



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

27 FEBRUARY 2007

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 27 February 2007, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.03pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward – Family reasons
Cr Simon Chester	North Ward – Work commitments
Cr Maddalena Torre	South Ward - May arrive late due to work commitments

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.03pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services
Annie Smith	Minutes Secretary
Lindsay McPhee	Journalist - Guardian Express (until 7.38pm)
Chris Thomson	The Perth Voice (until 7.38pm)

Approximately 16 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

Cr Torre entered the meeting at 6.05pm.

1. Mr Kelvin Oxwell of 75 Lake Monger Drive, West Leederville - Item 10.1.3 - Referred to an email that he had sent to all Elected Members. Stated that they are happy to comply with any conditions that are put by the Council.
2. Mr Roland Pearce of 5/555 William Street, Mt Lawley - Hyde Park Lakes Conservation - Requested that the Further Report No 3 to be submitted to the Hyde Park Lakes Restoration Group with its recommendations be distributed to the Town of Vincent Norfolk and Hyde Park Precinct Groups prior to their adoption by full Council and implemented by Council Officers.

3. Ms Abigail Barry from Oldfield Knott Architects - Item 10.1.1 - Requested that Council consider a maximum height of 10.5m instead of 10m. Stated that they have met with the Planning Officers and reached a compromise, agreeing that the building would benefit from the additional half a metre. Further stated that they have no problems accommodating all of the other conditions of the Development Application.
4. Ms Robyn Kuhl from Gymnastics WA - Item 10.4.2 - Made the following statement.
 - Gymnastics WA has had a long term association with the Town, first moving into the Len Fletcher Pavilion when it opened in 1969, with Gymnastics taking over sole tenancy in the late 1980s. From its inception, gymnastics has held all of their key competitions at this venue and moved its administration headquarters some 6 or 7 years ago.
 - GWA feels that it has built a good relationship with the Town and as an indication of its support looked to ensure that the state based funding from the Department of Sport and Recreation of \$3.7 million was put towards the present Loftus Centre redevelopment and the integration of the State Gymnastics Centre.
 - GWA is a not for profit organisation, that provides gymnastics in WA. These include the four that you see at the Olympics - Mens and Womens Artistic, Rhythmic and Trampoline. The other sports are aerobics, acrobatics, cheerleading and general gym thus providing opportunities for many different groups and individuals.
 - The primary source of funds comes from membership of 51 clubs, 4 associations and over 9300 registered members in 2006. The proposed rent of \$40,000 and the Reserve Fund contribution of \$10,000 which reflects a 500% increase from the current amount is the upper level that is affordable to the community without reflecting substantial increases to the community that they service. At present GWA fee structure is reflective of what is provided within the other states of Australia.
 - Many of the abovementioned members are residents within the Town who use the Len Fletcher Pavilion on a regular basis, the 2006 statistics reflect this number to be over 425, with numbers in 2007 likely to continue to increase.
 - GWA welcome a long term lease arrangement as it would assist in ensuring:
 - That the Town and GWA continue to work together for the benefit of the community.
 - That the State Gymnastics Centre is showcased as a positive reflection on the positive and proactive relationship. The further enhancement available through the Rhythmic Gymnastics Hall will allow most of the State and National events to be run at the venue thus bringing prestige to the venue and the Town.
 - The venues will also provide spectator seating within both the gymnastics hall and the rhythmic hall. This is a substantial increase to the 120 persons that the Len Fletcher Pavilion holds and will bring many people to the Town and venue.

- GWA trains many children and competitors to aspire to be State, National and International competitors and most recently this has seen many athletes succeed in this ambition. GWA are very proud of their achievements and need to ensure that all the funds we use are available for these gym sports. An increase in the rent will mean that these funds will need to be diverted to rental payments rather than the benefit of the children.
5. Mr Alfred La Piana of 51-53 Burt Street, North Perth - Item 10.1.5 - Seeking a half a metre increase on his parapet wall. Stated that by not having the increase, he will have to have steps in his garage which he believes is not practical and unworkable. Thanked the Council for its support in his planning application.
 6. Ms Lesley Penirschke of 21 Brewer Street, - Item 10.1.2 - Stated that the height had been compared to the grandstand at Members Equity Stadium, and that it was not appropriate to compare a residential development with a grandstand built more than 50 years ago. Believes that the R codes should be the guiding factor in this situation and that it is a gross overdevelopment of the area if allowed to go ahead as it stands. Urged Councillors not to support the recommendations and ask the developer to re-submit plans keeping within the amenity of the area.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.15pm.

(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

The Chief Executive Officer advised that the following petitions had been received:

- 5.1 Petition received from Mr Christopher Lau of River Way, Salter Point with 16 signatures requesting special approval to be granted to demolish 441 William Street and 6 Brisbane Street, Perth due to the bad condition of the current buildings and the ongoing problems with squatters.

The Chief Executive Officer recommended that the petition be received and that this matter be considered during debate on the Item which is on tonight's Agenda.

- 5.2 Petition received from Mr A Kravich, Chairman, North Perth Bowling Club with 37 signatures requesting financial assistance towards internal/external building works for 100th Birthday Celebration in 2008.

The Chief Executive Officer recommended that the petition be received and that this matter be considered during debate on the Item which is on tonight's Agenda.

Moved Cr Torre, Seconded Cr Ker

That the petitions be received.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Torre, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held on 13 February 2007 be confirmed as a true and correct record.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Late Item

The Mayor advised that he had approved the inclusion of Late Item - 10.3.4 - Tender 358/07 - Cleaning of the Administration and Civic Centre and Library on tonight's Agenda.

