7 and 712) Bulwer Street and No(s). 264-266 (Lot 12) Fitzgerald Street, Perth, and as shown on plans stamp-dated 20 August 2004 for the demolition plans, 7 October 2004 for the survey and lot area plans and revised site plans, floor plans and elevations dated 12 October 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, car parking and sanitary facilities for people with disabilities;*
- (ii) 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;*
- (iii) 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;*
- (iv) subject to first obtaining the consent of the owners of No.254-262 (Lot 345 ) Fitzgerald Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.254-262 (Lot 345 ) Fitzgerald Street, Perth in a good and clean condition;*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (vi) *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 Bulwer Street, Fitzgerald Street and Randell Place 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;*
- (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (viii) *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;*
- (ix) *prior to the first occupation of the development, one (1) class- one or two and 2 (2) class-three 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;*
- (x) *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;*
- (xi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xii) *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;*
- (xiii) *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;*
- (xiv) *doors, windows and adjacent floor areas fronting Bulwer and Fitzgerald Streets shall maintain an active and interactive relationship with these streets;*
- (xv) *prior to the first occupation of the development, a total of twenty seven (27) car parking spaces provided for the residential component of the development, inclusive of three (3) visitor car parking bays, 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;*

- (xvi) *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;*
- (xvii) *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;*
- (xviii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$20,700 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xix) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (xx) *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);*
- (xxi) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xxii) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$9,575 for shortfall of 3.83 car bays based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (xxiii) *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 (\$20,000) 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);*

- (xxiv) *a detailed landscaping plan, including a list of plants and the provision of one tree per 4 car parking spaces in the car parking area, 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); -*
- (xv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xxvi) *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";*

- (xxvii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *each courtyard for the individual single bedroom dwellings being a minimum of 4 metres in dimension and 16 square metres in area;*
  - (b) *design features being incorporated into the stores facing Bulwer and Fitzgerald Streets, and entry features being provided to the car park from the Fitzgerald Street frontage, to further compliment the street scape; and*
  - (c) *continuous and complementary awnings being provided over the Bulwer and Fitzgerald Streets 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 Bulwer and Fitzgerald Streets;*

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

- (xxviii) *the maximum floor space shall be limited as follows:*

- (1) *for shops 314 square metres of gross floor area; and*
- (2) *showroom 459 square metres of gross floor area,*

*unless adequate car parking is provided for the changes in floor area use or floor space area; and*

- (xxix) *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;*

*to the satisfaction of the Chief Executive Officer.*

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted subject to clauses (ii), (xviii) and (xxvii) (c) being amended as follows:*

- "(ii) 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;*
- (xviii) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land on Bulwer Street are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$20,700 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities along Bulwer and Fitzgerald Streets have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xxvii) (c) continuous and complementary awnings being provided over the Bulwer and Fitzgerald Streets 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 to extend from the facade of the building to within ~~and~~ a minimum of 600 millimetres from the future kerb line of Bulwer and Fitzgerald Streets;*

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

Cr Farrell returned to the Chamber at 7.21pm.

**CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.1.2**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J M Perrine on behalf of the owner Interwest Pty Ltd and H T Luc & L P Quach for proposed Demolition of Existing Two (2) Single Houses, and Construction of a Two-Storey/Part Three-Storey Mixed Use Development Comprising Showroom, Shops and Eight (8) Grouped Dwellings and Eight (8) Single Bedroom Dwellings, at No(s). 315-323 (Lot(s) 7 and 712) Bulwer Street and No(s). 264-266 (Lot 12) Fitzgerald Street, Perth, and as shown on plans stamp-dated 20 August 2004 for the demolition plans, 7 October 2004 for the survey and lot area plans and revised site plans, floor plans and elevations dated 12 October 2004, subject to:*

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements, including access, car parking and sanitary facilities for people with disabilities;*
- (ii) *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. 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;*
- (iii) *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;*
- (iv) *subject to first obtaining the consent of the owners of No.254-262 (Lot 345 ) Fitzgerald Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.254-262 (Lot 345 ) Fitzgerald Street, Perth in a good and clean condition;*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) *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 Bulwer Street, Fitzgerald Street and Randell Place 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;*
- (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (viii) *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;*
- (ix) *prior to the first occupation of the development, one (1) class- one or two and 2 (2) class-three 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;*
- (x) *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;*
- (xi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

- (xii) *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;*
- (xiii) *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;*
- (xiv) *doors, windows and adjacent floor areas fronting Bulwer and Fitzgerald Streets shall maintain an active and interactive relationship with these streets;*
- (xv) *prior to the first occupation of the development, a total of twenty seven (27) car parking spaces provided for the residential component of the development, inclusive of three (3) visitor car parking bays, 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;*
- (xvi) *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;*
- (xvii) *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;*
- (xviii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land on Bulwer Street are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$20,700 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities along Bulwer and Fitzgerald Streets have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xix) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (xx) *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);*

- (xxi) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xxii) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$9,575 for shortfall of 3.83 car bays based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (xxiii) *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 (\$20,000) 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);*
- (xxiv) *a detailed landscaping plan, including a list of plants and the provision of one tree per 4 car parking spaces in the car parking area, 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); -*
- (xv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xxvi) *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";*
- (xxvii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *each courtyard for the individual single bedroom dwellings being a minimum of 4 metres in dimension and 16 square metres in area;*



- (b) *design features being incorporated into the stores facing Bulwer and Fitzgerald Streets, and entry features being provided to the car park from the Fitzgerald Street frontage, to further compliment the street scape; and*
- (c) *continuous and complementary awnings being provided over the Bulwer and Fitzgerald Streets 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 to extend from the facade of the building to within ~~and~~ a minimum of 600 millimetres from the future kerb line of Bulwer and Fitzgerald Streets;*

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

*(xxviii) the maximum floor space shall be limited as follows:*

- (3) *for shops 314 square metres of gross floor area; and*
- (4) *showroom 459 square metres of gross floor area,*

*unless adequate car parking is provided for the changes in floor area use or floor space area; and*

*(xxix) 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;*

*to the satisfaction of the Chief Executive Officer.*

<b>Landowner:</b>	Interwest Pty Ltd and H T Luc & L Y Quach
<b>Applicant:</b>	J M Perrine
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80 and Commercial
<b>Existing Land Use:</b>	Light Industry and Building and Handyman Business
<b>Use Class:</b>	Showroom, Shop, Grouped Dwellings and Single Bedroom Grouped Dwellings
<b>Use Classification:</b>	"P" and "AA"
<b>Lot Area:</b>	2093 + 20 (area of truncation) = 2113square metres

**COMPLIANCE:**

<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
Density	R 80, however R60 is to be used for grouped dwellings - 8 single bedroom and 7.34 grouped dwellings	R63. 8 single bedroom and 8 grouped dwellings, based on single bedrooms requiring two thirds of the land area requirements for grouped dwellings.
Plot Ratio	0.65 (1372 square metres)	0.49 (1035 square metres)
Stores	1.5 metres width and 4 square metres in area	0.9 metres in width and 2.25 square metres in area for some of the stores

Court Yard	4 metres in dimension and 16 square metres in area	2.5 metres in dimension and 6.25 square metres in area
Car Parking	42 car bays	38 car bays
Setbacks: North side first floor facing Bulwer Street	6 metres	3.8 metres
Mixed use-all floors	Nil	1.6 metres
Single bedroom dwellings- East side-Ground floor	1.5 metres	1 to 1.876 metres
East side- First floor	2.4 metres	1.86 metres

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

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

### SITE HISTORY:

- 8 August 1994            The Council resolved to conditionally approve an application for a two storey building consisting of 2 shops, 2 showrooms and 4 grouped dwellings with a car parking shortfall of 7 bays, at No. 323 Bulwer Street.
- 28 August 1995        The Council resolved to conditionally approve a change of use from a pest control business to a building equipment/handyman tool hire business at No. 323 Bulwer Street.
- 24 August 1998        The Council at its Ordinary Meeting resolved to accept an application for the demolition of the existing buildings and development of a single storey eating house with roof-deck and basement car parks at No. 323 Bulwer Street, and resolved to defer its decision pending further information regarding car parking.
- 14 September 1998    The Council at its Ordinary Meeting resolved to conditionally approve the demolition of the existing building and development of a single storey eating house with roof-deck and basement car parks, at No. 323 Bulwer Street.
- 12 February 2002     Conditional Planning Approval was granted under delegated authority for a proposed change of use from building/handyman equipment hire business to consulting room and shop and associated alterations, additions and partial demolition at No. 323 Bulwer Street.
- 24 September 2002    The Council at its Ordinary Meeting resolved to grant conditional Planning Approval for the demolition of the existing dwelling and light industrial building at Nos. 315 and 317 (Lots 7 and 3) Bulwer Street, Perth.
- 3 December 2002     The Council at its Ordinary Meeting received a report relating to proposed demolition of the existing building and construction of a car wash facility and associated waiting room, office and ancillary facilities on the subject property and deferred its consideration of the application at the request of the applicant.

- 9 December 2002      The applicant provided the Town with a letter addressing several concerns that were raised as part of the community consultation process, including proposed hours of operation, traffic management, the extent of machinery used, car parking and proposed use.
- 17 December 2002      The Council at its Ordinary Meeting conditionally approved the demolition of the existing building at No. 323 (Lot 53) Bulwer Street, corner Fitzgerald Street, Perth.
- The Town also refused the application for a proposed car wash facility and associated waiting room, office and ancillary facilities for the following reasons:
- "(a)    *the application is not consistent with the orderly and proper planning and preservation of the amenities in the locality;*
- (b)    *the non-compliance with the Town's Policy relating to the Hyde Park Precinct; and*
- (c)    *consideration of the objections received;"*
- 10 January 2003      The Town received a new application described as a proposed cafe' (tea room) with car detailing over the subject lots and adjoining lot No. 315 (Lot 7) Bulwer Street, North Perth. No. 315 (Lot 7) Bulwer Street is zoned 'Residential under the Town of Vincent Town Planning Scheme No1. Accordingly the use is an 'X' use under Town Planning Scheme No. 1 and would require a Town Planning Scheme Amendment for the Town to be able to consider this proposal on this lot. Subsequently, the applicant has submitted revised plans, which do not include any development on No. 315 (Lot 7) Bulwer Street.
- 11 March 2004:      A proposed eating house and car detailing facility and associated office and ancillary facilities for No(s). 317-323 (Lot(s) 3 & 53) Bulwer Street, corner Fitzgerald Street, Perth was considered at the Ordinary Meeting of Council, where it was conditionally approved.

#### **DETAILS:**

The applicant seeks approval for the proposed demolition of existing light industrial premises and two (2) single houses, and construction of a two-storey/part three-storey mixed use development comprising showroom, shops and eight (8) grouped dwellings and eight (8) single bedroom dwellings The total amount of showroom and shops gross floor areas proposed are 459 and 314 square metres respectively.

The immediate adjacent lots to the east of the subject property along Bulwer Street are zoned Residential R80, with the adjoining lots to the south being commercial.

Access to the site is proposed off Fitzgerald Street and Randell Place.

The applicant has provided a comprehensive submission (attached), which is summarised as follows:

- Proposal is considered complying except for the density bonus.
- The proposal is to create a landmark building at the important corner of Bulwer and Fitzgerald Streets.
- The proposal is geared to provide viable and comfortable residences.
- The retail mix has been blended with the residential component.

- The proposal is below the plot ratio requirements.
- Previous proposal for the site have fallen well short of the type of development that the Precinct will benefit.
- Should the application be not supported, it is requested that the application revert to the option of 10 single bedroom dwellings and 6 grouped dwellings, which does not need a density bonus.
- Cash in lieu is accepted for the shortfall in car parking.
- The maximum area for the single bedroom dwellings is 60 square metres.

The applicant request for the Council consideration in the above matters by 30 October 2004, to meet contractual obligations.

**CONSULTATION/ADVERTISING:**

In accordance with the Town's Community Consultation Policy, the proposal was advertised for a period of 14 days, with no submission being received.

The revised proposal has also been referred to the Department for Planning and Infrastructure (DPI) due the road widening requirements, access off Fitzgerald Street and awnings within the road reserves. At the time this report was prepared, the DPI had not responded to the revised plans.

**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:**

**Uses**

The site falls within the Hyde Park Precinct, and within the Robertson Locality Plan 23. The Locality Plan Policy states multiple dwellings are not permitted in the area, and that a limited amount of non-residential uses, which serve the day to day needs of the local residents may be appropriate in the area.

Generally where mixed use developments are proposed on the same site, they should be compatible so as to function without undue interference from one another so that the amenity of all uses is safeguarded.

For mixed use developments within areas where multiple dwellings are no allowed, where residential development are proposed above ground floor commercial development, these developments can be considered as either grouped or multiple dwellings. To facilitate development of these sites, which would otherwise not be able to be developed as mixed use sites, these sites should be treated as grouped dwellings, on the basis that the residential dwellings are self contained and do involve further self contained residential dwellings above or below them.

The applicant has also proposed an awning within the front setback area along Bulwer and Fitzgerald Streets, which is considered to enhance and contribute positively to the streetscape. The awning is within the road widening area, and would be over the pavement area and 600 millimetres from the future kerb line.

### **Density**

Two of the above three sites are zoned Commercial, and one being a Residential R80 lot. The residential density applying to the site, if developed for solely residential purposes is R80. However, as multiple dwellings are not allowed, the calculations for grouped dwellings and single bedroom dwellings is then based on the R60 requirements, which allows 8 grouped dwellings and 7.34 single bedroom dwellings. The current variation for the proposal is for 8 grouped dwellings and 8 single bedroom dwellings. The Town may consider allowing variations where acceptable levels of residential amenity can be maintained, especially in Commercial zoned land. In mixed use developments, the Town in the past has considered development at a higher density provided that the whole project fits in with the surrounding development and the likely overall benefits to be achieved with such mixed use developments. In such situations, bulk and scale are also considered as part of the assessment criteria. The proposed development is two/three storeys and is stepped down towards the east side along Bulwer Street, adjacent to the residential lots and to the south, adjacent to other commercial lots.

The total plot ratio proposed for the development is 0.49, in lieu of 0.65 which excludes the ground floor commercial area.

The 0.66 dwelling bonus would act as a positive catalyst for the renewal of other similar sites within close proximity of the subject site, and is considered supportable in this instance.

### **Demolition**

The existing places at Nos. 266 and 264 Fitzgerald Street, Perth are proposed for demolition. The places were formerly single houses constructed circa 1900. They are of a modest size, with room orientation similar to that of semi-detached dwellings constructed in the same period. Each place has undergone substantial alterations for use as an office, including changes to the fenestration; chimneys, brickwork rendering and internal features have been largely removed. With the exception of general roof form and minor interior features, such as air vent and internal door, little original fittings or features are extant.

The places, being the existing buildings at Nos. 266 and 264 Fitzgerald Street, do not warrant a heritage assessment and it is recommended that it be approved for demolition subject to standard conditions, including a complete archival record.

### **Residential Car Parking**

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped dwellings from the Residential Design Codes (R Codes). The residential component requires 27 car bays, 3 of which are to be visitor car bays. It is considered appropriate that a minimum of 3 visitor's car bay are 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 38 car bays have been provided for the entire development, therefore resulting in 11 car bays available for the commercial component.

**Commercial Car Parking**

Requirements as per Parking and Access Policy	Required No. of Car bays
Shops: 1 car bay per 15 square metres gross floor area (proposed 314square metres). Showrooms: 3 car bays for the first 200 square metres and 1 car bay for the subsequent 100 square metres (459 square metres)	20.93 car bays 3.0 car bays 2.59 car bays (Total 26.52)
Total car parking required before adjustment factor (nearest whole number)	27 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> <li>▪ 0.85 (within 400 metres of a car park in excess of 75 car bays).</li> <li>▪ 0.95 (secure on-site and/or adjacent street bicycle parking)</li> </ul>	(0.5491)  14.83 car bays
Car parking provided on-site for commercial component	11 car bays
Resultant shortfall	3.83car bays

Cash in lieu is recommended for the shortfall in commercial car parking.

The Council at its Ordinary Meeting held on 25 May 2004, resolved to approve the proposed development of a beer garden for the Hyde Park Hotel at Nos. 331-367 (Lots 3,4,11 and 21) Bulwer Street, corner Fitzgerald and Lawley Streets, West Perth and supported a shortfall of 15.62 car parking spaces for the Hyde Park Hotel, which is directly opposite the subject site.

The proposed car parking is provided behind part of the building, but will be visible from Fitzgerald Street. Due to the constraints on building density, the applicant had to delete two dwellings, which were proposed over the driveway to the car park along the Fitzgerald Street frontage. The proposed stores at the Fitzgerald Street boundary would slightly assist in breaking up the expanse of car parking. It is therefore recommended that additional entry features be provided to the car park from the Fitzgerald Street frontage to further compliment the streetscape.

**Bicycle Parking Facilities**

Requirements	Required	Provided
<b>Shop</b> 1 space per 300 (proposed 314) square metres public area for employees (class 1 or 2). 1 space per 200 (proposed 314) square metres for visitor/shopper (class3).	1.046 spaces  1.57 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 bicycle spaces and two (2) class 3 bicycle spaces. 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 Hyde Park Precinct-Building Height permits a maximum height of 2 storeys, including a loft. A third storey (including loft) can be considered, provided the amenity of the adjacent residential area is protected.

In the Robertson Locality Plan 10 - Building Height permits a maximum height of 2 storeys (including lots), provided the second storey is generally setback a minimum of 6 metres from the street.

The proposed third storey is at the corner of Fitzgerald and Bulwer Street, thereby creating a landmark feature. On the above grounds, the heights are considered acceptable in the context of the height, scale and nature of surrounding buildings.

### **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 and Bulwer Streets.

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.

### **Open Space**

The R Codes only require each multiple dwellings to be provided with a balcony not less than 1.5 metres in depth and an area of 4 square metres, and that open space can be reduced to "nil" in mixed use developments. The proposal complies with the mixed use development requirements of the R Codes.

However, the courtyards provided for the four (4) separate single bedroom dwellings is around 6.25 squares metres in area with a dimension of 2.5 metres in lieu of 16 square metres and 4 metres, respectively. This standard should be complied with, and a condition has been recommended to that effect.

### **Traffic and Access**

A new crossover access is proposed off Fitzgerald Street. Access to 3 car bays is also proposed off Randell Place. The Town's Technical Services have no objection to the access as proposed. The Department for Planning and Infrastructure have previously not objected to the proposed access of Fitzgerald Street.

### **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.

Matters relating to building issues, such as exits and fire related matters under the Building Code of Australia, requirements can be addressed at the Building Licence stage.

### **Summary**

The most significant variation proposed is for the density bonus and the cash in lieu for the shortfall in car parking, with the other variations being considered minor. The majority of the variations are considered to adequately address the relevant performance criteria in the R Codes. It should be highlighted that 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 proposal complies with the overshadowing and privacy issues.