7.2 Congratulations

The Mayor extended congratulations on behalf of the Council and Staff to Deputy Mayor - Cr Steed Farrell and his partner Amber Jade Sanderson on the birth of their daughter Chloe Grace.

8. DECLARATION OF INTERESTS

8.1 All Elected Members declared a financial interest in Item 10.4.5 - Policies - New Policy No 5.5.9 - Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member of their Immediate Family and Deletion of Policy 4.2.4 - Process to be Followed Prior to Deciding to Change the Method of Election of the Mayor. The nature of the interest being that if the policy is approved they may be the recipient of flowers/basket.

The Chief Executive Officer advised that Minister for Local Government approval had been received for Elected Members to debate and vote on the matter and for the Mayor to preside during the meeting. He stated that the approval is only valid for this meeting.

8.2 The Chief Executive Officer and Executive Managers declared a financial interest Item 10.4.5 - Policies - New Policy No 5.5.9 - Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member of their Immediate Family and Deletion of Policy 4.2.4 - Process to be Followed Prior to Deciding to Change the Method of Election of the Mayor. The nature of their interest being that if the policy is approved they may be the recipient of flowers/basket.

- 8.3 Cr Doran-Wu declared a proximity interest in Item 10.1.3 - No 163 (Lot 13) Loftus Street, Corner Galwey Street, Leederville - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses. The nature of her interest being that her partner owns an adjoining property.
- 8.4 The Chief Executive Officer declared an interest affecting impartiality in Item 10.1.2 - Nos 59-61 Brewer Street, Corner Pier Street and Thorley Street - Proposed Demolition of Existing Warehouse Buildings and Construction of Four (4) Storey Residential Building Comprising Forty-One (41) Multiple Dwellings. The nature of his interest being that as CEO he is responsible the day to day management of the Town's operations which includes overseeing the sale of the adjoining Town owned land. The CEO has not had any involvement in the assessment of the Development Application.
- 8.5 Executive Manager Technical Services and Executive Manager Environmental and Development Services declared an interest affecting impartiality in Item 10.1.2 - Nos 59-61 Brewer Street, Corner Pier Street and Thorley Street - Proposed Demolition of Existing Warehouse Buildings and Construction of Four (4) Storey Residential Building Comprising Forty-One (41) Multiple Dwellings. The nature of their interests being that they are aware that the Council has approved of the sale of a portion of Town owned land to the owners of the proposed development. They have processed the plan and dealt with the applicants without bias and in the best interests of the Town.

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

9.1 Questions received from Cr Dudley Maier

- Q1. Can the CEO confirm that on page 23 of the report submitted to the Local Government Advisory Board concerning the proposal to take over parts of Mount Lawley, Menora and Coolbinia, that it states that the Town would have received \$2,855,054 from rates from that area?
- A. *Yes.*
- Q2. Can the CEO confirm that on page 28 of the report submitted to the Local Government Advisory Board it states that the Town would incur one-off set-up costs of approximately \$990,000 and would incur annual operating costs of approximately \$2,950,000 under the proposal to take over parts of Mount Lawley, Menora and Coolbinia?
- A. *Yes.*
- Q3. Can the CEO confirm that the combination of the figures shown on pages 23 and 28 of the report submitted to the Local Government Advisory Board shows a one-off set-up cost of approximately \$990,000 and an annual operating deficit of approximately \$95,000?
- A. *This is not shown in the report, but it is accepted that this is the difference between the two figures.*

- Q4. Can the CEO confirm that the figures referred to in question 2 were included in the report that was sent to the Local Government Advisory Board but were not in the report presented to Council and approved on 20 December 2005?
- A. *Yes. The report submitted also included a number of changes, including the information referred to in question 2, but also included the correction of several tables, typographical errors and improved grammar.*
- Q5. Under what authority were these amounts added to the report presented to the Local Government Advisory Board?
- A. *Section 5.41 of the Local Government Act 1995.*
- Q6. Was the mayor aware that the report that was presented to the Local Government Advisory Board was not the report that was approved by Council on 20 December 2005?
- A. *I am not aware of this.*
- Q7. Does the CEO believe that any elected members may have voted in a different manner if they had been made aware that there was an estimated one-off set-up cost of \$990,000 and an estimated annual deficit of approximately \$95,000?
- A. *As Councillor Maier is well aware, the Chief Executive Officer has no way of knowing which way an Elected Member will vote on this matter or any other matter, which is being considered by the Council.*
- Q8. Can the CEO confirm that a request was made for a copy of the Town's submission under the provisions of the Freedom of Information Act?
- A: *Yes.*
- Q9. Was the Freedom of Information request initially refused by the Town?
- A: *Yes. When the FOI applications were received, the Town sought advice from the Office of the Information Commissioner and was advised that the Town had every right to refuse the applications on several grounds. The Town's decision was based on this preliminary advice.*
- Q10. Was the report eventually made available to the City of Stirling after the Freedom of Information request was made?
- A: *The Town's proposal was released in part (information relating to other persons remains confidential) and sent to the City of Stirling.*
- Q11. When was the Town's submission made available for scrutiny by the ratepayers and residents of the Town?
- A. *6 July 2006.*

Q12. Is the CEO aware that, as a result of the Town's failure to provide copies of the proposal to the other affected local governments, the Local Government Advisory Board intends to modify the rules covering future boundary change requests to ensure that the local governments who are the subject of a boundary change will receive a copy of any proposal in a timely manner?

A. *The Town did not fail to provide copies of the Proposal to the affected local governments. This was a conscious decision of the Mayor and Chief Executive Officer, in accordance with the Council decision of 20 December which stated as follows;*

"That the Council;

AUTHORISES the Mayor and/or Chief Executive Officer to make public this report or parts of this report, at the appropriate time."

The Towns' previous experience concerning a proposal resulted in the City of Stirling conducting a campaign of issuing misleading and erroneous information. The Mayor and CEO did not want this to occur again, and therefore made their decision accordingly.

The CEO or Town has NOT been advised that the Local Government Advisory Board intends to make any changes to modify the rules. Furthermore, the Report does not include any such Recommendations.

Q13. Can the CEO confirm that the minutes relating to Item 14.3 of the Ordinary Meeting of Council of 20 December 2005 had not been made public prior to 20 February 2007?

A. *This is incorrect. The Confidential Report -item 14.3 -"Local Government Reform in Western Australia- Ensuring Future sustainability of Communities" was made public by the Chief Executive Officer, on or about the 22 December 2005 (along with the normal Minutes process), with the exception of the details of the Boundary proposal-Mt Lawley, Menora and Coolbinia and the Attachments relating to Hypothetical Local Government Amalgamation Options and the associated submission. This item is shown at pages 218-234 inclusive of the public Minutes.*

Q14. Why haven't these minutes been made public?

A. *This question is not applicable. Refer to answer to Q13.*

Q15. Can the CEO confirm that on 14 August 2006 I (Cr Maier) requested a breakdown of the figures shown on page 28 of the submission made to the Local Government Advisory Board (ie \$990,000 setup cost and \$2,950,000 annual expenditure)?

A. *Yes. In August 2006, Cr Maier sent several emails to the Chief Executive Officer. The CEO believes it is important that the details of these emails be included in the answer, as follows;*

Original Email dated 14 August 2006:

Sent: Monday, 14 August 2006 9:16 am

From: Dudley Maier

To: Giorgi, John

Subject: Boundary finances

Dear John

Can I have a detailed break-up of the finances as shown on page 28 of the Menora, Coolbinia, Mt Lawley proposal. (ie \$990,000 setup cost; \$2.95million annual expenditure)

Regards

Dudley

Email Reply from Chief Executive Officer dated 14 August 2006 and sent at 10.07am:

----Original Message-----

From: Giorgi, John

Sent: Monday, 14 August 2006 10:07 AM

To: Dudley Maier

Subject: RE: Boundary finances

Hello Cr Maier,

as stated in the report, a "detailed study has not been carried out at this stage....." .

However, the costings provided in the report are an indicative amount which I have estimated and would include;

1. employee salaries and wages
2. furniture and equipment
3. vehicles and plant
4. administrative set up costs.

The costings need much more detailed work to be done and could involve various options. The costings are "an estimate only" and therefore not suitable for release. If the boundary proposals are successful, I would carry out extensive analysis and examination of the costings, including options available to the Town.

regards

ceo

Cr Maier's Reply dated 15 August 2006 and sent at 9.31am:

From: Dudley Maier

Sent: Tuesday, 15 August 2006 9:31 AM

To: Giorgi, John

Subject: RE: Boundary finances

Dear John,

You misinterpret my request. I can guess that the costs cover salaries, wages, furniture etc.

What I wanted was breakdown of how you came up with the \$990,000 and the \$2.95 million.

Eg 1 parks staff @ \$40,000 pa; 1 Truck @ \$???.

I realise they are estimates at this stage but you must have built up the figures from individual components – I would like to know those components.

*Regards
Dudley*

CEO's Reply dated 16 August 2006 and sent at 12.42pm:

Hello Cr Maier,

I do not believe I have misinterpreted your request.

I have discussed your request with the Mayor and after considering the matter, he concurs with my views. I have also taken advice from the Dept. of Local Govt.

The following is advised;

- 1. The Local Government Act prescribes the role of the Council, Mayor Councillors and CEO etc. The roles are prescribed at sections 2.7 to 2.10.*
- 2. The Act also prescribes at section 5.92 that an Elected Member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under the Act (in which to make an informed decision). The Town's Protocols at clause 7.3 (a) also refer to the Elected Members having access to information in which to properly perform their functions. In this case that information has already been provided and the Council has approved of the proposal. (Access is deemed to mean; read or view).*
- 3. The Local Govt Act section 5.95 prescribes limitations as to the access- in this case the section prescribes that a person's right to inspect information does not extend to information "which is not current at the time of inspection".*
- 4. As previously stated, the information that you have requested is not current.*
- 5. The information that you have requested is not current at present or is or in a form which is sufficiently detailed to be of any meaningful use for you to perform your function as an Elected Member. Furthermore, the Council has already considered and made a decision on the matter.*
- 6. It is not considered appropriate that I commit more time and resources to this matter (at this stage), until a decision is made.*

As previously stated, I am more than happy to provide more details and options to the Council, when the matter has been determined by the Local Government Board and/or Govt.

*regards
ceo*

No response was received from Cr Maier and I therefore assumed that he was satisfied with the CEO's reply.

Q16. Can the CEO confirm that on 16 August 2006 you refused to provide me with these details?

A. *Refer to response for Question 15.*

Q17. Can the CEO confirm that the mayor concurred with your decision not to provide these details to me?