Clause 40 of TPS No.1 allows the Council to consider variations, and determine whether the variations are likely to unduly affect any owners or occupiers. The proposal has also been advertised, and no submission has been received. The variations sought are considered to not unduly affect the amenity of the area.

Given the previous use of the site for light industrial uses, the proposed use is considered to have merits. The upgrading of the streetscape that would be required as a part of the proposal would also greatly improve the streetscape and visual amenity of the area.

The proposal 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.



**10.1.3 No(s). 159A (Lot(s) 3) Scarborough Beach Road, Mount Hawthorn - Proposed Steel Grilles/Bars Additions to Existing Shop**

<b>Ward:</b>	North	<b>Date:</b>	18 October 2004
<b>Precinct:</b>	Mt Hawthorn Centre ,P2	<b>File Ref:</b>	PRO2601, 00/33/2500
<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;*

- (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 Binocular Telescope & Optical World on behalf of the owner J & AS Ariti for proposed Steel Grilles/Bars Additions to Existing Shop, at No(s). 159A (Lot(s) 3) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 30 September 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
  - (b) *the proposed steel grilles/bars at No(s). 159A (Lot(s) 3) Scarborough Beach Road, Mount Hawthorn, shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street;*
  - (c) *the selected steel grilles/bars shall be designed as an integral part of the design and existing form of the building;*
  - (d) *a planning application shall be submitted to and approved by the Town prior to any modifications being undertaken to the steel grilles/bars; and*
  - (e) *the existing non-complying roller doors shall be removed within 90 days of the date of notification of this approval, or prior to the installation of the grilles/bars, whichever occurs first;*
- to the satisfaction of the Chief Executive Officer;*
- (ii) *the Council ADVISES the owner and occupier of No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn, that the unauthorised roller doors at No. 159A (Lot 3) Scarborough Beach Road corner Flinders Street, Mount Hawthorn, is allowed to remain for a period 90 days from the date of notification of the approval under clause (i) above, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings to remove the unauthorised roller doors should the roller doors remain after this 90 days period; and*
- (iii) *the Council AUTHORIZES the withdrawal of the Planning and Building Notices issued for the unauthorised roller doors No. 159A (Lot 3) Scarborough Beach Road corner Flinders Street, Mount Hawthorn, following removal of the unauthorised roller doors at the above premises.*

**Moved Cr Chester, Seconded Cr Farrell**

*That the recommendation be adopted.*

**Discussion ensued.**

**COUNCIL DECISION ITEM 10.1.3**

**Moved Cr Chester, Seconded Cr Doran-Wu**

*That this item be DEFERRED for further discussion with the applicant to reach an agreed outcome.*

**CARRIED (7-1)**

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

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

<b>Landowner:</b>	J & AS Ariti
<b>Applicant:</b>	Binocular Telescope & Optical World
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: District Centre
<b>Existing Land Use:</b>	Shop
<b>Use Class:</b>	Shop
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	496 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
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:**

17 November 2003: The owners of the subject property were issued Notices under section 10 of the Town Planning and Development Act and clauses 51 and 53 of the Town's Town Planning Scheme No. 1, and section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960, requiring removal of the unauthorised roller doors at the above site.

- 08 December 2003: An appeal was filed with the Town Planning Appeal Tribunal (TPAT) against the Planning Notice issued by the Town.
- 16 January 2004: A directions hearing was held giving orders adjourning the appeal to a further directions hearing on 20 February 2004.
- 5 February 2004: Notice (Written Direction) under section 10 of the Town Planning and Development Act was reissued due to changes to Planning Legislation that mainly required the appeal period to be increased from 28 days to 60 days.
- 24 February 2004: Council at its Ordinary Meeting held on 24 February 2004 resolved to refuse the application for retrospective Planning Approval for the roller doors to the existing shop at No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn.
- 13 April 2004: Appellants appealed to the TPAT against Council refusal for the application for retrospective Planning Approval for the roller doors to the existing shop at No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn.
- 25 May 2004: TPAT hearing against Council's refusal for the application for retrospective Planning Approval for the roller doors to the existing shop at No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn.
- 28 July 2004: The TPAT dismissed the appeal in relation to the Council's refusal for the application for retrospective Planning Approval for the roller doors to the existing shop at No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn.
- 26 August 2004: Appellants further applied to the President of the TPAT for a review of the decision of the TPAT's decision to dismiss the appeal on 28 July 2004.
- 27 September 2004: The President of the TPAT affirmed the order made by the TPAT on 28 July 2004, and in part stated as follows:  
*"39. Within the nature of the review now brought before me I am entirely satisfied that the Appellant has failed to identify a question of law which would require me to address the matter further and in any event there is no demonstrable error of law brought before me to otherwise affect the outcome of this matter."*
- 12 October 2004: The President of the Town Planning Appeal Tribunal affirmation of the decision made by the TPAT on 28 July 2004 was reported in the Information Bulletin to the Ordinary Meeting of the Council held on 12 October 2004.

**DETAILS:**

The applicant seeks Planning Approval for the installation of steel grilles/bars to the shop front and remove the existing unauthorised roller doors, at the above site, which fronts onto Scarborough Beach Road.

The applicant has submitted the following information in support of the above proposal (attached), which has been summarised as follows:

- Insurance cover to the business will cease while the physical security options are not installed.
- To facilitate the changeover to the steel bars, there is still the need to continue using the existing roller shutters. As such, a 90 day period is requested from the Council approval date for the proposed steel bars to be manufactured and installed.
- The bars are 10 millimetres in diameter and will be spaced 50 millimetres apart. The bar height will be approximately 2.4 metres, leaving a gap of 600 millimetres at the top. There will also be strengthening bars running horizontally at 1 metre apart. The bars will be coloured "matt aluminium" to match the surrounding window frame.
- The bars will be fitted on the outside, to run flush with the window frame.

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

The previous application and the Notices issued to the owners of the above site had attracted considerable media attention. The media attention and coverage given for the above unauthorised roller doors has also resulted in numerous written submission being received by the Town for and against the above issue.

This proposal has not been advertised as it complies with the Town's requirements and is being referred to Council for consideration and determination.

#### **LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

#### **STRATEGIC IMPLICATIONS:**

Nil.

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

Nil.

#### **COMMENTS:**

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

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

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

The proposed steel grilles/bars are supported as they comply with the Town's requirements and Policies, including the above Policy.

The 90 days request for the installation of the new steel grilles/bars and the removal of the existing unauthorised rollers doors is considered reasonable and supported mainly due the above circumstances. Overall this proposal will result in a positive outcome for the Town, while also providing the needed security for the business.

Given the above, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters, and the Town does not undertake any further legal action in relation to the above roller door and grilles, till the expiry of the 90 days period.

**10.1.4 No(s). 87 (Lot(s) 281) The Boulevarde (Cnr Berryman Street), Mount Hawthorn - Proposed Shade Structure and Sails Additions to Existing Day Nursery (Child Care Facility)**

<b>Ward:</b>	North	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO2881; 00/33/2358
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<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 Cool Shades Australia on behalf of the owner Town of Vincent for proposed Shade Structure and Sails Additions to Existing Day Nursery (Child Care Facility), at No(s). 87 (Lot(s) 281) The Boulevarde (Cnr Berryman Street), Mount Hawthorn, and as shown on plans stamp-dated 28 July 2004 (specifications) and 20 October 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;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) the roof covering of the shade structure and sails additions shall be of a water permeable material at all times; and*
- (iv) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) the shade sails being setback a minimum of 2 metres from The Boulevarde;*
  - (b) the shade sails being setback a minimum of 1.32 metres from Berryman Street; and*
  - (c) the shade sails being setback a minimum of 1.13 metres from the southern side boundary.*

*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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**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

**Discussion ensued.**

**Moved Cr Ker, Seconded Cr Chester**

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

*"(iv) (d) a design, particularly roofline more in keeping with the existing building.  
and delegate authority to the Chief Executive Officer to approve the application."*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

Discussion ensued.

**Moved Cr Chester, Seconded Cr Lake**

*That this Item be DEFERRED for a further report that considers a longer term strategy.*

**LOST (3-5)**

(Cr Torre was an apology for the meeting.)

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

**MOTION AS AMENDED CARRIED (8-0)**

**COUNCIL DECISION ITEM 10.1.4**

*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 Cool Shades Australia on behalf of the owner Town of Vincent for proposed Shade Structure and Sails Additions to Existing Day Nursery (Child Care Facility), at No(s). 87 (Lot(s) 281) The Boulevard (Cnr Berryman Street), Mount Hawthorn, and as shown on plans stamp-dated 28 July 2004 (specifications) and 20 October 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;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) the roof covering of the shade structure and sails additions shall be of a water permeable material at all times; and*
- (iv) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:
  - (a) the shade sails being setback a minimum of 2 metres from The Boulevard;**

- (b) *the shade sails being setback a minimum of 1.32 metres from Berryman Street;*
- (c) *the shade sails being setback a minimum of 1.13 metres from the southern side boundary; and*
- (d) *a design, particularly roofline more in keeping with the existing building; and delegate authority to the Chief Executive Officer to approve the application.*

*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.*

<b>Landowner:</b>	Town of Vincent
<b>Applicant:</b>	Cool Shades Australia
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
<b>Existing Land Use:</b>	Day Nursery
<b>Use Class:</b>	Day Nursery
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	473 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Setbacks -		
East/The Boulevarde	4.0 metres	0.2 metre
North/Berryman Street	1.5 metres	0.2 metre
South	1.5 metres	0.2 metre

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

**DETAILS:**

The planning application is for shade structure and sails additions to an existing day nursery (child care facility and Early Bird Playgroup).

**CONSULTATION/ADVERTISING:**

One objection was received during the advertising period. The concerns raised in this objection are summarised as follows:

- The shade sail would block the objector's outlook and views of the park.
- The shade sail is not in keeping with the neighbourhood as it is higher than the building and is not setback.
- Concerned that the gable structure will have laser light roof covering installed in the future.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Setbacks**

The proposed shade sails have an east setback to the primary street (The Boulevarde) of 0.2 metre. This reduced setback is required so that the shade additions are large enough to shade the children at the day nursery while playing in the front setback area. It is recommended that the shade additions be setback at least 2 metres from The Boulevarde. The 2.0 metres setback and presence of the shade sails in the front setback is considered acceptable as the bulk and scale is considered minimal.

The proposed additions have a north setback to the secondary street (Berryman Street) of 0.2 metre. The required setback is 1.5 metres, however it is recommended that the minimum setback be 1.32 metres. This setback is considered acceptable as it is consistent with the existing main building line and the bulk and scale of the sail is considered minimal.

The proposed shade sails have a south setback of 0.2 metre. It is recommended that the south setback be 1.13 metres. This setback is considered acceptable as it is consistent with the existing main building line and the bulk and scale of the sails are considered minimal.

**Objections**

In regards to concerns that the proposed shade additions will block the objector's outlook and views of the park, the recommended condition of approval that the shade additions be set back at least 2 metres from The Boulevarde will minimise the proposed obstruction. However, the shade sails are not considered to unduly impede the outlook and view of the park in relation to the existing dividing fence.

In regards to the objection raised that the shade additions are not in keeping with the neighbourhood as it is higher than the building and is not setback, the recommended conditions of approval requiring the pre mentioned setbacks from boundaries will address this matter. The proposed shade sails will be higher than the building in three places however this is considered to have negligible impact on the streetscape due to the minimal bulk and scale of the proposed shade sails.

The gable structure will not have laser light installed in the future, as it is recommended that a condition of approval will be that the roof covering of the shade additions be of a water permeable material at all times.

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



**10.1.10 Revised Subdivision Plan for "Elven on the Park"**

<b>Ward:</b>	South	<b>Date:</b>	18 October 2004
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PLA0142;118874;PRO1957
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) *RECEIVES the Report relating to revised subdivision concept plan for 'Elven on the Park';*
- (ii) *APPROVES the preferred 5 lots revised subdivision concept plan dated 21 September 2004 for 'Elven on the Park' at Nos. 24-28 (Lots 13, 14, 15 and Part Lot 16) Emmerson Street and No.4 (Lot 3) Elven Street, North Perth, as shown in Attachment 10.1.10; and*
- (iii) *AUTHORISES the Chief Executive Officer to;*
  - (a) *proceed with the subdivision of 'Elven on the Park' at Nos. 24-28 (Lots 13, 14, 15 and Part Lot 16) Emmerson Street and No.4 (Lot 3) Elven Street, North Perth, in accordance with the preferred 5 lots revised concept plan dated 21 September 2004;*
  - (b) *prepare appropriate design guidelines relating to the preferred 5 lots revised subdivision concept plan dated 21 September 2004 for 'Elven on the Park'; and*
  - (c) *fund the additional works for this subdivision estimated at a cost of \$25,000 from a source to be determined.*

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**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

Discussion ensued.

**CARRIED (5-3)**

(Cr Torre was an apology for the meeting.)

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

**BACKGROUND:**

The Design Guidelines relating to Appendix No. 12 Design Guidelines for Elven on the Park have undergone numerous reviews in respect to achieving suitable town planning design provisions for the "Elven on the Park" subdivision, located on the corner of Elven and Emmerson Streets, North Perth. The facilitation of appropriate Design Guidelines has led to the review of the existing approved subdivisional plan.

**SITE HISTORY:**

21 November 2000: The Council at its Ordinary Meeting resolved to approve in principle concept plans relating to the upgrade of Smith's Lake Reserve, seven lot subdivision of the land at Lot 13 (No. 24 Emmerson Street), Lot 3 (No.4 Elven Street) and vacant land on Lots 14 and 15 Emmerson Street, and additionally authorised the Chief Executive Officer to further investigate the concept plan and subdivision.

12 February 2002: The Council at its Ordinary Meeting resolved the following:

- "(i) receives the report on the submissions received following the advertising of the Concept Plan;*
- (ii) having considered the submissions received APPROVES BY AN ABSOLUTE MAJORITY to;*
  - (a) proceed with the Concept Plan and seven lot subdivision as shown in Plan A4-00-136;*
  - (b) authorise the Chief Executive Officer to proceed with the demolition of the Council houses at No. 4 Elven Street and No. 24 Emmerson Street, North Perth; and*
  - (c) authorise the Chief Executive Officer to enter into negotiations with Austbrokers Holdings Ltd to resume or acquire the piece of land, known as Part Lot 16, comprising of approximately 84.25.m<sup>2</sup>, as shown in Appendices 1 and 2;*
- (iii) engages van der Meer Consulting to refine and progress the subdivision documentation, tender specifications and supervise the necessary subdivision works, at 6.5% of the contract sum (at an estimated cost of \$6,500);*
- (iv) authorises the CEO to prepare the tender documents and advertise the land for sale, upon the completion of the subdivision; and*
- (v) offers to extend the lease of Len Fletcher Pavilion to Gymnastics WA for the period 1 July 2002 until 30 June 2003, subject to negotiations to the satisfaction of the Chief Executive Officer.*
- (vi) authorises the Chief Executive Officer to proceed with the amalgamation of the Smith's Lake Reserve, as generally shown on Appendix No. 4, into one lot; and*

(vii) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the rezoning of Lot 618 Richmond Street, North Perth and No. 24 (Lot 13) Emmerson Street, North Perth from "Residential R40" to "Town of Vincent Scheme Reserves - Parks and Recreation; and*

(viii) *new plans tabled."*

9 April 2002: The Town applied to the Western Australian Planning Commission (WAPC) to subdivide a portion of its land along Elven Street, corner Emmerson Street, North Perth, into seven lots.

11 June 2002: The Council at its Ordinary Meeting resolved the following:

"(i) *resolves pursuant to Town Planning Regulation 17(1), to receive for Amendment No. 7, the one submission of support, four submissions of non-objection, one submission of comment and two submissions of objection, for Amendment No. 13, the four submissions of non-objection, and for Amendment No. 14, the four submissions of non-objection and further resolve pursuant to Town Planning Regulation 17(2), that Amendment Nos. 7, 13 and 14 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;*

(ii) *authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment Nos. 7, 13 and 14 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*

(iii) *advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission, Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, without modification, Amendment Nos. 7, 13 and 14 to the Town of Vincent Town Planning Scheme No. 1."*

19 September 2002: Conditional approval for the subdivision received from the WAPC. Condition 3 required the Town to provide Design Guidelines for the subject subdivision. Advice to the Town states as follows:

*" . . . Detailed Residential Design Guidelines for the subdivisional area being submitted to the Western Australian Planning Commission for approval and adopted by the Town of Vincent pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No.1 to address such issues as building orientation, site coverage, setbacks, the location and width of driveway crossovers, location of party walls, common fencing and parking."*

- 8 October 2002: The Council at its Ordinary Meeting resolved to receive, adopt and advertise the new Draft Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park.
- 3 December 2002: The Council at its Ordinary Meeting resolved to receive, adopt and advertise the final version of Appendix No. 12 Design Guidelines for Elven on the Park, subject to minor text amendments.
- Additionally, Council resolved the following in relation to the subdivision:
- "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 Town of Vincent for the proposed fill and retaining wall to "Elven on the Park" subdivision on Nos.24-28 (Lots 13, 14, 15 and Part Lot 16) Emmerson Street and No.4 (Lot 3) Elven Street, North Perth and as shown on the plans stamp-dated 25 November 2002, subject to:*
- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- to the satisfaction of the Chief Executive Officer."*
- 31 January 2003: The Hon. Minister for Planning and Infrastructure approved the Town's Town Planning Scheme No.1 Amendment No. 14, relating to the rezoning of Lot 618 Richmond Street, North Perth and No. 24 (Lot 13) Emmerson Street, North Perth from "Residential R40" to "Town of Vincent Scheme Reserves - Parks and Recreation".
- 8 April 2003: The Council at its Ordinary Meeting resolved to defer Planning and Building Policy Amendment No. 9 ". . . for further consideration and a report of Elven Park to be provided." The report stated the following in relation to the amendment:
- "Amendments are required to this Policy to provide further clarity of acceptable development standards on the subject lots. These amendments include provision of garages in certain circumstances and the development of a detailed indicative plan showing all setback requirements from the ground and upper floors including carports/garages to the lot boundaries."*
- 22 April 2003: The Council at its Ordinary Meeting resolved the following:
- "That this Item be DEFERRED to allow an Informal Briefing of Elected Members to be held in order to determine the Design Guidelines for the Elven on the Park Subdivision."*
- 27 May 2003: The Council at its Ordinary Meeting resolved the following:
- "That this Item be DEFERRED for further investigation and report due to inconsistencies in the guidelines."*

The report stated the following:

*" . . .an informal briefing attended by the Elected Members and the Chief Executive Officer, Executive Manager Environmental and Development Services, Executive Manager Technical Services, Executive Manager Corporate Services and the Manager Planning and Building Services was held on 15 May 2003, where matters relating to access from Emmerson Street, setbacks of buildings and the interface of buildings and the streets were discussed.*

*As a result, changes to the amended version of the Policy relating to Appendix No.12 Design Guidelines for Elven on the Park have been made."*

11 September 2003: WAPC considered the Town's request to clear conditions 3, 4 and 5 of conditional subdivision approval granted on 19 September 2002 and resolved to:

*"(i) advise the Town of Vincent that it is not prepared to endorse the Diagram or Plan of Survey (Deposited Plan) based on significant non-compliance with the requirement and intent of Conditions 3 &5; and*

*(ii) advise the Town of Vincent that it is prepared to accept the Town's undertaking to construct a dual use path along the eastern boundary of the lots adjacent to Smiths Lake Reserve as satisfaction of Condition 4".*

24 February 2004: The Council at its Ordinary Meeting received the Report relating to the Elected Members Briefing session held on 27 October 2003 of which the following was reported:

*"Revised design guidelines were presented to Elected Members regarding the changes discussed at the previous Elected Members' Briefing sessions and the meeting held on 13 October 2003 between Councillor Ian Ker, Executive Manager Environmental and Development Services and Senior Planning Officer (Strategic) Yolanda Scheidegger. It was decided that further changes were required to the revised design guidelines and that another Elected Members' Briefing session was warranted."*

20 July 2004: Elven Street Subdivision and Draft Guidelines were discussed at the Elected Member Forum - Concept Forum. The outcome of discussion was that further investigation into the subdivision layout was required, inclusive of consideration of a concept plan comprising 5 lots.