A. *Refer to response for Question 15*

Q18. What proportion of the estimated \$2,950,000 annual operating expenditure is made up of pay rises for existing employees?

A. *None.*

10. REPORTS

The Presiding Member, Mayor Nick Catania JP, requested that the Chief Executive Officer advise the meeting of:

The Agenda Items were categorised as follows:

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

Items 10.1.3, 10.1.1, 10.4.2, 10.1.5 and 10.1.2

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

Items 10.1.2, 10.1.3, 10.3.1 and 10.4.4

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 majority and the following was advised:**

Cr Ker	Items 10.1.6 and 10.4.7
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Item 10.4.6
Cr Messina	Nil
Cr Maier	Items 10.1.4, 10.1.9 and 10.4.8
Mayor Catania	Nil

The Presiding Member, Mayor Nick Catania JP, requested that the Chief Executive Officer advise the meeting of:

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

Items 10.1.3 and 10.4.5

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

Items 10.1.7, 10.1.8, 10.1.10, 10.2.1, 10.2.2, 10.3.2, 10.3.3, 10.3.4, 10.4.1 and 10.4.3

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

Items 14.1 and 14.2

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 10.1.7, 10.1.8, 10.1.10, 10.2.1, 10.2.2, 10.3.2, 10.3.3, 10.3.4, 10.4.1 and 10.4.3

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

Items 10.1.3, 10.1.1, 10.4.2, 10.1.5 and 10.1.2

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

Moved Cr Ker, Seconded Cr Messina

That the following unopposed items be moved en bloc;

Items 10.1.7, 10.1.8, 10.1.10, 10.2.1, 10.2.2, 10.3.2, 10.3.3, 10.3.4, 10.4.1 and 10.4.3

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

10.1.7 Nos. 35-49 (Lots 412 and 7) Franklin Street, Dual Frontage to Marian Street, Leederville - Proposed Demolition of Existing Building (Classrooms) and Construction of Three Storey Building (Classrooms with Undercroft Storage Area) at Existing Educational Establishment (Aranmore College)

Ward:	North	Date:	19 February 2007
Precinct:	Leederville; P03	File Ref:	PRO0065; 5.2006.546.1
Attachments:	001 002		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Franco Carozzi Architects on behalf of the owner Trustees of the Christian Brothers in WA Inc for proposed Demolition of Existing Building (Classrooms) and Construction of Three Storey Building (Classrooms with Undercroft Storage Area) at Existing Educational Establishment (Aranmore College) at Nos. 35-49 (Lots 412 and 7) Franklin Street, dual frontage to Marian Street, Leederville and as shown on plans stamp-dated 15 November 2006, subject to the following conditions:

- (i) 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 (\$25,800) 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 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);*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) the owners shall provide additional class two bicycle facilities if there is a demand for such facilities. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (iv) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) 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;*

- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Marian Street, Franklin Street, and the right of way shall be submitted to and approved by the Town;*
- (viii) *a detailed landscaping plan, including a list of plant, landscaping and reticulation of the Marian Street verge adjacent to the subject property, and the planting of mature trees between the building and the Marian Street boundary, 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);*
- (ix) *any new street/front wall, fence and gate between the Marian Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (x) *prior to the issue of a Building Licence for the connecting 'bridge over', if required, 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).*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

Landowner:	Trustees of the Christian Brothers in WA Inc
Applicant:	Franco Carozzi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 30
Existing Land Use:	Educational Establishment
Use Class:	Educational Establishment
Use Classification:	"AA"
Lot Area:	9650 square metres
Access to Right of Way	Western side, 3 metres wide, sealed and privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing buildings consisting of 12 classrooms and a gymnasium, known as the "Murphy Building", located on the eastern side of the right of way, and the construction of a three storey building consisting of 10 classrooms with an undercroft storage area, facing Marian Street.

In terms of bicycle parking facilities, the applicants have advised as follows:

"The new classrooms will be replacing existing classrooms that are to be demolished. There will not be an increase in student numbers in the school as a result of the new classrooms.

The number of students using the new classrooms will be approximately 240.

The school has advised that at present there are 30 bike racks at the high school, of which no more than 2 are ever be used.

The existing bike facilities therefore are more than adequate."

The applicant's submission is "Laid on the Table".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Number of Storeys-Building	2 storey (including loft) building.	3 storey building.	Supported – as the height is not considered to unduly affect the amenity of the adjacent residential area in terms of privacy, scale and bulk. The building is setback 6 metres from the Marian Street frontage. Furthermore, no objections were received during the consultation period.

Consultation Submissions		
Support (2)	No comments provided	Noted
Objection	Nil	Noted
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil

* 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.

Car Parking

There is no need for the provision of additional car parking bays, as the proposal results in a reduction in the number of classrooms. As such, the existing car parking provided is considered acceptable.

Bicycle Parking

Requirements	Required	Provided
School (Educational Establishment) 1 space per 5 pupils (240 pupils) over year 4 (class 2).	48 bicycle bays	30 bicycle bays for the whole school.

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant non-residential uses. The proposed educational establishment requires the provision of forty eight (48) class 2 bicycle parking bays rounded to the nearest whole number. For this particular proposal, the bicycle parking facilities required for class two are considered excessive and it is recommended that should a demand arise for additional bicycle facilities, these should then be installed by the Aranmore College. As such, an appropriate condition should be applied accordingly.

Demolition

The proposal involves the demolition of the "Murphy Building", which is located on the eastern side of the right of way, on the Aranmore Catholic College site. The three-storey brick building was constructed in 2 stages circa 1960. The subject property is included on the Town's Municipal Heritage Inventory and on the State Register of Heritage Places as part of the Aranmore Catholic College Group. In accordance with the Heritage of Western Australia Act 1990, the development proposal was referred to the Heritage Council of Western Australia (HCWA) for its consideration.

The HCWA in its letter dated 18 December 2006, support the proposed demolition, and further advise that *"the proposed new classrooms block will not have a negative impact on the cultural heritage significance of the Aranmore Catholic College group of buildings and will greatly improve the school's amenities"*. A copy of this letter from the HCWA and images of the "Murphy Building" are contained within an attachment to this report.

Conclusion

The proposal complies with the overshadowing and privacy requirements. The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

10.1.8 Nos. 434 – 446 (Lot 4) Lord Street, Mount Lawley - Proposed Change of Use of Unit 2 from Showroom to Educational Establishment

Ward:	South	Date:	19 February 2007
Precinct:	Banks, P15	File Ref:	PRO1683; 5.2006.578.1
Attachments:	001		
Reporting Officer(s):	V Lee, Ly Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Tabor College Inc on behalf of the owner Prefama Pty Ltd for proposed Change of Use of Unit 2 from Showroom to Educational Establishment at Nos. 434 - 446 (Lot 4 D/P: 42026) Lord Street, Mount Lawley, and as shown on plans stamp-dated 30 November 2006, subject to the following conditions:

- (i) *classes shall be limited in size to have a maximum total of 20 students at any one time;*
- (ii) *prior to the first occupation of the development;*
 - (a) *four (4) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
 - (b) *the applicant/owner shall pay a cash-in-lieu contribution of \$10,077.60 for the equivalent value of 3.876 car parking spaces, based on the cost of \$2600 per bay as set out in the Town's 2006/2007 Budget;*
- (iii) *access, parking and toilet facilities for people with disabilities shall be provided on-site in accordance with the Building Code of Australia and AS 1428.1; and*
- (iv) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

Landowner:	Prefama Pty Ltd
Applicant:	Tabor College Inc
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Showroom
Use Class:	Educational Establishment
Use Classification:	"AA"
Lot Area:	3473 square metres
Access to Right of Way	Eastern side, 3.75 metres wide, sealed and Town owned.

BACKGROUND:

27 August 2002 The Council, at its Ordinary Meeting resolved to grant conditional approval for a change of use of units 5 to 8 from showroom/warehouse to 636 square metres of shop, 60 square metres of eating house and 35 square metres of associated office to existing five (5) showrooms/warehouses and change of use from warehouse to car parking.

25 May 2004 The Council, at its Ordinary Meeting resolved to grant conditional retrospective approval for a change of use of Unit 3 and Unit 4 from showroom to office.

DETAILS:

Approval is sought to change the use of an existing showroom to an educational establishment. Tabor College currently operate an administration centre and a library from Units 3 and 4 on the subject lot. The college wishes to utilise Unit 2 for a lecture room. There are no structural changes proposed to the existing building. There is no additional signage proposed as part of this application.

The lecture room will be utilised during term, which is 32 weeks of the year. Hours of operation will be between 9am and 9.15 pm. Some night classes are proposed.

The applicant has advised that up to twenty (20) students will be in attendance at any one time.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Requirements	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Car parking: College/Education Centre	As determined by the Council	As existing – 41 bays provided on-site	Refer to Comments
Consultation Submissions			
Support (1)	No comments provided		Noted
Objection (1)	Concerned that development will increase commercial traffic in residential area, already compete for on-street parking with Mount Lawley TAFE and other commercial businesses in the area.		Supported - car parking is maximised on-site. Has been conditioned to provide cash-in-lieu and bicycle parking to encourage alternative transport options.

	Non-residential traffic should be minimised in the ROW.	Not supported – the ROW is owned by the Town. The ROW provides access to some adjacent land which is zoned and redeveloped for Commercial purposes.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil

* 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.

COMMENTS:

Car Parking

The Towns Policy regarding Parking and Access does not specify car parking requirements for the subject ‘educational establishment’ use; therefore, the parking requirement for this educational establishment is to be assessed on its merits.

The applicant has advised that there will be a maximum of 20 students at any one time. A comparable use within the Parking and Access Policy may be a ‘Reception Centre’. This has a car parking requirement for one (1) car parking bay per four (4) seats provided. Therefore, 5 car parking bays would be provided for the subject application.

Car parking requirement (nearest whole number) - Offices (232 square metres for Units 2 and 3 + 35 square metres of Units 5-8) = 267 square metres requires 5.34 bays - Bookshop (Units 5-8) = 636 square metres requires 42.4 bays - Eating house (Units 5-8) = 60 square metres requires 13.3 bays - Warehouse (Units 5-8) = 167 square metres requires 3 bays - Showroom (unit 1) = 181 square metres requires 3 bays - Educational Establishment (Unit 2) = (max. 20 students – one bay per four students) requires 5 bays Total 72.04	72 car bays
Apply the adjustment factors. 0.80 (within 800 metre of a rail station) 0.85 (within 400 metres of a bus stop) 0.95 (secure on-site and/or adjacent street bicycle parking)	(0.646) 46.512 car bays
Minus the car parking provided on-site	41 car bays
Minus the most recently approved on-site car parking shortfall	1.636 car bays
Resultant shortfall	3.876 car bays

In this instance, it is considered reasonable that the shortfall in car parking provided be met by an equivalent cash-in-lieu payments of \$10,077.60.