21 September 2004: Revised subdivision concept plans on the Elven Street Subdivision were presented at the Elected Members Forum - Concept Forum. The outcome of the Forum recommended the matter be referred to an Ordinary Meeting of Council for formal consideration and adoption of the preferred subdivision concept.

23 September 2004: The Town's Officers forwarded documentation of the presentation to the 21 September 2004 Forum to all Elected Members for comment on the concept plans. One response was received supporting a ". . . 5 lot configuration orientated to Elven Street with wider street frontages to facilitate car parking requirements."

**DETAILS:**

Given the above history, and due to the limited ability to adequately address car parking structures as well as positive built design outcomes on the existing subdivision design, the Town's Officers have revised the existing subdivision with consideration to a number of development constraints including:

- Water Corporation (WC) main drain: Land owned by the WC runs across Smiths Lake Reserve adjacent to Kayle Street, from Emmerson Street through to Bourke Street.
- Western Power 132 Kila Volt cable runs across Smiths Lake Reserve.
- Location and size of lots to accommodate built development.
- Relocation of infrastructure.
- Potential rezoning.
- Additional time requirements.
- Financial repercussions.

The outcome of investigations into various subdivision design concepts saw a preferred subdivision concept, comprising 5 lots (an average approximate size of 315 square metres per lot) with street frontage onto Elven Street. The 5 lots subdivision concept has the following advantages:

- Parkland vistas for all lots.
- Ability to provide double garage facing onto Elven Street without domination of the streetscape.
- Lot sizes can facilitate improved compliance with the R Codes and Town's Policies, as well as providing for more positive built design outcomes.
- Lot 5 (corner of Emmerson and Elven Streets) can attain vehicular access off Emmerson Street.
- Streetscape creation along Elven Street.
- Located in existing lot infrastructure.
- No rezoning required.
- Limited financial impact.

The five lots subdivision concept identifies one development constraint, the requirement for a minor relocation of electricity and sewerage infrastructure.

Additionally, the Design Guidelines will be required to be amended to reflect the preferred 5 lots subdivision concept plan.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies and Residential Design Codes.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Result Area One: Environment and Infrastructure: 1.3 *"Develop, implement and promote sustainable urban design."*

**FINANCIAL/BUDGET IMPLICATIONS:**

\$1.3M is currently listed in the 2004/05 Budget for the revenue from the proposed sale of this land. An estimated \$25,000 would be required to complete the additional subdivision works.

**COMMENTS:**

It was previously considered that the seven lots subdivision would provide the best overall benefits to the Town, ratepayers and residents. However, the subdivision design was not conducive to provide either adequate built design outcomes or positive streetscape characteristics. In order to achieve the success of the above, it is considered appropriate to not proceed with the previous seven lots subdivision, and to approve the 5 lots subdivision concept plan.

In light of the above, it is recommended that the Council receives the report, approves the preferred 5 lots subdivision concept plan, and proceeds with the subdivision and Design Guidelines.

**10.1.15 No(s). 500 (Lot(s) Y147) Charles Street, North Perth - Proposed Change of Use to Vehicle Sales Premises**

The CEO advised that this report had not been completed in time for the meeting and is therefore withdrawn.



**10.2.2 State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 4**

<b>Ward:</b>	Both	<b>Date:</b>	19 October 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0313
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicher, M Rootsey		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 4;*
- (ii) *NOTES the preferred funding options for the Highgate East State Underground Power Program project as detailed in the report and notes a further detailed report will be submitted, outlining estimated costs, the proposed financial model, and funding proposal once Western Power have completed a detailed project design;*
- (iii) *APPROVES the attached Underground Power Survey Form;*
- (iv) *CONDUCTS a survey of property owners in the Highgate East State Underground Power Project area as shown on the attached plan, giving ratepayers 21 days in which to respond; and*
- (v) *RECEIVES a detailed report at the conclusion of the ratepayer survey outlining in detail the results of the survey.*

**Moved Cr Lake, Seconded Cr Chester**

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

- "(vi) further NOTES that to ensure the project cost, per lot, is maintained at a reasonable level, after taking into account the various discounts that are applicable as part of the project, contributory funding may need to be listed for consideration in the 2005/2006 draft budget."*

**Discussion ensued.**

Cr Cohen advised she may have an interest in this matter as she lives in the area being considered for underground power. She stated that her interest may be an "interest in common" and that she should be permitted to participate in the debate and vote. She departed the Chamber at 7.53pm.

**The Council considered her interest.**

**Discussion ensued.**

**Moved Cr Ker, Seconded Cr Chester**

*That the Council considers Cr Cohen's interest not to be an "interest in common", and that Cr Cohen's request to participate in debate and vote, not be approved (as the proposed amended recommendation contains a proposal to provide various discounts, which may benefit ratepayers in the proposed area).*

**CARRIED (7-0)**

(Cr Cohen declared an interest and was absent from the Chamber and did not vote. Cr Torre was an apology for the meeting.)

**SUBSTANTIVE MOTION CARRIED (7-0)**

(Cr Cohen declared an interest was absent from the Chamber and did not vote. Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.2.2**

*That the Council;*

- (i) *RECEIVES the report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 4;*
- (ii) *NOTES the preferred funding options for the Highgate East State Underground Power Program project as detailed in the report and notes a further detailed report will be submitted, outlining estimated costs, the proposed financial model, and funding proposal once Western Power have completed a detailed project design;*
- (iii) *APPROVES the attached Underground Power Survey Form;*
- (iv) *CONDUCTS a survey of property owners in the Highgate East State Underground Power Project area as shown on the attached plan, giving ratepayers 21 days in which to respond;*
- (v) *RECEIVES a detailed report at the conclusion of the ratepayer survey outlining in detail the results of the survey; and*
- (vi) *further NOTES that to ensure the project cost, per lot, is maintained at a reasonable level, after taking into account the various discounts that are applicable as part of the project, contributory funding may need to be listed for consideration in the 2005/2006 draft budget.*

---

**BACKGROUND:**

At its Ordinary Meeting of 13 July 2004, the Council received a report on proposed boundary changes to the Highgate East State Underground Power Project boundaries to bring the project more in line with the original charter of the State Underground Power Program (SUPP), which is to underground the power in residential area. The Council made the following decision:

*"That the Council;*

- (i) RECEIVES the report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 3;*
- (ii) APPROVES the proposed project boundary change as outlined in attached Plan No. 99070-3A for the reasons outlined in the report,*
- (iii) ADVISES Western Power of Councils resolution, and*
- (iv) RECEIVES a further progress report to include the preferred funding options for the project no later than August 2004, after further investigation and liaison with the Town's consultant."*

#### **DETAILS:**

A Council Forum was held on 5 October 2004, where the elected members present were given an overview of progress to date and advised of the process still to be undertaken as part of the State Underground Power Project (SUPP) Detailed Submission Stage. Some of the matters presented at the forum are outlined below.

#### **State Underground Power Program**

The WA State Government has a long term goal to progressively provide underground power to the Perth metropolitan area and regional centres of WA. All new subdivisions are required to have underground power.

The SUPP does not include the under grounding of Transmission Lines. These comprise 132,000 volts (132 KVA) and 66,000 volt (66KVA) overhead cables that link substations.

The Highgate East SUPP area contains 132 KVA overhead cables which run along Summer Street, Westralia Street and East parade. The estimated cost to underground these is about \$1 million / kilometre and therefore do not form part of the SUPP.

ALL other overhead lines will be under grounded as part of the SUPP project i.e 22 and 11 KVA high voltage and 415 volts (three phase) overhead cables.

The SUUP, which commenced in 1996, is managed by the Office of Energy Underground Power Steering Committee and this committee, which is chaired by the Office of Energy and includes representatives from Western Power and WALGA.

#### **The benefits of Underground Power**

The benefits include:

- Reduced maintenance requirements and costs for Western Power
- Fewer blackouts during inclement weather
- Improved safety
- Enhanced visual appearance
- Improved property values
- Reduced street tree pruning requirements

## **Local Government's Role**

Local Governments are required to fund 50% of the cost of a SUPP with the State funding the remaining 50%. While a project is in progress the Town's officers will be required to liaise closely with the Western Power contractors to determine transformer locations, cash flow requirements, reinstatement quality etc.

## **Progress to date**

### Expression of Interest (EOI) Stage

At the Ordinary Meeting of Council held on 11 February 2003 the Council approved two EOI submissions (different size areas) comprising the entire Town.

On 10 March 2003, two (2) EOIs were submitted and on 12 September 2003 the Town was advised one area, the Highgate East Project Area, was approved for the next stage of selection

### Detailed proposal stage

Various issues are currently being progressed by the Town's officers, in co-operation with Western Power, prior to the project being finally selected and approved for funding by the Office of Energy Steering committee as follows:

- Area definition – *completed*
- Neighbouring Local Governments / Transformers - *In progress*
- Project Design (Nov 04) – *In progress*
- Cost estimate (Nov 04) – *In progress*
- Community survey (Jan 05) – *not commenced*
- Draft agreement prepared (Feb 05) – *not commenced*
- Tenders called (Aug 05) – *not commenced*
- Signed agreement (Oct 05) – *not commenced*
- Project Start (Nov 05) – *not commenced*

## **Area Definition**

The area was reviewed to minimise commercial properties. At the Ordinary Meeting of Council held on 13 July 04 the Council endorsed the revised area. On 22 September 2004 the Office of Energy approved the revised area.

## **Estimated Costs**

Highgate East Project Area comprises approximately 800 lots estimated to cost approximately \$4,700 per lot. The Total Estimated cost of the project would be \$3,760,000 with the State to fund 50% of the estimated cost or \$1,880,000 and the Town to contribute the other 50% or \$1,880,000 (\$2,350 per lot).

### Scenario 1

The Council resolution of 14 April 1998 considered that the Town's 50% contribution to the project would be made up of 20% Council and 30% Ratepayers. For the current project the Council would be required to contribute (20%) \$752,000 with the ratepayers in the proposed SUPP area contributing (30%) \$1,128,000 or \$1,410 per lot.

Note: In this scenario all of the Town's ratepayers would be required to fund the TOV contribution to the Highgate East Project Area.

Scenario 2 (Officers preferred Option)

The preferred funding option is for the Town's 50% contribution of **\$1,840,000** to be recovered from the ratepayers in the SUPP area. (\$2,300 / lot)

Note: The Town must ensure sufficient funds are obtained to cover the financial commitment.

**Methods of Raising Funds**

- Gross Rental Value (GRV) method
- Fixed Charge method. (preferred)

Gross Rental Value

- Specified Rate in the dollar to be adopted for the area.
- GRV only applies to network component
- Fixed charge to apply to service charge
- GRV method requires a "cap" to combat excessive charges
- The "cap" is subjective and will always be the subject of debate.

Fixed Charge method (preferred)

The reasons for this being the preferred option are as follows:.

- Recommended by SUPP Guidelines.
- Provides greater flexibility for charges
- More equitable
- Easier to explain to ratepayers
- Administratively easier to manage.

**Fixed Charge method Residential Properties**

There are two (2) separate components of the project costs as follows:

- Network cost (road reserve)
- Service cost component (private property)

**Fixed Charge method Commercial Properties**

- Network cost to relating to the power demand of the property
- Service cost component to relate to the type and size of the connection.

**Town of Vincent Funding requirement**

The Town must have funds available at the commencement of the SUPP. The Council will need to borrow all the funds required of approx \$1.84 million and recoup the funds from ratepayers in Highgate East area (Scenario 2).

### **Payment Options**

The following payment options will be considered:

- Annual instalment options will be provided over a five (5) year period.
- The instalment option will include an interest component
- Discounts may be provided if:
  - high voltage transmission lines remain in the street adjacent to the property.
  - the property is non – rateable.
  - the property is connected by underground cable to the power system (via green dome or transformer)
  - the property has the underground cable on site (via service pole on the boundary)

### **Community Survey**

The Detailed Proposal stage requires that there is *clear evidence that the community in the SUPP area supports the proposal* (refer draft survey brochure).

Therefore as part of the process ratepayers in the project area will be individually mailed a questionnaire with a reply paid envelope and given 21 days in which to provide a response.

It is proposed that a market research company to be engaged to conduct / report on results.

Quotes from three companies have been requested and they have been provided with the following information:

*The Town of Vincent is to conduct an Underground Power Postal Survey of approximately 850 property owners in a specific area of Highgate. A Newsletter/ Survey colour brochure A3 folded to A4 is currently in the process of being produced, the second page of which is the Survey Questionnaire, which can be detached and returned after completion by the property owner.*

*We are seeking quotes from suitable companies who have the expertise to assist us carry out the postal survey on the Town's behalf, and you are invited to submit a quote for the following scope of work:*

*Mail out - Quantity 850*

*The Town will provide 850 copies of the Newsletter/Survey document. Letterheads and outer post paid window faced envelopes will be supplied by the Town of Vincent (they will be of the lick and stick type). Reply paid envelopes for the survey returns will be provided by the organisation allocated the work.*

*A copy of the Highgate survey property owner data base will be provided by the Town in a suitable electronic format.*

*The mail out work will involve the addressing, folding, stuffing and post out of 850 copies of the above to the relevant property owners, with a post paid pre-addressed return envelope.*

*Receipt and Processing of Responses*

*The Town anticipates at least a 50% response to the Survey. We anticipate this will require the collating and data entry of approximately 425 responses.*

*Analysis and Reporting*

*The successful organisation will be required to analyse the responses received and prepared a report to the Town on the findings.*

*We anticipate that the post out date for the Survey will be early November 2004, and the closing date three weeks later, following which the Council will require a report on the receipt and analysis of survey returns and findings within a two week period.*

*A draft copy of the survey questions is attached, for your information. We do not anticipate any changes as these have been used as the basis of similar underground power surveys conducted by other local authorities.*

The results of the survey will be considered by the Council at the conclusion of the twenty one (21) day consultation period and the Office of Energy will be advised of the Council's decision.

**CONSULTATION/ADVERTISING:**

Extensive consultation with affected ratepayers in the project area will be carried out as part of the process.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In line 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. *k) Develop a strategy for the implementation of underground power - investigate alternative mechanisms for funding (e.g. loans, differential rates, deferred charges, etc. - develop a mechanism for assigning priorities to areas).*

**FINANCIAL/BUDGET IMPLICATIONS:**

Funding arrangements will need to be in place prior to the finalisation of the 2005/2006 budget to cover the projected cost of the project. In addition, the financial implications will be further developed once the Council has determined the charging method to be used to recoup funds from ratepayers.

**COMMENTS:**

This report outlines the process to date, the process still to take place and an outline of the financial implications and preferred methods of funding.

A summary of the outstanding actions is outlined as follows:

- Community survey
- Completion of detailed design / estimated cost / financial model / funding
- Draft SUPP agreement
- Tenders for SUPP to be called
- Signed SUPP agreement
- SUPP start November 2005

The Council will receive a further report at the conclusion of the ratepayer survey. This report will also include the detailed (design) estimated costs and the proposed financial model and funding proposal.

Cr Cohen returned to the Chamber at 7.56pm. Mayor Catania advised that Cr Farrell had declared a proximity interest in this Item. Cr Farrell departed the Chamber at 7.56pm and did not speak or vote on the matter.

**10.2.4 Matters to be referred to the Town's Local Area Traffic Management Advisory Group - Bourke Street North Perth between Campsie Street and Kayle Street and Dover Street Mount Hawthorn between Scarborough Beach Road and Matlock Street**

<b>Ward:</b>	Both	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Smith's Lake P6 & Mt Hawthorn P1	<b>File Ref:</b>	TES0293 & TES0061
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	R Lotznicher, K White		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on Traffic Management matters to be referred to the Town's Local Area Traffic Management Advisory Group - Bourke Street North Perth between Campsie Street and Kayle Street and Dover Street Mount Hawthorn between Scarborough Beach Road and Matlock Street;*
- (ii) *REFERS the two (2) locations listed in the report, and shown on attached Plan No. 2301-CP.1 and Plan A, to the Town's Local Area Traffic Management Advisory Group for their consideration; and*
- (iii) *RECEIVES a further report on each of the locations once the Town's Local Area Traffic Management Advisory Group have considered the matters.*

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted subject to a new clause (iii) being added as follows, and the previous clause (iii) being renumbered clause (iv):*

*"(iii) ENSURES the continuation of the Wetlands Trail (Greenway) forms part of the proposed traffic treatment for Bourke Street;"*

**Moved Cr Ker, Seconded Cr Chester**

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

*"(ii) REFERS the two (2) locations listed in the report, and shown on attached Plan No. 2301-CP.1 and Plan A, and Harwood Place, to the Town's Local Area Traffic Management Advisory Group for their consideration; "*

**AMENDMENT CARRIED (7-0)**

**(Cr Farrell absent from the Chamber and did not vote. Cr Torre was an apology for the meeting.)**



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

(Cr Farrell absent from the Chamber and did not vote. Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.2.4**

*That the Council;*

- (i) *RECEIVES the report on Traffic Management matters to be referred to the Town's Local Area Traffic Management Advisory Group - Bourke Street North Perth between Campsie Street and Kayle Street and Dover Street Mount Hawthorn between Scarborough Beach Road and Matlock Street;*
- (ii) *REFERS the two (2) locations listed in the report, and shown on attached Plan No. 2301-CP.1 and Plan A, and Harwood Place, to the Town's Local Area Traffic Management Advisory Group for their consideration;*
- (iii) *ENSURES the continuation of the Wetlands Trail (Greenway) forms part of the proposed traffic treatment for Bourke Street; and*
- (iv) *RECEIVES a further report on each of the locations once the Town's Local Area Traffic Management Advisory Group have considered the matters.*

---

**BACKGROUND:**

The Local Area Traffic Management (LATM) Advisory Group meets on a monthly basis to consider matters referred to it by the Council.