Bicycle Parking

Requirements	Required	Provided
School (educational establishment) 1 space per 5 pupils (20 students) over year 4 (class 2).	4 Bicycle Bays	Nil for proposed use.

It is considered appropriate that the applicant provide bicycle parking for the students in accordance with the requirements for a 'school' within the Town's Parking and Access Policy. However, in this instance, as the site is considered to be 'fully developed', it would be difficult to construct four (4) class 2 parking facilities on-site. Instead, it is considered that the provision of four (4) class 3 facilities would be more reasonable.

Proposed Use

The proposal is considered appropriate in a Commercial zone and not considered to create unreasonable noise or generate unreasonable increases in traffic. The proposed use is not considered to have undue impact on the amenity of the surrounding businesses or residents.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters, including limiting the number of students at any one time.

10.1.10 No. 248 (Lot 2) Fitzgerald Street, North Perth - Proposed Additional Multiple Dwelling, Alterations and Additions to Existing Office Building

Ward:	North	Date:	19 February 2007
Precinct:	Hyde Park; P12	File Ref:	PRO3733; 5.2006.435.1
Attachments:	001		
Reporting Officer(s):	V Lee, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Labyrinth Design and Development on behalf of the applicant F Capone for proposed Additional Multiple Dwelling, Alterations and Additions to Existing Office Building at No. 248 (Lot 2 Diagram 5962) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 13 September 2006, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the on-site parking provision, design of parking spaces and vehicular access requirements of the Residential Design Codes and the Town's Policies relating to Hyde Park Precinct, Parking and Access, respectively; and*
- (iii) consideration of the objection received from the Department for Planning and Infrastructure regarding the proposed road reservation and vehicle manoeuvring issues.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

Landowner:	Ferdinando Capone
Applicant:	Labyrinth Design and Development
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office
Use Class:	Office Building and Multiple Dwelling
Use Classification:	"P" "AA"
Lot Area:	175 square metres
Access to Right of Way	N/A.

BACKGROUND:

There is an existing single storey office building at the site. The existing office has no off-street parking facilities.

DETAILS:

Approval is sought for the modifications to the internal layout of the existing office, and the addition of a two-storey, two bedroom dwelling, creating a three storey building. The proposal includes outdoor living area provided as a terrace on top of the ground floor, and balconies that overhang the footpath on Fitzgerald Street. A nil setback is proposed to all boundaries.

Two covered car parking bays are proposed on site. Vehicles using these bays will need to reverse onto Fitzgerald Street.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Requirements	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio (R80)	1.0 or 175 square metres.	0.75 or 131.25 square metres.	Noted – No variation.
Access and Car Parking	Garage to be a minimum width of 5.4 metres. Driveways to be designed for vehicles to enter the street in forward gear where it connects to a designated District Distributor public street. Minimum of one car parking bay for residential use. Minimum of one car parking bay for office use.	Garage is 5.17 metres wide. Fitzgerald Street is classified as a District Distributor A road. Vehicles to reverse onto Fitzgerald Street. Nil bays.	Not supported – the proposed garage is not considered to be functional. Not supported - the proposal creates an unsafe environment for vehicles and pedestrians. Not supported - the proposed two car bays cannot be approved for the reasons identified above. The bays are also located within land reserved for the future road widening of Fitzgerald Street. Support of the development would hinder future road widening and provide undesirable precedent.
Streetscape	Visual truncation needed where driveways meet a public street.	No visual truncations provided.	Not supported -creates an unsafe environment for vehicles and pedestrians.

Building Height	Two-storey strongly encouraged, three storeys can be considered provided the amenity of the adjoining residential area is protected in terms of privacy, scale and bulk.	Three storeys proposed.	Supported – third storey component is orientated towards Fitzgerald Street creating strong urban corridor/edge. Development is predominantly single storey where it abuts residential areas and the amenity is generally protected provided there is appropriate screening to the first floor terrace.
	Walls on boundary for 2/3 of the boundary behind the street setback up to 6 metres in height.	Walls to 10 metres proposed.	Supported – Hyde Park Precinct Policy permits three storey development along Fitzgerald Street to create strong urban corridor/edge.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	Objection received from the Urban Transport System Division of Department for Planning and Infrastructure	Supported - refer to Comments.	
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil.		
Financial/Budget Implications	Nil.		

* 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.

Car Parking

In accordance with the R Codes' requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one per dwelling where on-site parking required for other users is available outside normal business hours. Therefore, provided the bays met minimum dimension requirements and Australian Standard requirements, one bay could be provided for residential use and one bay for office uses. However, in the current proposal, neither of the two parking bays provided on-site can be approved.

Commercial Car Parking

Car parking requirement (nearest whole number) - Office – 124.8 square metres requires 2.496 bays	2 car bays
Apply the adjustment factors. 0.85 (within 400 metres of a bus stop) 0.80 (min 45 per cent of Gross floor area is residential) 0.95 (secure on-site bicycle parking)	(0.646) 1.292 car bays

Minus the car parking provided on-site	Nil* car bays
Minus the most recently approved on-site car parking shortfall (existing office of same GFA)	1.292 car bays
Resultant shortfall	Nil car bays

* Car parking bays proposed are not supportable. Refer to Comments section

COMMENTS:

Department for Planning and Infrastructure (DPI) Comments

The DPI has advised that the subject lot is affected by a 3.2 metre road widening requirement for Fitzgerald Street, which is reserved as an Other Regional Road in the Metropolitan Region Scheme. The proposal includes development over this road reservation area. Therefore, the DPI objects to the proposal as it would prevent future road widening in this area.

The DPI advise that the Western Australian Planning Commission's Liveable Neighbourhood Operational Policy, Edition 3, Element 2, states that vehicle reversing into the moving traffic stream where the ultimate traffic volume will be over 5000 vehicles per day should be avoided. Therefore, as the proposed development design requires vehicles to reverse onto Fitzgerald Street, the DPI object to the current proposal.

In light of these comments, the applicant has requested the Town's Officers to consider a proposal that would provide no car parking on-site. The Town's Officers advised that a proposal without car parking provided on-site would be considered over development and is unlikely to be supported.

Conclusion

In light of the above comments, the application is refused due to the proposal encroaching on the DPI's road reservation and the lack of car parking provided on-site.

10.2.1 Right of Way Acquisition Program - Revised 'Assessment Table'

Ward:	Both	Date:	5/02/2007
Precinct:	Forrest Precinct (P14)	File Ref:	TES0451
Attachments:	001		
Reporting Officer(s):	A Munyard, R Lotznicker		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Revised Assessment Table to prioritise the acquisition and upgrade of Rights of Way;*
- (ii) *NOTES the two (2) Options for Assessment Tables with Option 1 excluding Zonings and Option 2 including Zonings, as outlined in the report;*
- (iii) *ADOPTS Option 1 as the preferred Rights of Way Assessment Table for the reasons outlined in the report (refer attached sample ROW assessment sheet appendix 10.2.1);*
- (iv) *AUTHORISES the Chief Executive Officer to prepare a revised Right of Ways Acquisition and Upgrade Program using the adopted 'revised' Assessment Table; and*
- (v) *RECEIVES a further report on the revised "Right of Ways Acquisition and Upgrade Program" as soon as practical.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the methodology employed to determine the scheduling of ROW upgrades, and the effects of the additional criteria recently included by the Council.

BACKGROUND:

As the Council is aware, in 1991 the former City of Perth carried out an assessment of all its rights of ways (ROWs) and developed a schedule for the sealing, draining, and acquisition of its ROWs.

Recently the Town initiated a re-assessment of the 118 ROWs yet to be upgraded, basing its assessment criteria on that used in the earlier City of Perth survey.

At the Ordinary Meeting of Council held on 5 December 2006 the Council considered a report on the Town's Right of Way Acquisition and Upgrade Program - Review Method, where the following decision was made:

That the Council;

- (i) *RECEIVES the report on the methods used by the Town to prioritise the acquisition and upgrade of Rights of Way;*
- (ii) *NOTES that the assessment criteria used to prioritise the acquisition and upgrade of Rights of Way will also take into account residential densities and geometry of Rights of Way in the Town; and*
- (iii) *NOTES that a further report on a revised Right of Way program will be submitted to the Council once the assessments have been completed.*

Clause (ii) of the Council decision included two (2) additional factors be taken into account by the Town's Officers, when arriving at a revised program.

DETAILS:

As previously reported to the Council, 2006/2007 marks the completion of the upgrade of those ROWs owned by the Town. The Council has recently approved the acquisition of two (2) more ROWs which have been offered to the Town for a nominal sum, and together with those ROWs currently subject to the taking process, these will be prioritised for the 2007/2008 program.

In 1998, the Town adopted a schedule which guided the order of upgrade and acquisition of ROWs. The subsequent ROW Upgrade and Acquisition program was based on data collected by the former City of Perth in 1991 with each ROW section weighted in accordance with an agreed criterion to arrive at a 'score'. These 'scores' were used to prioritise ROWs in a schedule for upgrade over a 25 year timeframe. The Town owned ROWs were listed before any 'privately' owned ROWs in the program.

Having completed the upgrade of almost all of Town owned ROWs, the adopted ROW Upgrade and Acquisition program is now required to progress to the 'Acquisition' stage to enable the privately owned ROWS to be acquired and upgraded. As could be expected, the data collected in 1991 is now, in many cases, no longer valid and therefore further assessments are required to be undertaken.

A renewed appreciation of the value of ROWs and the amenity they provide has influenced the Town's development policies which now strongly encourage the use of ROWs to provide vehicular access and garaging. Subsequently, the earlier assessment of usage and condition used to develop the adopted schedule no longer reflect current conditions.

New assessment sheets have been prepared for all remaining unsealed ROWs and the recording of data is under way. The matrix used for the generation of a score is also being reconsidered, and is discussed in this report.

Initial Assessment Table adopted from the former City of Perth:

The criteria and weightings used in the original assessment are outlined in the following table.

Usage	Condition	Surface	Drainage	Floods	Retaining required	Fences
Heavy 12	Good 0	Paved 0	Existing 0	Yes 20	Yes 1	Good 4
Medium 8	Fair 5	Firm Surface 4	Easy 6	No 0	No 0	Fair 2
Low 4	Impassable 10	Sand 8	Medium 5			Poor 0
None 0			Difficult 4			

Therefore, in accordance with the criteria outlined in the above table, a particular ROW would have been assessed as follows:

- Heavily used = 12
- Impassable = 10
- Sand = 8
- Easy drainage = 6
- Prone to flooding = 20
- Requiring retaining = 1
- Good fencing = 4

This ROW would have achieved a maximum score of *61 points*, the highest attainable under this table.

Each of the criteria would have been weighted in accordance with its significance in terms of the amenity provided by the ROW (i.e. number of garages) and hazards and risks they presented. For example, flooding was heavily weighted so that ROWs subject to this risk were more likely to be included early on in the program.