It is recommended that two matters be referred to the LATM group for consideration at its November meeting.

**DETAILS:**

It is considered that the following locations should be referred to the LATM Advisory Group:

Location 1	Bourke Street - Kayle St to Charles St
Location 2	Dover St - Matlock St to Scarborough Beach Road

A brief outline of each location is outlined below:

**Location 1**

Street: Bourke St  
Section: Campsie - Kayle

Traffic Data

Section	Volume (vpd)	85% Speed (kph)
• Campsie - Kayle	3306	64

Note 81% of vehicles exceeding speed limit (50 kph)  
32% of vehicles exceeding 60 kph.

Classification: Local Distributor

Budget: \$16,000

Request: Residents are concerned about the speed at which vehicles travel along Bourke Street and made a request for some form of Traffic Calming to be installed along Bourke Street.

Comments: While there have been no reported accidents along the section of road and the volume is well below the limit considered for this road's classification (being 6,000vpd), traffic classifiers have recorded higher than expected speeds, sufficient to warrant the installation of traffic calming.

Proposal The Technical Services Division proposes constructing three low profile speed humps between Campsie and Kayle Streets. Included with this will be a painted central pedestrian refuge island extending between existing separator islands at the Kayle Street intersection and a proposed separator island adjacent to the Power Sub Station. Trees will be included within this central median island (refer to attached Plan No 2301-CP-1).

## Location 2

Street: Dover St

Section: Scarborough Beach Road to Matlock St

### Traffic Data

Section	Volume (vpd)	85% Speed (kph)
• Scarborough Beach Road to Matlock St	654	36

Classification: Access Road

Budget: Nil

Request: A petition signed by 15 residents from Matlock and Dover Streets was received on 30 September 2004. The petition was read at the Ordinary meeting of Council held on 12 October 2004. The petitioners requested the following.

*We, the undersigned, being the residents of the affected area of Dover and Matlock Streets, Mt Hawthorn, hereby request the Council to provide a solution to rectify the now dangerous level of traffic which passes through Dover Street.*

*The increased traffic flow is due to the changes made recently with Killarney Street being turned into a one way and Matlock Street not having a right hand turn at Scarborough Beach Road. We have previously raised our concerns and disapproval to these changes when asked by Council to respond to the Town of Vincent's initial submission.*

*The impact of these changes has significantly increased the traffic flow into Dover Street, highlighting our concern as a real SAFETY issue.*

*Subsequently, we were right and now we have been left with an unpleasant and dangerous situation.*

*We may be few in numbers on this petition, though relatively, it is a large proportion of the residents in this area who are concerned.*

Reasons for Closure:

1. SAFETY.
2. 18 children under the age of 8 live nearby.
3. Children need to cross the road to attend school.
4. The street is being used by too much traffic.
5. More commercial vehicles are using as a cut through.
6. A park would be a natural barrier from the commercial/semi commercial properties to the residential homes.
7. More parents are dropping/picking up children from school.
8. Commercial vehicles delivering cars to car yard.
9. School bus uses as a cut through.
10. More parents using as a cut through - no Killarney Street access from Scarborough Beach Road.
11. Patients from chiropractor park their cars.
12. Employees from surrounding businesses and Scripture Union park cars.
13. No right turn from Matlock Street to Scarborough Beach Road.
14. Traffic from Green Street/Matlock to access Scarborough Beach Road.
15. There will be more traffic once the development of new shops and apartments are completed on the corner of Matlock and Scarborough Beach Road.
16. Beautification to area as a public park.
17. Possible use for better storm water drainage.

Recommended solution by residents:

*Turn Dover Street into a cul-de-sac and then add a park (like many streets in Subiaco).*

Comments: Dover Street is a short street with a commercial component (south side) at the Scarborough Beach Road end. The remainder of the street is residential in nature. The requests by the petitioners need to be considered in the context of the impact to access for Dover Street residents and to the surrounding residential streets.

Proposal The Town's records indicate that the traffic volume in Dover Street has remained constant over the last few years. Speeds are also low and there has only been one recorded accident (intersection of Scarborough Beach Road) in the last five years. Amenity improvements should be explored (refer Aerial Plan A).

**Recommendation:**

It is recommended that the above matters be referred to the Town's LATM Advisory Group and that, where appropriate, community representatives for each of the respective matters be invited to attend the meeting/s.

**CONSULTATION/ADVERTISING:**

Once the matter/s have been considered by the LATM Advisory Group and are referred to the Council, consultation with the wider community may be recommended.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds for one of the projects have been allocated in the 2003/2004 budget:

Location 1	Bourke Street - Kayle St to Charles St	\$16,000
Location 2	Dover St - Matlock St to Scarborough Beach Road	nil

**COMMENTS:**

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

The two locations listed in this report either require further investigation or have been funded in the 2003/2004 budget. With regard to this section of Bourke Street, it is considered that the main issue at this location is the speed of vehicles, as supported by the classifier results, together with the proximity of the two reserves increasing the pedestrian traffic.

It is therefore recommended that the two (2) locations listed in the report be referred to the Town's Local Area Traffic Management Advisory Group for their consideration and a further report on each of the locations listed in the report be referred to the Council once the Town's Local Area Traffic Management Advisory Group have considered the matters.

Cr Farrell returned to the Chamber at 7.58pm.

### 10.2.5 Proposed Tree Planting at Loton Park

<b>Ward:</b>	South	<b>Date:</b>	14 October 2004
<b>Precinct:</b>	Beaufort P13	<b>File Ref:</b>	RES0051
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report in relation to the further response forwarded from the Heritage Council of Western Australia (HCWA) regarding the proposed tree planting around the training pitch at Loton Park;*
- (ii) *NOTES the HCWA position regarding this matter is that exotic species be used for planting in accordance with the intent of the Conservation Plan, however, they have acknowledged that there is a sound argument for the reinstatement of native tree species on the site;*
- (iii) *APPROVES the planting of Eucalyptus rudis - Flooded Gum species at Loton Park after further consideration of the HCWA advice and information provided by the Town's officers; and*
- (iv) *ADVISES the HCWA of Council's decision and provides landscape specific interpretative material as requested, should the Council's decision be to reintroduce native species on the site.*

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**COUNCIL DECISION ITEM 10.2.5**

**Moved Cr Cohen, Seconded Cr Lake**

*That the recommendation be adopted.*

**Discussion ensued.**

**CARRIED (8-0)**

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

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 8 June 2004, a report relating to the response from the Heritage Council of Western Australia to the planting of native trees at Loton Park was presented where it was decided: -

*That the Council;*

1. *RECEIVES the report in relation to the response from the Heritage Council of Western Australia regarding the proposed tree planting around the training pitch at Loton Park;*
2. *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in section 5.25(e) of the Local Government Act 1995, having received the support of one third of the members, namely Crs. Cohen, Ker and Chester resolves to REVOKE or CHANGE the following resolution adopted by the Council at its Ordinary Meeting held on 9 September 2003 (Item 10.4.1) namely;*

*That the Council;*

- (i) *RECEIVES the report and considers the submissions on the Concept Plan for the redevelopment of Loton Park (Yoorgoorading) adjacent to the Multi Purpose Rectangular Stadium, Pier Street Perth;*
  - (ii) *APPROVES of the Loton Park (Yoorgoorading) Concept Plans No. 2169-DC-1A and DC-2A as shown in attached appendix 10.4.1*
  - (iii) *AUTHORISES the Chief Executive Officer to make minor changes to the plans which may arise during the construction of the public open space; and*
  - (iv) *APPROVES the substitution of the London Plane trees around the training pitch with species of "Flooded Gum" and " Marri trees."*
3. *APPROVES BY AN ABSOLUTE MAJORITY;*
- (i) *not to proceed with the planting of Marri trees following information recently received from the heritage Council of Western Australia and plants London Plane trees; and*
  - (ii) *writes to the Heritage Council advising Council's preference to plant Eucalyptus rudis – Flooded Gum noting that this is not against the recommendations of the Perth Oval Conservation Plan and relates to the original vegetation of the area.*

#### **DETAILS:**

A copy of the above Council decision was forwarded to HCWA on 15 June 2004 and their response was received by the Town on 30 July 2004.

An extract of this response is as follows:

*"Thank you for your correspondence received on 17 June 2004 in relation to your Council's resolution regarding the proposed planting of trees in the public open space behind Loton Park Tennis Club and on the site of the Perth Oval.*

*As you are aware, this matter was referred to the Heritage Council for consideration and comments were provided to the Town of Vincent in March 2004 stating that it would be the Heritage Council's preference that exotic species be used for planting, in accordance with the intent of the Conservation Plan. The Heritage Council's position regarding this matter remains as stated, however it is acknowledged that there is a sound argument for the reinstatement of native species.*

*The Heritage Council understands that on-site interpretation is being carried out as part of the Perth Oval redevelopment. If the Town of Vincent proceeds with reintroducing native species to the site, it is suggested that landscape specific interpretative material be provided in relation to this decision.*

*Advice regarding the Town of Vincent's determination of this matter would be appreciated."*

Whilst the HCWA has again indicated that their preference is for the planting of exotic species in accordance with the intent of the Conservation Plan, they have acknowledged that there is a sound argument for the planting of native tree species on the site.

The Town's horticultural officers are also still of the opinion that an exotic species of tree would be more appropriate and in keeping with the landscape character of the site. However, it is acknowledged that a native hedge (*Leptospermum* or Coastal Tea tree) exists along the southern side of Loton Park Tennis Courts and this was noted in the Conservation Plan as having significance and should be retained and conserved.

In view of the above, appropriate native shrubs were proposed to be planted in the garden areas adjacent to the hedge as part of the original landscape concept plan. This would assist in blending the garden area together, rather than creating a stark contrast in foliage and form.

Therefore, it is considered that the planting of native trees at Loton Park is not out of character with the existing or proposed landscape and as has been previously noted native tree species were also an integral part of the history of the site.

There are eighteen (18) trees to be planted in the vicinity of the training area and their locations as indicated on attached Plan No. 2169-DC-1C have been spaced to define a preferred layout and assist temporary parking personnel with the alignment of cars parking on the reserve during approved times.

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

Consultation was undertaken and various comments were received regarding the planting when the original landscape concept plan was advertised for public comment. Where practicable, ideas were incorporated into the final plan adopted by the Council on 9 September 2003.

#### **LEGAL/POLICY:**

Nil.

#### **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. *"h) Continue to design and implement infrastructure improvements for public open space."*

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

A specific budget allocation of \$60,000 has been allocated in the 2004/05 Capital Works budget to complete the landscaping at Loton Park. The cost of purchasing and planting of trees around the training pitch at Loton Park will be sourced from the above budget

**COMMENTS:**

The completion of the landscaping at Loton Park has been listed in the Town's Capital Works Program for commencement during September through to November 2004. Sourcing of plant material is being undertaken at present and to ensure that the project is completed within the adopted timeframe, the availability of the selected tree species needs to be progressed or suitable planting stock will not be available again until autumn 2005.

Whilst many positive comments have been received from local residents and business people regarding the stadium redevelopment and surrounds landscaping completed to date, they have also expressed their concern at the delays in completion of the landscaping, in particular, the beautification of the Lord Street and Brewer Street frontages.

Therefore, upon determining the tree species to be planted, the Town's Parks staff will progress this project immediately in view that it is completed by the end of November 2004 as intended.



**10.2.7 Recision of Part of a Council Decision - Hill's Weeping Figs (Ficus hillii)**

<b>Ward:</b>	Both	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0234
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Lotznicher, J van den Bok, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

1. *the Council in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, having received the support of one third of the members, namely Crs Lake, Cohen and Chester resolve to REVOKE or CHANGE the following resolution 3(i) adopted by the Council at its Ordinary Meeting held on 9 September 2003 (Item 10.2.2) namely;*

*“That the Council; ...*

*(iii) APPROVES the progressive removal/replacement of the Hill's Weeping Fig Street Trees in Ashby Street, Mt Hawthorn, Burt Street, Eton Street and View Street, North Perth when/if required;”*

2. *in the event that (1) above is approved, the Council APPROVES BY AN ABSOLUTE MAJORITY to change clause (iii) to read as follows;*

*“(iii) APPROVES the progressive removal/replacement of the Hill's Weeping Fig Street Trees in Ashby Street, Mt Hawthorn, Burt Street, and Eton Street ~~and View Street, North Perth~~ when/if required;” and*

3. *the Council;*

*(a) ADDRESSES any minor issues concerning individual trees in View Street, North Perth, as they arise, or when notified by an adjacent property owner of a specific safety issue or of any potential property damage to private property;*

*(b) ADVISES the Municipal Liability Scheme, and the residents of View Street between Fitzgerald Street and Olive Street of its resolution.*

---

**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted.*

**Moved Cr Chester, Seconded Cr Lake**

*That a new clause (3) (c) be added as follows:*

"3. *the Council;*

- (c) *SUBMITS an application to the Office of Energy, when the next round of submissions is called, for the undergrounding of power along View Street from Olive Street to Fitzgerald Street as a local enhancement project."*

Discussion ensued.

**AMENDMENT CARRIED (6-2)**

(Cr Torre was an apology for the meeting.)

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

Discussion ensued.

**Moved Cr Cohen, Seconded Cr Chester**

*That the word "minor" be deleted from clause (3) (a).*

Discussion ensued.

**AMENDMENT LOST (2-6)**

(Cr Torre was an apology for the meeting.)

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

**MOTION AS AMENDED CARRIED BY AN ABSOLUTE MAJORITY (5-3)**

(Cr Torre was an apology for the meeting.)

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

**COUNCIL DECISION ITEM 10.2.7**

*That;*

1. *the Council in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, having received the support of one third of the members, namely Crs Lake, Cohen and Chester resolve to REVOKE or CHANGE the following resolution 3(i) adopted by the Council at its Ordinary Meeting held on 9 September 2003 (Item 10.2.2) namely;*

*“That the Council; ...*

*(iii) APPROVES the progressive removal/replacement of the Hill's Weeping Fig Street Trees in Ashby Street, Mt Hawthorn, Burt Street, Eton Street and View Street, North Perth when/if required;”*

2. *in the event that (1) above is approved, the Council APPROVES BY AN ABSOLUTE MAJORITY to change clause (iii) to read as follows;*

*“(iii) APPROVES the progressive removal/replacement of the Hill's Weeping Fig Street Trees in Ashby Street, Mt Hawthorn, Burt Street, and Eton Street when/if required;” and*

3. *the Council;*

*(a) ADDRESSES any minor issues concerning individual trees in View Street, North Perth, as they arise, or when notified by an adjacent property owner of a specific safety issue or of any potential property damage to private property;*

*(b) ADVISES the Municipal Liability Scheme, and the residents of View Street between Fitzgerald Street and Olive Street of its resolution; and*

*(c) SUBMITS an application to the Office of Energy, when the next round of submissions is called, for the undergrounding of power along View Street from Olive Street to Fitzgerald Street as a local enhancement project.*

---

**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 September 2003, the Council considered the matter of the Hill's Weeping Figs (*Ficus hillii*) in various streets in the Town and resolved as follows;

*“That the Council;*

- (i) receives the report on the Hill's Weeping Fig Street Trees;*
- (ii) APPROVES the retention of the Hill's Weeping Fig Street Trees in Mary Street Highgate, Daphne Street North Perth and Pier Street East Perth;*
- (iii) APPROVES the progressive removal /replacement of the Hill's Weeping Fig Street Trees in Ashby Street Mt Hawthorn, Burt Street, Eton Street and View Street North Perth when / if required;*

- (iv) *addresses any minor issues concerning individual trees in both Mary Street, Highgate, and Daphne Street, North Perth, as they arise, or when notified by an adjacent property owner of a specific safety issue or of any potential property damage to private property;*
- (v) *advises the Municipal Liability Scheme, and the Mary Street and Daphne Street residents of its resolution; and*
- (vi) *reinstates the two missing street trees in front of the Sacred Heart Primary School and Convent with a suitable species of tree when the school's building work is completed."*

As reported to Council on 9 September 2003 an Arboricultural Consultant was commissioned to undertake the following:-

- Inspect the trees in both Mary Street and Daphne Street
- Prepare a report that would deal with the following:
  - health and condition of trees
  - circumstances of their locations
  - the inherent characteristics of the species
  - the possible impact they have on both Council property and private properties

Following an inspection / assessment, the consultant identified three (3) options to address the future potential liability resulting from these trees;

Option 1 - Staged removal and replacement of a new species of tree

Option 2 - Root pruning and installation of root barriers

Option 3 - Addressing each root damage issue as it arises

As indicated in previous reports presented to the Council in relation to this species of tree, the Hill's Weeping Fig (*Ficus hillii*) is a native of north eastern Australia and can attain a height of around 15 metres with a canopy of approximately 20 metres.

This species of tree exists in the following locations:

- Ashby Street, Mount Hawthorn
- Burt Street, North Perth
- Daphne Street, North Perth
- Eton Street, Mount Hawthorn
- Mary Street, Highgate
- View Street, North Perth
- Pier Street, East Perth

This species of tree has been progressively removed / replaced with a more suitable species by both the former City of Perth and the Town in the following locations:

- Ashby Street, Mount Hawthorn
- Burt Street, North Perth
- Eton Street, Mount Hawthorn
- View Street, North Perth

The removals resulted from damage individual trees caused to both private and the Town's infrastructure however, the Ficus species has remained intact as a streetscape planting in Mary Street, Pier Street and to a lesser extent in Daphne Street, North Perth.

Recent remedial works in Pier Street, including root pruning and repairs to the adjacent road and installation of a deep barrier kerb, will ensure that this avenue of trees located in the median island, will remain intact without further damage occurring for at least another 5-10 years.

Various reports have previously been presented to the Council in relation to this species of tree. These reports identified specific trees for removal or recommended the implementation of programs for the removal and replacement of existing avenues of the Ficus species.

However, there was a general reluctance by the Council to remove the existing avenues of the Ficus species in Daphne Street and particularly in Mary Street, Highgate, where a consistent avenue of trees is still relatively in tact.

The most recent report dealing with the Hills Weeping Fig trees was presented to Council at its Ordinary Meeting held on 5 November 2002, where the following resolution was adopted:

*"That the Council;*

- (i) receives the report on the Hill's Weeping Fig Street Trees;*
- (ii) seeks further information;*
  - (a) from other Council's on their experience with Ficus hilli and root barriers, and insurance, and*
  - (b) on the potential for canopy lopping to reduce potential instability of the trees;*
- (iii) consults with Mary Street and Daphne Street property owners and resident about the future management of the street trees;*
- (iv) defers the remaining items for fuller consideration of alternative strategies and the results of community consultation;*

*And the following clauses be DEFERRED;*

- (v) APPROVES the staged removal of the Hill's Weeping Fig trees and replacement with a new species in the streets listed on the attached program, due to possible future long term liability implications for the Town caused by the invasive root system of this species;*
- (vi) prior to implementing Stage 1 of the proposed program, to commence in 2003/04, advises all residents and consults with the residents in Mary Street and Daphne Street to select an appropriate replacement tree species;*
- (vii) lists an amount of \$44,000 for consideration in the 2003/04 draft budget to undertake Stage 1 of the program and considers allocating similar funds in future budgets; and*
- (viii) advises the Municipal Liability Scheme and the Daphne Street petitioners of its resolution."*

## **DETAILS:**

As reported to Council on 9 September 2003 Officers investigated issues concerning the Ficus tree species and undertook surveys of the residents in Mary and Daphne Street and other Local Governments facing similar issues.

A detailed feature survey of both Mary Street and Daphne Streets was undertaken and where required, remedial works were carried out to the Town's infrastructure and to the street trees, to ensure any identified hazards were made safe.

### **Root pruning and installation of root barriers**

As noted in the arboricultural consultant's report, the application of root barrier material requires that a trench be excavated along the line beyond where it is desired the roots would grow. In both Daphne and Mary Street this would involve removal and ultimately the reinstatement of the existing footpath. All roots would be severed during the course of the excavation and the root barrier material would then be inserted and the trench backfilled accordingly.

There are several shortcomings associated with the application of root barriers including:-

- Cost of application and reinstatement of infrastructure
- Damage to existing private property and Council infrastructure
- Existing underground services would possibly compromise the long-term effectiveness of the root barrier material.
- Adverse health affects to tree
- No long-term guarantee that the root barrier material will be effective

Root pruning closer than 3 x trunk diameters is not recommended due to the increased injury or infection at the pruning site and the increased danger of tree fall resulting from impaired anchorage. Although there are benefits of the installation of root barriers at the time of planting, there are no long-term results to suggest that they are a permanent solution.

The installation of root barriers could only provide an additional 5-10 years of "tree life".

The root pruning and barrier is not a preferred option.

### **Addressing tree issues and damage as they arise**

This practice is used by the majority of Local Governments surveyed to address this rather controversial issue of the future management of this species of tree.

It is therefore recommended that this be the preferred option available to the Town at this point in time.

## **CONSULTATION/ADVERTISING:**

Where removal of trees is required in any street and at any stage, adjacent residents are advised of pending removals, the reasons for such removals and consulted in relation to the species of tree to be replanted.

**LEGAL/POLICY:**

The Town's Insurance policy requires the Town to act prudently and take due diligence in appropriate action to remove any hazards.

The Town has a legal responsibility and a "duty of care" to act responsibly and promptly. Failure to do so, will expose the Town to potential legal action and liability for compensation, in the event that a successful claim is made against the Town.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Draft Plan 2002-2007 - 1.4 Maintain and Enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment. *(b) Develop and implement streetscape enhancements and wider street initiatives.*

**FINANCIAL/BUDGET IMPLICATIONS:**

Generally, individual requests for remedial works or tree removals / replacement can be accommodated as part of the Street Tree Maintenance budget or the Street Tree Management and Enhancement budget.

There are no specific funds included in the Budget 2004/05 for the removal of the Hill's Weeping Fig trees.

**COMMENTS:**

It is therefore recommended that the Council addresses any minor issues concerning individual trees in View Street, North Perth, as they arise, or when notified by an adjacent property owner of a specific safety issue or of any potential property damage to private property and advises the Municipal Liability Scheme, and the residents of View Street, between Fitzgerald Street and Olive Street, of its decision.

It is to be noted that should requests for further action be received, these will be investigated and a report presented to the Council making recommendations on individual trees and indicating the cost implications to the Town of implementing the works, as has been the case recently in Burt Street, North Perth.

Mayor Catania advised that Cr Ker had declared a proximity interest in this Item. Cr Ker departed the Chamber at 8.16pm and did not speak or vote on the matter.

### 10.3.3 RTRFM Radio Station Festival 2004

<b>Ward:</b>	North Perth	<b>Date:</b>	13 October 2004
<b>Precinct:</b>	Hyde Park Precinct P12	<b>File Ref:</b>	RES0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Clowes		
<b>Checked/Endorsed by:</b>	J Anthony, M Rootsey	<b>Amended by:</b>	

#### **OFFICER RECOMMENDATION:**

*That the Council APPROVES of the application from RTRFM Radio Station to hold a small festival at Hyde Park on Saturday 18 December 2004, subject to;*

- (i) event application fees for the festival at Hyde Park to be waived;*
- (ii) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
- (iii) full compliance with conditions of use being imposed including Environmental Health and other conditions as required by the Town; and*
- (iv) the Town of Vincent being acknowledged as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*

*to the satisfaction of the Chief Executive Officer.*

---

#### **COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Chester, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Ker was absent from the Chamber and did not vote. Cr Torre was an apology for the meeting.)**

---

#### **DETAILS:**

Perth radio station RTRFM has submitted a proposal to hold a small festival at Hyde Park on Saturday 18 December 2005, from 12midday until 9.00pm.

RTRFM have run events similar to this one at UWA since 1996 and have been run professionally with no damage or complaints. RTRFM plan to hold the event in order to promote local community involvement with RTRFM, raise money and profile for the station and provide entertainment to local residents and the wider Perth community.



RTRFM is an independent, non profit community radio station broadcasting 24 hours a day. They are Western Australia's oldest radio station and are locating their studio to Beaufort Street, Mount Lawley in November 2004. They would like to encourage community involvement with the station at its new premises and propose to hold an event at Hyde Park.

Their mission statement is "To operate a viable public radio station which presents diverse, alternative music and programs of social and cultural interest with a local perspective."

The proposal included the following aspects:

1. Attendance
2. Licensed Area
3. Sound Management
4. Entertainment
5. Crowd Control
6. Resident Notification
7. Complaint Management
8. Sanitary Provisions
9. Waste Disposal
10. Food Provisions
11. Clean Up Strategy
12. First Aid
13. Parking
14. Flora and Fauna

The festival will have stage entertainment hosting 10-15 diverse local bands and small stalls from local businesses and community attractions. There will also be a licensed area which would feature wine tasting from local wineries and part of it would be all ages with food available from licensed caterers. There will be an entry fee of \$15.00 or \$10.00 concession and anticipate a crowd of 1000 people of a diverse cross section of the community.

The organisers have met with the Manager of Community Development, Bookings Officer and Senior Environmental Health Officer to discuss the logistics of the event. Conditions pertaining to noise control, litter control and additional temporary toilet facilities (including accessible facilities) will be implemented.

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

Proponent to deliver fliers or a letter to all properties within a 150m radius of the Hyde Park perimeter. Fliers to inform of the following:

- reason for the event;
- event duration: and
- mobile telephone contact number(s) for onsite event personnel.

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

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

#### **LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008

Key Result Area

2.1 Celebrate and acknowledge the Town's cultural diversity

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Given the size of this activity they fall within Council's Policy 3.2.5 for Concerts and Events where significant fees and bonds are involved. The following fees (including GST) would apply for this event based on an estimate of 1000 to 5000 patrons:

Application Fee	\$ 55.50
Event Fee	\$ 7,150.00
Bond	<u>\$ 9,900.00</u>
<b>Total</b>	<b>\$17,105.50</b>

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

**CONDITIONS/POLICY:**

The standard conditions for sponsorship would apply to this event:

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

**COMMENTS:**

The sponsorship by the Town will provide the opportunity for the Town to be featured in advertisements in the West Australian and community newspapers.

RTRFM has taken responsibility for any damage on the park through the forfeit of the bond and they are proactive in working with officers to ensure damage is minimised. It is considered that the event will be well supported by the Town and the community, and will provide an opportunity for the station to promote their move into the Town.

**10.3.2 Capital Works Program 2004/2005 - Progress Report No 1 as at 30 September 2004**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey, R Lotznicher, R Boardman		
<b>Checked/Endorsed by:</b>	J Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Progress Report No 1 for the period 1 July - 30 September 2004, for the Capital Works Program 2004/2005, as detailed in attachment 10.3.2.*

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**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Chester, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**Cr Ker returned to the Chamber at 8.17pm.**

**Discussion ensued.**

**CARRIED (8-0)**

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

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**BACKGROUND:**

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 10 August 2004. Quarterly reports are presented to Council to advise of the schedule and progress of the Capital Works Program. This is the first Progress Report for this financial year covering the period ending 30 September 2004.

**DETAILS:**

The report focuses on the work that was due to be completed up to the end of the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 30 September 2004.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area One - Environment and Infrastructure

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The progress is currently proceeding according to funding in the Annual Budget 2004/2005.

**COMMENTS:**

The Capital Works Program is currently progressing according to the Council approved schedule.

**10.4.2 Safer Vincent Crime Prevention Partnership Advisory Group**

<b>Ward:</b>	-	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0064
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPOINTS the Mayor Nick Catania (Chair), along with Cr Caroline Cohen; and Cr Helen Doran-Wu, to the Group; and*
- (ii) *APPOINTS the following community representatives to the Safer Vincent Crime Prevention Advisory Group for the period 1 November 2004 to 30 June 2005;*
  - (a) *Ms Gabrielle Mews;*
  - (b) *Ms Margaret Reid-Watson; and*
  - (c) *Ms Helen Pemberton.*

**Moved Cr Chester, Seconded Cr Doran-Wu**

*That the recommendation be adopted subject to the following amendments:*

*"That the Council;*

- (i) *APPOINTS the Mayor Nick Catania (Chair), along with Cr Caroline Cohen; and Cr Helen Doran-Wu, to the Partnership ~~Group~~; and*
- (ii) *APPOINTS the following community representatives to the Safer Vincent Crime Prevention Partnership ~~Advisory~~ ~~Group~~ for the period 1 November 2004 to 30 June 2005;*
  - (a) *Ms Gabrielle Mews;*
  - (b) *Ms Margaret Reid-Watson; and*
  - (c) *Ms Helen Pemberton."*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.4.2**

*That the Council;*

- (i) *APPOINTS the Mayor Nick Catania (Chair), along with Cr Caroline Cohen; and Cr Helen Doran-Wu, to the Partnership; and*
- (ii) *APPOINTS the following community representatives to the Safer Vincent Crime Prevention Partnership for the period 1 November 2004 to 30 June 2005;*

- (a) *Ms Gabrielle Mews;*
  - (b) *Ms Margaret Reid-Watson; and*
  - (c) *Ms Helen Pemberton.*
- 

## **BACKGROUND:**

At the Ordinary Meeting of Council held on 27 July 2004 the matter of the Safer Vincent Crime Prevention Partnership Advisory Group was considered and Council resolved inter alia as follows;

*"That the Council; ...*

- (vi) *APPROVES the discontinuation of the Safer Vincent Advisory Group (as it is replaced by the Safer Vincent Crime Prevention Partnership);*
- (vii) *AUTHORISES the Chief Executive Officer to advertise for community representatives for the Safer Vincent Crime Prevention Partnership; and*
- (viii) *acknowledges the work of the current members of the Safer Vincent Advisory Group and invites them to apply for the new Safer Vincent Crime Prevention Partnership."*

*"TERMS OF REFERENCE AND COMPOSITION:*

### *SAFER VINCENT CRIME PREVENTION PARTNERSHIP*

#### *1. MEMBERSHIP*

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

##### *1.1 Three Elected Members*

*Mayor (Chair)  
Two Elected Members*

##### *1.2 Seven Community Representatives*

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

##### *1.3 Council Staff*

*Manager, Law and Order Services  
Safer Vincent Coordinator*

##### *1.4 Police*

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

**CONSULTATION/ADVERTISING:**

Nominations were advertised on a local basis (community newspaper) and the Town's website and letters sent to all former members of the Safer Vincent Advisory Group. At the close of the nomination period on 28 September 2004, three (3) nominations had been received and these are shown in Appendix 10.4.2.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

The use of partnerships is in keeping with the Council's philosophy of involving the community in the decision making process.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

It is recommended that all three community representatives be appointed to the Partnership and the Partnership commence meetings. The composition of the Group to be monitored until May/June 2005, when the membership will be reviewed - following the Council elections.



**APPENDIX 10.4.2**

**SAFER VINCENT CRIME PREVENTION PARTNERSHIP ADVISORY GROUP:**

*(7 members required)*

(Elected Members: Mayor Catania, Crs Cohen and Doran-Wu - *members of former Safer Vincent Advisory Group - Cr Cohen has recorded interest in nominating*)

**NOMINATIONS RECEIVED**

1.     **Name:**                   Ms Helen Pemberton *(member of former Safer Vincent Advisory Group)*  
       **Address:**               Perth  
       **Reasons to be considered as a Community Representative:**  
                                  Has previously been a member of the Safer Vincent Advisory Group, representing the community and would like to continue as a member in the newly formed group.
  
2.     **Name:**                   Ms Margaret Reid-Watson *(member of former Safer Vincent Advisory Group)*  
       **Address:**               North Perth  
       **Reasons to be considered as a Community Representative:**  
                                  Has lived in the Town for several years, raising a family. Used to have a long-established business in the Town. Has qualifications and experience in OSH Risk Management.
  
3.     **Name:**                   Ms Gabrielle Mews  
       **Address:**               Mount Lawley  
       **Qualifications:**       Teachers Diploma  
       **Membership of Community Groups:**  
                                  Norfolk Precinct Group, former member of Local Safer WA Committee  
       **Reasons to be considered as a Community Representative:**  
                                  Is a resident of the Town and has a strong interest in community safety. Believes in being pro-active rather than solely re-active. Membership of the Norfolk Precinct Group had given an awareness of the needs of the community in general and the older immigrant members of the community in particular. Through participation on the local Committee of the former Safer WA, has built a relationship with the Police and Safer Vincent staff. Is self-employed and has greater control over own time and working hours.

**10.4.4 Independent Organisational Review - Progress Report No. 3**

<b>Ward:</b>	-	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0061
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Progress Report No 3 as at 20 October 2004 concerning the implementation of recommendations of the Independent Organisational Review.*

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**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

**Discussion ensued.**

**Cr Doran-Wu departed the Chamber at 8.22pm.**

**Cr Doran-Wu returned to the Chamber at 8.24pm.**

**CARRIED (8-0)**

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

---

**BACKGROUND:**

Implementation of the Independent Organisational Review has been progressing on an ongoing basis. Progress Report No. 2 was submitted to the Ordinary Meeting of Council held on 22 June 2004.

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

*"That the Council;*

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

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

### RECOMMENDATION 3

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

CEO's Comment

*In progress. A briefing session was held on 30 July 2003. Funds were allocated in the Budget 2004/05. A Marketing Strategy Brief has been prepared and advertised for the appointment of a consultant. Quotations close on 25 October and a report will be submitted to the Ordinary Meeting of Council in November 2004.*

## GOVERNANCE

### RECOMMENDATION 5

- (a) Council introduce a 12 month trial of three week cycles to Council decision making comprised of:
- **Week 1** Council briefing session on matters of a long term nature or are otherwise strategic in their nature and are in the early stages of development. Attendance at those meetings is by invitation. No decisions are to be made at those meetings. Matters requiring decision are to be referred to the Council Committee included in week 2 of the meetings cycle.
  - **Week 2** Council meeting in Committee whereby members of the public and parties associated with matters before Council are directly and publicly invited to attend and address the Committee. It is essential Managers of staff who author reports together with Executive Managers attend these meetings to respond to Council questions.
  - **Week 3** Ordinary Council meeting whereby the Council considers recommendations submitted from the Council Committee meeting and makes final determination on all matters.

CEO's Comment

*In progress. At the Ordinary Meeting of Council held on 8 June 2004, the Council approved of guidelines and procedures for Forums. Forums have been held since July 2004 and appear to be working satisfactorily, apart from the use of Powerpoint presentations. The Chamber is to be modified for this purpose. This is a variation to the IOR Consultants' meeting cycle. It should be acknowledged that there are many models relating to meeting formats and cycles and each local government should adopt the most beneficial model which best meets its needs. Investigations will continue during 2004 and it is proposed to further report to Council in late 2004 on any proposed modifications to the format.*

## RECOMMENDATION 6

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

### CEO's Comment

*In progress. The Town's Manager Planning and Building Services was seconded on a full-time basis in February and March to action this recommendation. A report has been prepared and reviewed by the CEO and Executive Manager Environmental & Development Services. This matter is listed for consideration at an Elected Member Forum to be held on 2 November 2004. The following timeline is proposed;*

- |                                     |  |
|-------------------------------------|--|
| - Late June 2004                    | Issue draft Delegations to Elected Members |
| - 2 November 2004                   | Elected Member Forum (Special)             |
| - Late November/early December 2004 | Adoption of new Delegations                |

## RECOMMENDATION 8

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

### CEO's Comment

*Quotations obtained and an order placed with a supplier. Suitable equipment has been trialled and meets the needs of the Town. To be installed in late November 2004. Investigations into Council Agenda computer software are also being carried out. This is to be further progressed during 2004-2005, subject to available funds.*

## RECOMMENDATION 19

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

### CEO's Comment

*Completed. This matter has been investigated as part of the review of employee conditions. The additional costs (20% pay increase) do not justify offering fixed term contracts. There are no significant benefits to the Town.*

## FINANCIAL ACCOUNTABILITY – BUSINESS AND SERVICES

## RECOMMENDATION 35

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

- Financial Services
- Administration Services
- Customer Service Centre

CEO's Comment

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

**RECOMMENDATION 36**

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

CEO's Comment

*Investigation/research continuing, benchmark partners being sought. The Town has entered the WALGA Best Practice Awards 2004 - "Whole of Organisation". This application requires the Town to identify benchmarking throughout the organisation. Feedback from the Award Panel will be beneficial.*

**PROCESS AND PROCEDURES**

**Environmental and Development Services Processes**

**RECOMMENDATION 41**

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

CEO's Comment

*See Recommendation 6 for comments.*

**RECOMMENDATION 42**

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

CEO's Comment

*Further investigation/research to be carried out. (October - December 2004.)*

**RECOMMENDATION 43**

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

CEO's Comment

*Further investigation/research being carried out (October - December 2004).*

**RECOMMENDATION 47**

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

CEO's Comment

*To be implemented from October - December 2004. Further investigation/research being carried out, as part of the review of the delegations policy.*

**Car Parking Process**

**RECOMMENDATION 48**

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

CEO's Comment

*Completed. Already commenced and implemented. The matter is being reviewed on an ongoing basis. Introduction of ticket machines is implemented as budgetary requirements allow.*

**RECOMMENDATION 50**

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

CEO's Comment

*In progress. A report was considered at the Ordinary Meeting of Council held on 22 June 2004 relating to this matter. A further report will be submitted to the Ordinary Meeting of Council to be held on 26 October 2004 in relation to the amended version of the Policy Relating to Parking and Access - modified car parking requirements for licensed premises. This matter is also listed for discussion at the Elected Member Forum to be held on 2 November 2004.*

**RECOMMENDATION 52**

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

CEO's Comment

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

**HUMAN RESOURCES – SENIOR EXECUTIVES**

**RECOMMENDATION 53**

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

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

CEO's Comment

*Part completed. Implemented from November 2003 onwards and currently being reviewed on an ongoing basis. Also see comments for Recommendation No. 36.*

**Progress of Recommendations**

Forty (40) (75.5%) recommendations have already been completed, nine (9) (15%) are part completed and five (5) (9.5%) are in progress. It is anticipated that the majority of the Recommendations will be completed by December 2004:

The following is a summary of the recommendations:

**IMPLEMENTATION OF THE IOR RECOMMENDATIONS**

Recommendation Number	Page	Governance (Council Responsibility)	Administration (CEO Responsibility)	Council Priority (Adopted on 19 August 2003)	Indicative Implementation Timeline
<b>Objective 1 – Strategy</b>					
3(b)	17		x	High	Part completed
<b>Objective 3 – Governance</b>					
5	35	x		High	Part completed
6	36	x		High	Part completed
8	36		x		Part completed
<b>Objective 4 - Human Resources &amp; Performance Management</b>					
19	46		x		<b>Completed</b>
<b>Objective 6 - Financial Accountability - Business Services</b>					
35	62		x	High	Under review
36	63		x		Under review
<b>Objective 8 - Process and Procedures</b>					
41	83	x		High	Part completed
42	83		x	High	Under review
43	83		x	High	Under review
47	83		x	High	Under review
48	83	x		High	<b>Completed</b>
50	84	x		High	Nov 03 - Dec 04 Part completed
52	85		x	High	Nov 03 - Dec 04 Part completed
<b>Objective 9 - Financial Implications</b>					
<b>Objective 10 - Human Resources - Senior Executives</b>					
53	96		x	High	In progress. Part Completed

**Customer Service Programme - as at 18 October 2004**

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

Action	Time frame	Finalised
<b>Staff Matters</b>		
Establish relief roll		<b>Completed</b>
<b>Development and training</b>		
Review and update procedures manuals	31.04.2004	In progress
Train all customer service staff so they can undertake all current CSO duties (multi-skill)	1.07.2004	Training in progress

Action	Time frame	Finalised
<b>Physical enhancements</b>		
Investigate placing CSO's workstations on front counter, equipped with computer screens, information products and phones	2004	Under investigation Quotes obtained
Screen switchboard workstation to provide less distraction from noise and counter activity	Oct-Dec 2004	Quotes obtained. In progress
Investigate appearance of reception area (eg colours, security)	Oct-Dec 2004	In progress
Enhance signage, display of brochures	1.07.2004	<b>Completed</b>
<b>Performance measurement</b>		
Establish enquiry patterns and volumes	Ongoing survey current	Monthly statistics being collated
<b>Quality Improvement</b>		
Investigate use of IDAS and Authority for electronic management of queries/complaints	Oct-Dec 2004	
<b>Benchmarking</b>		
Investigate different customer service charters for different divisions/sections	30.06.2004	In progress
Set up and implement customer service standards across the organisation	June-Dec 2004	In progress
Investigate electronic staff in/out system	12.04.2004	

### Customer Service Centre Staffing

A major objective has been to recruit and stabilise the Centre's staff. This has involved considerable time. The Town's Coordinator, Customer Service - Megan Smith - resigned in late August 2004 to relocate to the U.K. Recruitment of a new Co-ordinator has been carried out and Marisa Lombardi has been appointed. Marisa was previously the Senior Customer Service Officer and was promoted. A new Customer Service Officer (CSO), Susan Bear, commenced in September 2004.

The loss of the previous Co-ordinator has disrupted implementation of various proposals. This will be pursued as a priority. Training of CSO's has commenced and will continue.

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

A Customer Service Officer has been appointed (on a 12-month basis) as recommended in the Independent Organisational Review to assist in the Customer Service Centre and primarily in Law and Order Services and Health Services. This arrangement is working satisfactorily.

### CONSULTATION/ADVERTISING:

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



**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

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

An amount of \$105,000 has been included in the Budget 2003/04.

**COMMENTS:**

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

**10.4.5 Strategic Plan 2003-2008 - Progress Report for the Period 1 July 2004 - 30 September 2004**

<b>Ward:</b>	Both	<b>Date:</b>	15 October 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0038
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Managers, Executive Managers, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the progress report on the Strategic Plan 2003-2008 for the period 1 July 2004 – 30 September 2004 as shown in Appendix 10.4.5.*

**Moved** Cr Chester, **Seconded** Cr Franchina

*That the recommendation be adopted with the addition of a new clause (ii) as follows:*

**"(ii) REQUESTS the Chief Executive Officer to arrange a facilitator to conduct a session (comprising half to one day or equivalent hours) for the Elected Members, together with the Chief Executive Officer and Senior Staff, to review the Town's current Strategic Plan (specifically Key Result Areas strategies, action plans and timeframe) and this be conducted prior to 31 December 2004."**

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.4.5**

*That the Council;*

- (i) *RECEIVES the progress report on the Strategic Plan 2003-2008 for the period 1 July 2004 – 30 September 2004 as shown in Appendix 10.4.5; and*
- (ii) *REQUESTS the Chief Executive Officer to arrange a facilitator to conduct a session (comprising half to one day or equivalent hours) for the Elected Members, together with the Chief Executive Officer and Senior Staff, to review the Town's current Strategic Plan (specifically Key Result Areas strategies, action plans and timeframe) and this be conducted prior to 31 December 2004.*

**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 September 2003, the Council approved and adopted its Strategic Plan 2003-2008.

Progress reports are reported to Council for each quarter as follows:

<b>Period</b>	<b>Report to Council</b>
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

At the Ordinary Council Meeting 10 August 2004 the Council resolved inter alia as follows;

*"(ii) Reviews its Strategic Plan 2003-2008 during 2004/05 concurrent with the CEO's performance review (2005) as recommended during the 2003 review and requests the Chief Executive Officer, in liaison with the Mayor, to determine the most appropriate time for this to be carried out."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

It is not a legal requirement to have a Strategic Plan, however, it is considered *"Best Practice"* management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

**STRATEGIC IMPLICATIONS:**

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

**10.4.6 Delegations for the Period 1 July 2004 to 30 September 2004**

<b>Ward:</b>	-	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Various, J MacLean, T Prout		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ENDORSES the delegations for the period 1 July 2004 to 30 September 2004 as shown in Appendix 10.4.6; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices to the value of \$25,490 for the reasons detailed in this report.*

**COUNCIL DECISION ITEM 10.4.6**

**Moved Cr Lake, Seconded Cr Franchina**

*That the recommendation be adopted.*

**CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

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

**BACKGROUND:**

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

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

**ADVERTISING/CONSULTATION:**

Not applicable.

**LEGAL/POLICY:**

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

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.6. Quarterly reports are reported to the Council.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

<b>Description</b>	<b>Amount \$</b>
Ranger/Clerical Error	\$ 4,610.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$ 5,075.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$ 2,135.00
Breakdown/Stolen (Proof Produced)	\$ 905.00
Details Unknown/Vehicle Mismatched	\$ 2,060.00
Interstate or Overseas Driver	\$ 2,200.00
Signage Incorrect or Insufficient	\$ 205.00
Equipment Faulty (Confirmed by Technicians)	\$ 385.00
Failure to Display Resident or Visitor Permit #	\$ 5,640.00
Penalties Modified	\$ 1,220.00
Litter Act	\$ 475.00
Dog Act	\$ 300.00
Pound Fees Modified	\$ 280.00
<b>TOTAL</b>	<b>\$25,490.00</b>

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

**COMMENTS:**

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

**10.4.7 Progress Report No. 9 - Department of Sport and Recreation (DSR)  
Office Building – Leederville Oval, No. 246 Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0062
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 9 as at 20 October 2004, relating to the Department of Sport and Recreation (DSR) Office Building at 246 Vincent Street, Leederville; and*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of the project.*

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**Moved Cr Chester, Seconded Cr Franchina**

*That the recommendation be adopted.*

Discussion ensued.

**Moved Cr Chester, Seconded Cr Ker**

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

*"(iii) WRITE to the Head of Department of the Department of Sport and Recreation emphasising the importance Council places on provision of public art and asks that the Department afford it a high priority."*

Discussion ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**MOTIONAS AMENDED CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.4.7**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 9 as at 20 October 2004, relating to the Department of Sport and Recreation (DSR) Office Building at 246 Vincent Street, Leederville;*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of the project; and*

- (iii) *WRITE to the Head of Department of the Department of Sport and Recreation emphasising the importance Council places on provision of public art and asks that the Department afford it a high priority.*
- 

#### **BACKGROUND:**

At the Ordinary Meeting of Council held on 4 November 2003, the Council approved of the tender to construct an Office Building at 246 Vincent Street, Leederville. Progress reports have been submitted on a regular basis to keep the Council informed of the project status.

Monthly meetings have been held with the Project Architect and Builder since the works commenced on 17 November 2003. Fortnightly site meetings commenced in February 2004 and will continue until the building is completed.

The builder has submitted fortnightly reports and an amended timeline outlining the proposed timetable for works. At the time of writing this report the following works have been completed;

1. **Electrical Services**

Electrical cabling and the majority of fittings have been installed in the basement and on both floors. Approximately 98% completed.

2. **Mechanical Services and Lift**

Has been completed. The lift has been installed.

3. **Hydraulic Services**

Pipework and plumbing ducting have been completed. Tiling of wet areas has been completed.

4. **Civil Works**

These have been completed. The carpark and external landscaping and ramps has commenced. Retaining walls have been constructed.

5. **Structural Works**

The structural works have been completed. External cladding is now completed.

6. **Landscape Works**

The Town's Technical Services staff and architects have been meeting and concept plans have been finalised. Work on retaining walls and the rear carpark has commenced.

7. **Architectural Interior**

Carpet is expected to be laid in the first week of November. Kitchen cupboards have been installed. Ceiling and wall cladding well advanced.

8. **Public Art**

The Town and DSR have met on several occasions to discuss public art. The DSR have formed a Working Group to progress this matter. The Town's Arts Officer has been requested to liaise with the Working Group. No further feedback has been received from DSR.

9. **Program Progress**

The builder advises that substantial works have been completed and practical completion is now scheduled for 22 November 2004.

10. **Claims for Extension of Time**

The builder has claimed a total of 31 days and the adjusted contractual practical completion date is now 2 December 2004.

11. **Variations**

There have been minor variations to the value of approximately \$30,000 requested since commencement of construction. To date, approximately \$24,000 has been agreed by the CEO and Project Architect and the remainder are being checked. It should be noted that the variations which were offered by the builder at tender time have in the main been agreed and costs finalised. The DSR have requested a number of minor variations. These are paid by DSR and have been agreed.

12. **Progress Certificates**

Payment Certificates No. 1-11 have been issued to date and the amount certified and paid to the builder is \$4,504,180.

13. **Internal Fitout**

The internal fitout tender has been called and awarded. Internal fitout is expected to commence on 22 November 2004.

**LEGAL/POLICY IMPLICATIONS:**

The Agreement to Lease states in clause 3.5(d) that:

*"The Tenant must submit to the Landlord for the approval of the Landlord detailed final plans and specifications of the Tenant's fitout works which approval will not be unreasonably withheld..."*

Clause 3.5(e) gives the Landlord 14 days to approve the plans or specify the items that the Landlord does not approve.

Clause 3.5(f) provides for a further 5 business days for the parties to resolve any dispute.

**ADVERTISING/COMMUNITY CONSULTATION:**

Nil.



**STRATEGIC IMPLICATIONS:**

This project is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 *"Promote business opportunities in the Town."*

**COMMENT:**

This is Progress Report No. 9 to update the Council on the status of works to date. It is pleasing to report that the project is progressing without any major problems or cost variations being experienced.

**10.4.9 Approval of Lease and Carparking Licence for East Perth Football Club and Subiaco Football Club for Part of Leederville Oval, 246 Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0071
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the history of the lease negotiations between the Town and East Perth Football Club (EPFC) and Subiaco Football Club (SFC);*
- (ii) *APPROVES of a lease to EPFC and SFC as detailed in this report and shown in Plan No. 2292-CP-1A, and Plans No. 1-4, dated 20 October 2004, (see Appendix 10.4.9) and in accordance with the terms and conditions as follows;*
  - (a) *Term:* *21 years, effective from 1 November 2004*
  - (b) *Option Period:* *Nine (9) years*
  - (c) *EPFC Lettable area:*
    - *Ground Floor Office* *414m<sup>2</sup>*
    - *Ground Floor Changerooms* *262m<sup>2</sup>*
    - *First Floor Clubrooms* *527m<sup>2</sup>*
  - (d) *SFC Lettable area:*
    - *Ground Floor Office* *571m<sup>2</sup>*
    - *Ground Floor Changerooms* *414m<sup>2</sup>*
    - *First Floor Clubrooms* *498m<sup>2</sup>*
    - *First Floor Grandstand Decking* *120m<sup>2</sup> (approx)*
  - (e) *Rent:* *\$5,200 per annum increased by CPI, plus GST (paid quarterly in advance)*
  - (f) *Payment of all outgoings; and*
- (iii) *AUTHORISES the Mayor and CEO to sign the lease and carparking licence and affix the Council's Common Seal.*

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**COUNCIL DECISION ITEM 10.4.9**

**Moved Cr Chester, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

At the Special Meeting of Council held on 30 October 2001, the Council resolved inter alia as follows;

*"That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (1) *to enter into a partnership with the State Government of Western Australia to;*
  - (a) *redevelop Leederville Oval into a West Australian "Football Centre of Excellence", (as shown in Plan SK07A) at an estimated cost of \$2,450,000; ...*
  - (e) *construct approximately 10,650m<sup>2</sup> of public open space (including plants, lawn, paths, lighting, fencing, street furniture, public art and bore upgrade and reticulation), upgrade of footpaths, street lighting and infrastructure, the construction of a new 60 bay carpark adjoining the Loftus Centre Carpark, construction of approximately 120 new embayed carbays on Richmond Street and associated street enhancements and the upgrade and lighting of the carpark at the western side of the Reserve; ...*
- (8) *to advise East Perth Football Club (EPFC) that in view of the redevelopment proposal, that Perth Oval is no longer available for use by EPFC and offers to lease parts of Leederville Oval to EPFC and Subiaco Football Club (SFC) to be used as a "Football Centre of Excellence" subject to;*
  - (i) *the Chief Executive Officer being authorised to enter into negotiations with the Department of Sport and Recreation, the West Australian Football Commission and/League (WAFC/WAFL), EPFC and SFC;*
  - (ii) *state-wide public notice of the proposed leases being advertised in accordance with Section 3.58 of the Local Government Act for a period of not less than two (2) weeks and for the Council to consider any submissions;*
  - (iii) *the leased areas being that shown in Plan SK07A (Appendix 2) and the Chief Executive Officer being authorised to amend the boundaries, which may result from the refinement of the plans and the negotiations;*
  - (iv) *the Department of Sport and Recreation approving of the use of the Leederville Oval Reserve Fund monies, for the upgrade and redevelopment of Leederville Oval as detailed in this report;*
  - (v) *EPFC and SFC entering into the necessary legal documentation for the joint tenancy of Leederville Oval and associated works, the Council solicitors preparing the necessary Lease documents and all costs to be paid by Council;*
  - (vi) *a lease term of 21 years for Leederville Oval being approved by the Minister for Lands;*
  - (vii) *compliance with all relevant Environmental Health, Building and Engineering requirements;*
  - (viii) *the redevelopment proposal being granted the necessary Planning and Building Approvals from the Town, Heritage Council of Western Australia and the Western Australian Planning Commission;*
  - (ix) *the Chief Executive Officer being authorised to negotiate on behalf of the Council, and to include in the legal documentation such matters as;*

- (a) *the lease commencement date and term of 21 years;*
- (b) *the extent of the leased area, which excludes the carpark on the western side of the Oval – which is to be available for use by the public and also EPFC and SFC on training and match days;*
- (c) *the payment of all outgoings by EPFC and SFC;*
- (d) *the Consumer Price Index applying to the base rent of \$5,200;*
- (e) *any proposed names of the venue, gates and buildings to be approved by the Council and the Council to refuse at its absolute discretion the use of any inappropriate names;*
- (f) *all night games to conclude by 9.30pm and the floodlights shall not be illuminated after 10.00pm;*
- (g) *a provision that Leederville Oval can be made available for use by other sporting bodies and other sports, providing this does not conflict with WAFL games, and for the Town to be able to direct EPFC and SFC (and any other lessees, if applicable) at its absolute discretion for the venue to be made available;*
- (h) *a maximum of 20 night games per year and any additional night games shall be the subject of separate negotiations with the Town and prior Council approval;*
- (i) *the Town to be provided with a schedule of dates each year for games to be played and to be advised with adequate notice of any non-scheduled games in order to allow sufficient time to inform the local community;*
- (j) *music or amplification of sound not originating from outside the venue and no noise-generating promotional vehicles to be parked outside the venue during day or night games, unless otherwise approved by Council;*
- (k) *Management Committees for the management and control of the common areas and ground;*
- (l) *the Council to retain control of future leasing of common areas;*
- (m) *the proposed design, layout and construction of the EPFC and SFC offices and refurbishment of the common areas;*
- (n) *the commencement dates and occupation of Leederville Oval and the relocation of EPFC from Perth Oval;*
- (o) *any other matters, which in the opinion of the Chief Executive Officer are in the best interest of the Town; and*
- (p) *the final legal documentation/lease to be approved by the Council;..."*

Following the Council decision in October 2001, there have been numerous meetings and reports to Council concerning the redevelopment of Leederville Oval into a "Football Centre of Excellence". The CEO has been in negotiations with EPFC and SFC concerning their proposed leases since September 2003. Negotiations between the Town and the Clubs have resulted in the draft lease documents finally being agreed between the both parties, subject to the Council approval and also approval by the Club Boards.

## **Draft Lease Documents**

The Town's Solicitors have prepared a number of draft documents and these have been used in negotiations over the previous 12 months. The relevant clauses are as follows;

### **1. Defined terms and interpretation**

Include standard legal terms and definitions used throughout the lease document.

### **2.1 Lease**

Provides exclusive use to the Club for the prescribed area and also a right to use the oval for football and training purposes (for WAFL fixtures).

### **2.2 Licence**

This prescribes a requirement for the Club to comply with the carparking licence.

### **3.1 Rent**

This prescribes a requirement for the Club to pay the required rent.

### **3.2 Rent review**

This prescribes the rent review periods and the annual increase by the Consumer Price Index.

### **3.3 Variable outgoings**

This requires the Club to pay the variable outgoings.

### **3.4 Additional variable outgoings**

This requires the Club to pay any additional variable outgoings.

### **3.5 Rates and taxes**

This requires the Club to pay all rates and taxes.

### **3.6 Telephones and other services**

This requires the Club to pay all charges relating to water consumption, gas, electricity, fuel, telephone or other service costs.

### **4.1-4.7 Insurance and Indemnity**

This requires the Club to indemnify the Town and hold all necessary insurance policies as required by the Town - normal insurance provisions as applicable to all lessees is prescribed.

### **5.1 General maintenance and repair**

This requires the Club to maintain the premises in good and functional condition and carry out repairs as required.

### **5.2 Painting**

This requires the Club to carry out painting of the leased areas every five years during the term of the lease.

### **5.3 Cleaning**

This requires the Club to keep the premises clean.

### **5.4 Floor coverings**

This requires the Club to maintain floor coverings in good condition and repair - for avoidance of doubt, this Clause specifies that replacement of carpets at the end of their useful life is the responsibility of the landlord.

### **6.1-6.14 Standard clauses relating to use of the premises**

These standard clauses require the Club to comply with normal requirements and not cause nuisance. These appear in most standard leases which the Town has with other organisations.

### **6.15 Additional facilities and priority use**

This specifies that the Town will control the common area, ground and all other areas outside the leased areas and these are known as "additional facilities". It also prescribes that each Club has priority use during the WAFL season, provided they submit to the Town their football fixture dates.

### **6.16 Sponsorship and naming rights**

This prescribes that each Club is entitled to pursue its own sponsorship, however any naming rights will be shared equally, one third each between the Clubs and the Town.

### **6.17 Prohibition on naming**

This clause requires the Clubs to obtain the Council's approval if they wish to name or dedicate any facility within the premises and the Town cannot unreasonably withhold such approval.

### **6.18 Management Committee**

This clause prescribes the Management Committee composition, functions and objectives which in essence are the day-to-day operations relating to the Oval and a dispute resolution procedure. This clause also prescribes that if the Town's CEO is not in favour of any recommendation of the Committee then the recommendation cannot be approved.

### **6.19 Capital improvements, repairs and maintenance**

This clause requires the Town to prepare a Capital Improvements, Repairs and Maintenance program and for the Town to consult each Club about any future capital works. A separate report is included in this agenda (Item 10.4.10).

#### Ground Maintenance

It also includes a clause which states the Town is responsible for the annual maintenance of the land and the condition of its playing surface, although the Town can re-coup the cost from the clubs.

It should be noted that this is a variation to the original concept of each Club to be responsible for the ground maintenance and has occurred because each Club no longer has a lease over any area (including the ground) which is not separately leased to the Clubs. In view of this significant change, which in essence gives the Council exclusive control over the ground, it has been necessary to review the original proposal for each Club to be wholly responsible for ground maintenance.

The initial costings obtained in 2001 for ground/Oval maintenance estimated this cost to be \$36,000. To ensure that the surface is not overworn and deteriorate to an extent where it becomes unusable and to provide a surface which is safe for the players (and the community) the estimated annual cost has risen to \$52,000 (this is mainly due to additional fertilizing, coring and the need to overseed with rye grass).

During negotiations, both Clubs offered to amend the original proposal relating to the Oval being fenced, to a concept whereby the community will have access to the public open space and the Oval at all times other than for WAFL games, approved events and training. This will ensure that the community will have far greater access to a larger area for recreational purposes and for a lot more time each year.

In consideration of the proposal for greater community access, it is considered appropriate that the Town should contribute to the maintenance of the Oval costs and during negotiations, it was agreed that the Clubs each pay \$18,500 and the Town contribute \$15,000.

The Town's Executive Manager Technical Services has estimated the cost to maintain Leederville Oval playing surface by the Town would be approximately \$80,000 per annum. In addition, the Town would need to outlay a further \$60,000 as a once-off cost to purchase the necessary specialised turf maintenance machinery. Therefore it is more cost effective for this work to be contracted out.

It is essential that the Oval be maintained at the highest possible standard to ensure that this asset does not deteriorate and require considerable funds in the future. Furthermore, as Football players are considered employees, they are covered by normal Workcare provisions and the employers have a "Duty of Care" to provide a safe work environment (playing surface). As the landlord, the Town would be a party to any litigation or claim made by a player if this surface was not maintained in a safe condition and to the highest possible standard required for competitive football. Accordingly, the \$15,000 contribution is supportable and is therefore recommended.

#### **6.20 Catering**

This clause prescribes that the Town will be responsible for calling tenders for the provision of food and beverages (outside the clubrooms). Furthermore, it will receive all income from the catering tender. This clause also requires any prospective caterer to negotiate with each Club to pay a commission on the caterer's gross takings on any WAFL game only. The Town to adjudicate in this matter if there is a dispute between the Caterer and the Clubs. All other income from events, other than WAFL games will be received by the Town.

#### **6.21 Clubs' liquor licence**

This requires each Club to be responsible for the liquor licence within the Club's leased area.

#### **6.22 Town's liquor licence**

This requires the Town to be responsible for the liquor licence within the common area and any area outside the Clubs' leased area. This clause allows the Town to require the caterer to obtain this necessary licence.

#### **7.1-7.3 Standard clauses relating to alterations and installations**

These standard clauses prohibit each Club from doing any alterations or additions without the approval of the Town and appear in other leases which the Town has with other organisations.

### **8.1-8.2 Standard clauses relating to entry by Town's officers**

These standard clauses prescribe the rights of the Town's officers to carry out inspections of the leased areas and appear in other leases which the Town has with other organisations.

### **9.1-9.5 Standard clauses relating to assignment and sub-leasing**

These standard clauses prohibit the Clubs from sub-leasing or signing any part of their leased area without the approval of the Council and appear in other leases which the Town has with other organisations.

### **10.1-10.3 Standard clauses relating to termination of lease**

These standard clauses prescribe the conditions for which the lease may be terminated by the Council and appear in other leases which the Town has with other organisations.

### **11.1-11.3 Standard clauses relating to services of notices**

These standard clauses prescribe the requirements for the services of any notices by the Town and appear in other leases which the Town has with other organisations.

### **12.1 Standard clauses relating to quiet enjoyment**

This standard clause prescribes the conditions for which the Club may have quiet enjoyment of their leased area and appears in other leases which the Town has with other organisations.

### **13.1-13.15 Standard clauses relating to mutual covenants**

These standard clauses prescribe the process to be followed in the event of default or for the Town to effect termination and re-entry and appear in other leases which the Town has with other organisations.

### **14.1-14.7 Standard clauses relating to notices and communication**

These standard clauses prescribe the requirements for the services of any notices by the Town and appear in other leases which the Town has with other organisations.

### **15. Trustee provisions**

This is a standard lease condition relating to any Trust which may be a party to this lease.

### **16. Option renewal**

This is a new clause which has been requested by both Clubs which grants each Club an option period for a further term of nine (9) years. In essence, the Clubs will be entitled to a lease for a period of thirty (30) years, which is the maximum permitted for a C-Class Reserve. The Department of Land Administration has consented to this period, should the Council approve of this option clause.

Both Clubs have requested the option period for the following reasons;

- (a) to ensure that Leederville Oval, which is a C-Class Reserve will be the home for Australian Rules Football for the next thirty years;
- (b) consideration of the financial contribution made by SFC to the Town's assets, which now value SFC clubrooms in excess of \$2.5 million;



- (c) to allow both Clubs to negotiate with the WAFL, WA Football Commission and other agencies for the long-term use of the Oval; and
- (d) to allow both Clubs to make long-term financial business commitments to Leederville Oval.

In view of the above, and also that Leederville Oval has been converted to a "Football Centre of Excellence" at a cost of approximately \$3.5 million to date, the option period is supportable and is therefore recommended.

**Carparking Licence**

The carpark behind Leederville Oval grandstand is under the control of the Town and use by each Club for carparking by its employees, players and visitors, is by a licence. This licence contains similar conditions to which were applied to Perth Glory Soccer Club at Perth Oval. The carparking licence will run concurrent with the lease period. At times when the carpark is not required by the Clubs, it is proposed that this carparking will be used for public purposes.

A separate carparking licence has been in the process of negotiations with the Schools of Isolated and Distance Education (SIDE) which allows for SIDE to use 20 staff bays between the hours of 7.00am and 4.00pm and in exchange, the Town (and each Club) has entitlement to use 120 bays on match days for parking. A separate report will be submitted to the Council at the conclusion of these negotiations with SIDE.

**Memorandum of Understanding**

The lease document contains a memorandum of understanding which prescribes the philosophy and principles for the use of Leederville Oval and alternative playing venues (Beatty Park Reserve and Les Lilleyman Reserve) and will also now include the Council decision conditions approved at the Ordinary Meeting of Council held on 14 September 2004 relating to SFC's use of Les Lilleyman Reserve.

**FINANCIAL/BUDGET IMPLICATIONS:**

The expenditure required by the Town will be as follows;

Capital Works and Maintenance Program	\$30,000 per annum
Contribution to Ground Maintenance	\$15,000 per annum
	-----
<b>Total</b>	<b>\$45,000 per annum</b>
	=====

Anticipated income will be as follows;

Rent (both Clubs)	\$10,400 per annum
Catering Rights Tender	\$***** per annum*
Naming Rights Tender	\$***** per annum#
Other Events (e.g. WAFL Finals)	\$***** per annum
	-----
<b>Total</b>	<b>\$***** per annum</b>
	=====

\* *Investigations have revealed that the Catering Rights Tender will achieve an income of not less than \$\*\*\*\*\* per annum, increased by CPI.*

# *Investigations have revealed that Naming Rights will achieve an income of \$\*\*\*\*\* per annum - this is to be split one third each for EPFC, SFC and the Town*

\*\*\*\* = Confidential (Circulated separately to Elected Members).

It should be noted that naming rights for Bassendean Oval have been sold for \$50,000 per year for the next three years ("Blue Steel Oval") and naming rights for Perth Oval have been sold for \$50,000 per year for the next three years ("F-Tel Oval") - on this basis, Leederville Oval with two clubs, more games per year and better facilities should be able to achieve a higher income.

**LEGAL/POLICY IMPLICATIONS:**

The Town's solicitors have prepared a draft lease and carparking licence.

A legal agreement will be required to be drafted for the catering and naming rights. The Local Government Act tender requirements will need to be followed. Following the advertising of the tenders, a further report will be submitted for the Council's consideration and approval.

**ADVERTISING/COMMUNITY CONSULTATION:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area - Economic Development - 3.2 (a) - *"Review leases and commercial contracts to ensure the best return for the Town"* and (e) *"Maintain separate costs centres for Perth and Leederville Oval and other business units."*

**COMMENT:**

The approval of the lease to EPFC and SFC will provide the Clubs and the Town with the security of tenure for the future of Leederville Oval. The Council's approval of the recommendation is therefore requested.

**10.4.12 Leederville Oval, 246 Vincent Street, Leederville and Adjoining Land - Public Open Space - Concept Plan**

<b>Ward:</b>	South	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0052
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES IN PRINCIPLE** of the **Public Open Space (POS) Concept Plan** for **Leederville Oval**, as shown in **Plan No. 2292-CP-1A**;
- (ii) **APPROVES** of a **Working Group** to consider the **POS Concept Plan**, as follows;
  - (a) **CEO, Executive Manager Technical Services (EMTS), Manager Engineering Design Services (MEDS), Manager Parks Services (MPS) and Strategic Planning Officer (SPO)**;
  - (b) **General Managers of East Perth Football Club (EPFC) and Subiaco Football Club (SFC)**;
  - (c) **two community representatives (to be nominated); and**
  - (d) **Cr ..... (to be nominated);**
- (iii) **AUTHORISES** the **CEO** to advertise seeking nominations for the **Leederville Oval POS Working Group**;
- (iv) **REFERS** the draft **Concept Plan** to the **Leederville Masterplan Project Consultants** for their consideration; and
- (v) **FURTHER CONSIDERS** the **POS Concept Plan** in **February 2005**.

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**Moved** Cr Chester, **Seconded** Cr Lake

*That the recommendation be adopted with the new clause (vi) as follows:*

**"(vi) REQUESTS the Chief Executive Officer to enter into discussions with the Leederville Childcare Centre to review and amend the current lease boundaries."**

Discussion ensued.

Crs Lake and Chester nominated for the Working Group and this was approved.

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.4.12**

*That the Council;*

- (i) *APPROVES IN PRINCIPLE of the Public Open Space (POS) Concept Plan for Leederville Oval, as shown in Plan No. 2292-CP-1A;*
  - (ii) *APPROVES of a Working Group to consider the POS Concept Plan, as follows;*
    - (a) *CEO, Executive Manager Technical Services (EMTS), Manager Engineering Design Services (MEDS), Manager Parks Services (MPS) and Strategic Planning Officer (SPO);*
    - (b) *General Managers of East Perth Football Club (EPFC) and Subiaco Football Club (SFC);*
    - (c) *two community representatives (to be nominated); and*
    - (d) *Crs Lake and Chester be appointed to the Working Group to consider the POS Concept Plan;*
  - (iii) *AUTHORISES the CEO to advertise seeking nominations for the Leederville Oval POS Working Group;*
  - (iv) *REFERS the draft Concept Plan to the Leederville Masterplan Project Consultants for their consideration;*
  - (v) *FURTHER CONSIDERS the POS Concept Plan in February 2005; and*
  - (vi) *REQUESTS the Chief Executive Officer to enter into discussions with the Leederville Childcare Centre to review and amend the current lease boundaries.*
- 

**BACKGROUND:**

At the Special Meeting of Council held on 30 October 2001, the Council approved of Leederville Oval to be redeveloped into a "Football Centre of Excellence" to be the home for EPFC and SFC.

The Council has previously approved of the construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) and at the Ordinary Meeting of Council held on 8 June 2004, it approved of the streetscape and landscaping plans.

On 30 October 2001, the Council also approved of a draft Masterplan showing facilities for Leederville Oval and authorised the Chief Executive Officer to advertise the proposed Public Open Space.

On 24 September 2002 (10 December 2002), the Council approved of the redevelopment of Leederville Oval. On 13 May 2003, Council approved of the Major Land Transaction to construct an Office Building on Leederville Oval.

### **Original Concept**

The original concept for the proposed Public Open Space at Leederville Oval provided an area of approximately 10,650m<sup>2</sup> outside the Football Oval to be created into public open space and to include plants, lawn, paths, lighting, fencing, street furniture, public art, bore upgrade and reticulation, upgrade of footpaths, street lighting and infrastructure. This original proposal as shown in Plan No. SK.07A (as attached) indicated a 2 metre high fence surrounding the Oval on the eastern side, approximately 10 metres from the Oval boundary.

### **Proposed Concept**

During the many discussions held with EPFC, SFC and the WAFL, the proposal to erect a 2 metre fence to enclose the Oval was discussed at length. As the matter progressed, the Clubs supported a proposal which would delete the requirement of this high fence and allow the community full access to the Oval (other than during the Clubs' games, training and organised events). In essence, the community would have access to play on the Oval and also in the area between the Oval fence and the original public open space.

A new Concept Plan No. 2292-CP-1A indicates the following changes to the original concept;

1. the proposed 2 metre fence on the eastern side of the oval will not be erected;
2. a temporary fence/fixtures is proposed to be erected on match days near the Childcare Centre driveway and also on the northern end between the proposed new State Indoor Multi-Use Sports Centre and the Margaret Pre-School;
3. the Leederville Childcare Centre boundary between its driveway and the Oval will be amended and new gates will be erected to secure the Childcare Centre carpark after hours (re-use existing Leederville Oval gates) - subject to further negotiations with the Leederville Childcare Centre;
4. the existing toilet building on the eastern side of the Oval (adjoining the Childcare Centre) will no longer be demolished, as it has extensive toilet facilities which are still of use to patrons on the eastern side of the Oval. This building would have a replacement value of approximately \$80-100,000;
5. a new pedestrian pathway would be created adjoining to the Leederville Childcare Centre driveway - to provide more safety for pedestrians and other users;
6. a reconfiguration of the Loftus Centre carpark which will increase the number of carbays to 325 to 428; and
7. a new access off Loftus Street into the Loftus Centre carpark.
8. the area fronting Vincent Street, adjoining the DSR building will be landscaped using WA native plants;

The concept plan has been refined as a result of the numerous discussions and it is considered that this has more benefit to the community as it will provide far greater access to the proposed public open space. Furthermore, it will enable the Town to install fixtures and fittings, such as community fitness equipment and barbeques. In addition, it is believed that the deletion of the fence will be an improvement to the amenity of the area.

As the concept plan is still to be further refined, it would be of benefit to form a Working Group comprising of Town's Officers, Football Club representatives, members of the local community and an Elected Member. In addition, the concept plan should be forwarded to the Leederville Masterplan Project Consultants for their consideration.

**Indicative Timetable**

To ensure that the concept plan provides the most benefit to the community and all stakeholders, the timetable would be as follows;

	<b>Timeline</b>
Formation of Working Group	October 2004
Advertising of Working Group - Community Members	October-November 2004
Refinement of Concept Plan	November-December 2004
Report to Council	February 2005
Advertising of Final Concept Plan - Community Consultation	March-April 2005
Preparation of final design plans, obtain costings	April-August 2005
Construction of Public Open Space	September 2005-December 2005

The bulk of the work is recommended to be carried out after the conclusion of the WAFL 2005 season.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$470,000 is contained in the Town's budget for the completion of the proposed Public Open Space.

**LEGAL/POLICY IMPLICATIONS:**

Nil.

**ADVERTISING/COMMUNITY CONSULTATION:**

It will be necessary to advertise for community representatives for the Working Group. The final concept plan, once approved by Council, will be advertised for community consultation.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3.2 - *"Develop business strategies that provide a positive triple bottom line return for the Town"*, and 3.2(e) *"Maintain separate cost centres for Perth Oval and Leederville Oval and other business units."*

**COMMENT:**

The establishment of a Working Group, as detailed in this report, to consider and refine the proposed Public Open Space Concept Plan has many positive benefits to the Town, Clubs and community.

**10.4.13 Leederville Oval, 246 Vincent Street, Leederville - Ground Management Committee**

<b>Ward:</b>	South	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0078
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) *pursuant to Section 5.9(2)(c) of the Division 2, Part No. 5 of the Local Government Act 1995, to establish a Committee for the management of Leederville Oval ("Ground Management Committee");*
- (ii) *in accordance with the lease between the Town and East Perth Football Club (EPFC) and Subiaco Football Club (SFC), to APPOINT the Chief Executive Officer to the Committee and invites EPFC and SFC to also nominate a representative; and*
- (iii) *to delegate the following functions to the Committee;*
  - (a) *to determine the Clubs' rights (day-to-day) to use the facilities;*
  - (b) *to consider and make representation to the Town for alternative training grounds;*
  - (c) *to determine day-to-day operational issues, (including catering, advertising, sponsorship, turf maintenance, cleaning, security, ticketing, use of carpark);*
  - (d) *to establish and review Key Performance Indicators (KPIs);*
  - (e) *to establish and review Risk Management Plans;*
  - (f) *to consider any request for temporary structures;*
  - (g) *to make recommendations for the maintenance of the common area;*
  - (h) *to make recommendations on Capital Improvements;*
  - (i) *to make recommendations on catering and formalise a catering policy; and*
  - (j) *to do other such things with respect to management of Leederville Oval.*

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**Moved Cr Chester, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**Moved Cr Chester, Seconded Cr Lake**

*That a new clause (iv) be inserted as follows:*

*"(iv) the KPIs be referred back to Council for adoption."*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**MOTION AS AMENDED CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.4.13**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) pursuant to Section 5.9(2)(c) of the Division 2, Part No. 5 of the Local Government Act 1995, to establish a Committee for the management of Leederville Oval ("Ground Management Committee");*
  - (ii) in accordance with the lease between the Town and East Perth Football Club (EPFC) and Subiaco Football Club (SFC), to APPOINT the Chief Executive Officer to the Committee and invites EPFC and SFC to also nominate a representative;*
  - (iii) to delegate the following functions to the Committee;*
    - (a) to determine the Clubs' rights (day-to-day) to use the facilities;*
    - (b) to consider and make representation to the Town for alternative training grounds;*
    - (c) to determine day-to-day operational issues, (including catering, advertising, sponsorship, turf maintenance, cleaning, security, ticketing, use of carpark);*
    - (d) to establish and review Key Performance Indicators (KPIs);*
    - (e) to establish and review Risk Management Plans;*
    - (f) to consider any request for temporary structures;*
    - (g) to make recommendations for the maintenance of the common area;*
    - (h) to make recommendations on Capital Improvements;*
    - (i) to make recommendations on catering and formalise a catering policy; and*
    - (j) to do other such things with respect to management of Leederville Oval; and*
  - (iv) the KPIs be referred back to Council for adoption.*
-



**BACKGROUND:**

At the Special Meeting of Council held on 30 October 2001, the Council approved of Leederville Oval to be redeveloped into a "Football Centre of Excellence" to be the home for EPFC and SFC.

EPFC and SFC will have a lease over their clubrooms, offices and changerooms. The Town will maintain control over the remainder of Leederville Oval, including the Oval, public open space, grandstand, function rooms, common areas and carpark.

The proposed lease specifies that the Town and EPFC and SFC agree that a Committee will be established *"to supervise the management of the Stadium (Leederville Oval) facilities"*. The Committee will be responsible for the "day-to-day" operations of Leederville Oval.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**LEGAL/POLICY IMPLICATIONS:**

The Local Government Act Section 5.8 gives the Council the power to establish "Committees".

Section 5.9(2)(c) gives the Council the power to establish a "Committee" with "Council Members, Employees and other persons".

Section 5.10 requires a Council to approve by an absolute majority to appoint "persons to the Committee".

Section 5.16 gives the Council the power to delegate any of its powers and duties to the Committee.

Section 5.17(1)(c) states that where a Committee comprises of "members, employees and other persons" that Committee can only be responsible for the "proper management of the local government's property".

The lease specifies the following;

**Establishment of Committee**

- (a) The Town shall establish a committee under section 5.9(2)(c) of the Local Government Act (LGA) to supervise Leederville Oval.
- (b) The Committee shall comprise the following persons;
  - The Town's Chief Executive Officer.
  - A representative of EPFC
  - A representative of SFC
  - Other persons (if any) deemed appropriate by Council.

**Clubs to comply with Committee's Directions**

- (a) If the Clubs (acting reasonably) disagrees with a decision made by the Committee, then:
  - (i) within one week of the decision being made, the Clubs and the Committee must conduct discussions in good faith to seek to resolve the dispute;

- (ii) if the dispute is not resolved within one week, then within a further period of 14 days, the Clubs may refer the matter for resolution to a nominated legal practitioner and must notify the Committee or the Committee's nominated representative in writing of that reference within one week of the reference being made.
- (b) The Clubs will lose its right to refer a matter if it does not refer the matter within the period referred to in that provision and in this case the Clubs will be bound by the original decision of the Committee.
- (c) The adjudicator's decision with respect to a matter that is referred will be binding on the Clubs, the Town and the Committee.

It is envisaged that the Committee will initially meet monthly to 6-weekly intervals and as required outside the football season (i.e. September-March).

**ADVERTISING/COMMUNITY CONSULTATION:**

N/A.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3.2 - "*Develop business strategies that provide a positive triple bottom line return for the Town*", and 3.2(e) "*Maintain separate costs centres for Perth Oval and Leederville Oval and other business units.*"

**COMMENT:**

The establishment of a Committee, as detailed in this report, is a requirement of the proposed leases and is necessary to ensure that the Council retains control of Leederville Oval.

**10.4.14 Progress Report No. 7 - State Indoor Multi Use Sports Centre, 99 Loftus Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	20 October 2004
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0061
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 7 as at 20 October 2004, relating to the proposed State Indoor Multi Use Sports Centre, 99 Loftus Street, Leederville;*
- (ii) *NOTES that a more detailed presentation of this project will be presented at an Elected Member Forum to be held in mid to late November 2004; and*
- (iii) *ADVISES the Department of Sport and Recreation of the progress of this project.*

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**COUNCIL DECISION ITEM 10.4.14**

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

**Discussion ensued.**

**CARRIED (8-0)**

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

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**BACKGROUND:**

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. It also approved to construct an office building on a part of Leederville Oval.

The Council resolved inter alia as follows;

*"That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (1) *to enter into a partnership with the State Government of Western Australia to; ...*
    - (c) *construct a State Indoor Multi-Use Sports Centre on the Loftus Centre land (as shown in Plan SK07A - Appendix 1), at an estimated cost of \$3,500,000;*
- ...

- (15) *to authorise the Chief Executive Officer to investigate, negotiate and further report on the possible future alterations and/or extension of the Loftus Centre (Recreation Centre, Community Centre, Library), to liaise with the various landowners and occupiers adjoining Leederville Oval and the Loftus Centre site and the proposed date for the demolition of the Len Fletcher Pavilion and two (2) dwelling houses, located on Smith's Lake Reserve;"*

Prospective users of the proposed State Indoor Multi-Use Sports Centre were contacted and are listed as follows;

- Billiards and Snooker Association of WA
- Dancesport Australia
- WA Eight Ball Federation
- Western Australian Fencing Association
- Western Australian Gymnastics Association
- Callisthenics Association of WA
- Australian Karate Federation
- Judo Western Australia
- Taekwondo Western Australia
- WA Table Tennis Association
- Western Australian Volleyball Association
- WA Boxing Commission
- Rhythmic Gymnastics High Performance Centre of WA
- Cheerleading
- LeisureCo

### **Previous Reports**

Progress reports were previously submitted to the Council on 23 July 2002, 12 August 2003, 7 October 2003, 16 December 2003, 10 February 2004 and 23 March 2004.

On 10 February and 23 March 2004, it was reported that the Department of Sport and Recreation (DSR) were carrying out a "Needs Assessment" on Challenge Stadium. The Department requested that the Town defer any further work on the proposed State Indoor Multi-Use Sports Centre until this Needs Assessment had been completed. On 14 May 2004, the Town wrote to the DSR advising that it did not support any proposed redevelopment of Challenge Stadium which would be to the detriment of Beatty Park Leisure Centre.

In June 2004, the DSR wrote to the Town and advised that it had engaged consultants to carry out a Feasibility Study on a State Training Centre and Administration for Netball WA.

In August 2004, the CEO met with Officers of the DSR to clarify various aspects of the project and on 6 August 2004, the DSR wrote to the Town advising that;

*"An allocation of \$1.7 million is contained in the Department's capital budget for the development of the State Indoor Centre - \$850,000 in 2004/05 and \$850,000 in 2005/06 - subject to a submission being made to the Expenditure Review Committee for approval."*

The DSR requested the Town to meet with Gymnastics WA to ascertain their current needs.

On 18 August 2004, the Town's CEO met with representatives of Gymnastics WA and received their needs assessment for the future of their sport. At the request of Gymnastics WA this report remains confidential as it contains "commercial in confidence" information and also future needs requirements.

In late August 2004, the Town's CEO met with Peter Hunt Architect to brief him on the changes requested by DSR, Gymnastics WA and also provide him with information received from the Loftus Community Centre and the Town's Library.

In September 2004, the Project Architects commenced preparation of concept plans and these are currently being progressed.

**LEGAL/POLICY IMPLICATIONS:**

The Local Government Act requirements relating to Major Land Transaction will be followed, if applicable.

**ADVERTISING/COMMUNITY CONSULTATION:**

Not required at this stage, however once the Council approves of the concept plans, the Town's normal consultation process will be carried out. Consultation with prospective stakeholders/users will also need to be carried out.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council has not allocated any funds in its budget at this stage - as costs and plans have not been finalised. However, on 23 July 2002 the Council approved of the creation of the State Indoor Multi-Use Sports Centre Reserve Fund. In this report, it was stated that the Town's funds would be made available from the sale of the Elven Street subdivision.

The Town's Principal Activity Plan lists this project to be carried out in 2005/06.

In the report to Council on 30 October 2001, it was reported that this project was estimated to cost \$3.5 million and to be funded as follows;

State Government	\$1.7 million
Town	\$1.3 million
Other Sources	\$0.5 million*

\* *Any funds required above \$3 million are to be funded from other sources, yet to be determined.*

As concept plans are currently being prepared, no Quantity Surveyor costings have been obtained. Final costings will obviously depend on the final plan and timing of construction.

At this stage, it is proposed that more precise concept plans and indicative costings be obtained from the Project Architect and these be considered at the Elected Member Forum, at a date to be determined in mid-late November 2004. Options for any funding shortfall will also need to be considered at this time.

**STRATEGIC IMPLICATIONS:**

This project is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 1.4 - *"Maintain and Enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment."*

**COMMENT:**

This Progress Report No. 7 is provided to give the Council the latest information relating to this project. The concept plans and indicative costings will be prepared for presentation to the Elected Member Forum.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 8.47pm and did not speak or vote on the matter.

**10.4.16 Members Equity Stadium, 310 Pier Street, Perth - Australian Rugby Union Super 14's and Concert Events**

Ward:	South	Date:	21 October 2004
Precinct:	Beaufort, P13	File Ref:	RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the information relating to Australian Rugby Union Super 14's and Concert events at Members Equity Stadium, 310 Pier Street, Perth.*

Moved Cr Farrell, Seconded Cr Ker

*That the recommendation be adopted with a new clause (ii) as follows:*

"(ii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to enter into any discussions which may arise with the Department of Sport and Recreation, West Australian Rugby Union, Allia Holdings Pty Ltd or other interested parties, concerning the possible use of Members Equity Stadium for the Australian Rugby Union Super 14's International Rugby Competition, and report progress of any discussions to the Council.*"

Discussion ensued.

**CARRIED (7-0)**

(Cr Franchina was absent from the Chamber and did not vote. Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.4.16**

*That the Council;*

- (i) *RECEIVES the information relating to Australian Rugby Union Super 14's and Concert events at Members Equity Stadium, 310 Pier Street, Perth; and*
- (ii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to enter into any discussions which may arise with the Department of Sport and Recreation, West Australian Rugby Union, Allia Holdings Pty Ltd or other interested parties, concerning the possible use of Members Equity Stadium for the Australian Rugby Union Super 14's International Rugby Competition, and report progress of any discussions to the Council.*

**BACKGROUND:**

During 2003-2004 the Town constructed a Multi Purpose Rectangular Sports Stadium as part of the redevelopment of Perth Oval and Loton Park at a cost of \$11 million. This was completed in early 2004 and Managing Agents assumed operations in July 2004. The redeveloped facility also has provided accommodation to Perth Glory Soccer Club (PGSC) and the Western Australian Rugby League (WARL).

The purpose of this report is to provide information to the Council on the following;

1. **Australian Rugby Union (ARU) - Super 14s**

It is public information that the ARU are currently considering the allocation of an additional licence for an Australian city to host a team in the ARU Super 14s Rugby Union Tri-Nation competition which involves Australia, New Zealand and South Africa.

Perth or Melbourne are the preferred cities for the additional licence and the ARU expect to announce the successful city in December 2004, with the new team entering the competition in 2006.

If Perth is successful (and it appears to be the preferred city), ARU would need a significant venue. Three possible venues are being considered, namely; Members Equity Stadium (MES), Western Australian Cricket Association (WACA), or Subiaco Oval.

All three venues have various deficiencies and shortfalls, as follows;

WACA

The WACA is keen to host the Super 14s as this will provide much needed income to the Association, however the venue is an Oval and not ideally suitable for rugby - which is played on a rectangular pitch. (The previous "Western Reds" Rugby League competition was played at the WACA and there was much spectator dissatisfaction and ultimately the team failed.)

The two codes of cricket and rugby would clash and also the playing surface is not ideally suited for rugby. Some facilities will require significant upgrade, e.g. media facilities.

Subiaco Oval

The Western Australian Football Commission (WAFC) is keen to host the Super 14s at Subiaco Oval as this will provide additional income, however the venue is an Oval and not ideally suitable for rugby - which is played on a rectangular pitch. The facilities are superior to the WACA and MES, however a serious downfall is the venue configuration - spectators will be at a considerable distance from the actual playing pitch.

### MES

MES is considered the most suitable venue, as it has been specifically built for sports requiring a rectangular pitch (e.g. rugby, soccer, lacrosse, etc.). As Elected Members will be aware, the Stage 1 redevelopment involved a complete upgrade of all services and the construction of the pitch and surrounding viewing platforms. In order to comply, it will be necessary to construct a new grandstand on the eastern side and this will incorporate corporate suites, coteries, additional changerooms and seating. The actual size of this new grandstand would ultimately depend on the capacity specified by ARU. The current capacity of 18,500 will need to be increased to 22,500 or 25,000.

The estimated cost is approximately \$20 million. An indicative layout is shown in Plan No. 2169-DC-1C.

The Town's CEO has authorised its architects, Peter Hunt Architect, to release information and provide plans of the Town's Stadium to the Department of Sport and Recreation (DSR) and to prepare concept plans and costings. All costs are borne by DSR.

The Town's CEO has been invited to attend one meeting with the DSR and the Project Architects and has been briefed on the concept plan and costings. However, these are confidential at this stage.

A further report will be submitted to the Council as the matter progresses.

### **Concert Event - John Farnham and Tom Jones**

The Town has been advised by Allia Holdings Pty Ltd that MES has been selected as the venue for a concert to be held on 19 February 2005 for John Farnham and Tom Jones. The CEO has met the concert promoters, who are a reputable Western Australian company.

No formal application has yet been lodged with the Town, however this is expected at any time.

Preliminary information obtained from the promoters is as follows;

Concert Date	19 February 2005
Times	Gates open at 5.30pm
Concert Start	8.00pm
Concert Finish	10.30pm
Anticipated Capacity	18,500-20,000

This is the first concert to be held at the venue and the Town's Administration have commenced work on the matter. A Working Group has been formed to cover the various issues, such as safety requirements, noise, public health, transport, consultation and the like.

Once the formal application has been received, a report will be submitted to the Council for its consideration.

The promoters have been advised that community consultation is a Council requirement and that they should allow at least 4-6 weeks for this to occur. The promoters have indicated that they will fully co-operate with the Town to ensure that this first event will be successful.

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

Nil.



## **LEGAL/POLICY IMPLICATIONS:**

### **Council Decision**

At a Special Council Meeting on 16 December 2002, the Council approved of the redevelopment of Perth Oval, subject to (inter alia);

*"(b) the State Government of Western Australia entering into a legal agreement to build Stage 2 of the redevelopment project at an estimated cost of \$4,950,000 at a date mutually agreed between the state Government of Western Australia and the Town, or within five years of the agreement being signed, subject to a feasibility development being carried out; ..."*

### **Heads of Agreement (HOA)**

The HOA between the Town, Managing Agent, Allia Holdings Pty Ltd (Allia), Nicola (Nick) Tana and David George Rodwell, Guarantors, contains numerous provisions referring to the redevelopment of the Stadium. In essence, the HOA specifies the following;

1. the Town has the right to *"redevelop, develop, remodel, add to or alter the Stadium or any part thereof"*;
2. the Town must give not less than six months' notice to Allia that it has entered into a licensing agreement with a major operator and *"then Allia and the Town must as soon as reasonably practicable confer and renegotiate the provisions of this Agreement"*;
3. the Heads of Agreement remain in force whilst the re-negotiations take place;
4. the renegotiations and any new Agreement *"must not materially and adversely affect the rights and obligations of any or all of Allia, the guarantors, the Town and the State Government, as set out in the HOA"*; and
5. contains a dispute resolution mechanism.

### **Financial Assistance Agreement (FAA)**

The FAA allows the State Government of Western Australia to declare an event as a *"significant event"* which in essence gives the Government control of the venue for that event. The FAA does not specifically refer to future redevelopment.

## **ADVERTISING/COMMUNITY CONSULTATION:**

Not applicable, at this stage.

## **STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3.2 (e) *"Maintain separate cost centres for Perth Oval and Leederville Oval and other business units."*

## **COMMENT:**

As stated above, much of this information is already public knowledge, having been reported in the print media (refer attached) however, the purpose of the report is to keep the Council informed of these two significant events.

Cr Franchina returned to the Chamber at 8.54pm.

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

**12.1 WALGA Nominations – Keep Australia Beautiful Council (WA), WA Weeds Committee**

<b>Ward:</b>	-	<b>Date:</b>	15 October 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That;*

- (i) \_\_\_\_\_ *..be nominated as WALGA Metropolitan Member – Keep Australia Beautiful Council (WA), (Panel of 3 Names), (Ministerial Approval);*
- (i) \_\_\_\_\_ *..be nominated as WALGA Deputy Metropolitan Member – Keep Australia Beautiful Council (WA), (Panel of 3 Names), (Ministerial Approval); and*
- (iii) \_\_\_\_\_ *..be nominated as WALGA Member – WA Weeds Committee.*

**BACKGROUND:**

Please see Appendix 12.1 for details.

**NOMINATIONS CLOSE COB MONDAY 11 NOVEMBER 2004.**

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**No nominations were made.**

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**13. URGENT BUSINESS**

Nil.

**14. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.55pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Nadine Wellington	Minutes Secretary
Mark Fletcher	Journalist – Voice News
Matt Zis	Journalist – Guardian Express

2 Members of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 26 October 2004.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2004