Proposed Modified Criteria and weightings

As previously mentioned at its Ordinary Meeting held on 5 December 2006, the Council decided to include the following two (2) additional categories into the matrix:

- Residential densities; and
- Geometry.

The Town's Technical Services and Planning Officers met recently to discuss the proposed implications of including the new categories into the criteria list and assessed/discussed the existing criteria.

Following these discussions, the officers considered that the following changes should be made to the initial assessment table:

- Condition and Surface - Should be amalgamated as a single category.
- Drainage - Not considered relevant as drainage is installed via soakwells regardless.
- Retaining required - Score reversed.
- Condition of fencing - No longer considered relevant in determining whether a ROW should be prioritised for upgrade.
- Geometry - Should be taken into account as a category greatly affecting the current and projected use of the ROW.

Some concerns were expressed regarding the impact of the residential densities category on the schedule, and whether such a category would result in undue emphasis being placed on assisting developers rather than addressing the risks and hazards present in some ROWs.

It was decided that two (2) Options for an amended ROW assessment table should be developed and the advantages and disadvantages of each option discussed to arrive at a preferred option.

The 'scores' for each category have also been reconsidered, and a new proposed amended matrix is shown in both of the following tables. The amended 'scores' are intended to ensure that a ROW which may be in poor condition but is difficult to negotiate because of its narrowness and geometry, is not listed for upgrade ahead of a ROW which could potentially provide safe and convenient access to rear garaging.

Option 1 - Modified Assessment Table - excluding Zoning

The following table is essentially a revision of the original assessment table with the categories listed from highest to lowest, the inclusion of geometry, amalgamation of condition and surface and reversed weighting for retaining i.e. if no retaining is required then this would achieve a higher score. Retaining is required where the surface level of the ROW differs from the surface level of the adjacent property. In such circumstances, if retaining is not implemented, works within the ROW are likely to cause significant damage to fencing.

Prone to flooding	Usage	Condition/Surface	Geometry	Retaining required
Yes 20	Heavy 12	Impassable 10	Straight 6	No 1
No 0	Medium 8	Fair/Firm 5	Bends with truncations 4	Yes 0
	Low 4	Good/Sealed 0	Bends, >3.0m wide, No truncations 2	
	None 0		Bends, <3.0m wide, No truncations 0	

Therefore, in accordance with the updated/revised criteria outlined in the above table, a typical ROW would be assessed as follows:

- Prone to flooding = 20
- Heavily used = 12
- Impassable = 10
- Straight = 6
- No retaining required = 1

This ROW would achieve a maximum score of *49 points*, which now becomes the benchmark for early listing in the program.

Option 2 - Modified Assessment table - including Zoning

This option includes a category for residential densities (zoning). The Council decided to consider including this category in acknowledgment that ROWs are a valuable (indeed, often essential) tool for facilitating infill development.

Currently, where a developer wishes to make use of a ROW to provide vehicular access to a development, it is incumbent on the developer to upgrade the ROW or a portion of the ROW, to a satisfactory standard. The Town does not currently contribute to the cost of the upgrading works as the Council previously decided that the Town's funds would not be used for ROW upgrades associated with developments (Policy No 2.2.14 - Right of Ways).

Should 'Zoning' be included as a category, the upgrade of ROWs in less densely coded areas such as Mount Hawthorn (R20 and R30), would not be afforded the same degree of urgency as those servicing commercial or densely coded areas eg R60/80. A model for a matrix including zoning is presented in the following table.

Note: This is similar to the modified table (as outlined above, with the density category included)

Prone to flooding	Usage	Condition/Surface	Geometry	Zoning	Retaining required
YES 20	Heavy 12	Impassable 10	Straight 6	District /Local centre 5	No 1
NO 0	Medium 8	Fair/Firm 5	Bends with truncations 4	Res >=R80 4	Yes 0
	Low 4	Good/Sealed 0	Bends >3.0m wide No truncations 2	Res R50 >= R60 3	
	None 0		Bends <3.0m wide No truncations 0	Res R30 >= R40 2	
				Res R20 1	

Therefore, in accordance with the criteria outlined in the above table, a ROW would be assessed as follows:

- Prone to flooding = 20
- Heavily used = 12
- Impassable = 10
- Straight = 6
- Commercial = 5, R20 = 1
- No retaining required = 1

This ROW would achieve a maximum score of 54 points if in a District Centre/Local Centre and 50 points if in a residential R20 or lower zoning.

There are, however, only two (2) unsealed ROWs servicing properties zoned "Commercial" and a further two servicing properties zoned "District Centre".

Discussion

ROWs - Town owned / Care, Control & Management

The Town is required to maintain the upgraded ROWs where a legal obligation to maintain exists, and those which have been assessed as in the most urgent need of attention.

In addition, there has been a steady increase in infill and unit development in the Town. With the existence of the Town's ROW policy, where new developments require vehicle access from a ROW, it is essential that ROWs are sealed and drained.

Matters such as health, safety, dust, noise and drainage control, preservation of the amenity of adjacent properties, and aesthetics, must be addressed when approving new development. It is also essential that easy access to the property is available for emergency service providers.

The Town's current policies reflect the view that such improvements to infrastructure should be regarded as a cost of development which is to be borne by the developer. Development within the Town should not present a disadvantage to other ratepayers who have been patiently waiting for their ROW to be upgraded.

Development Approval Conditions

In relation to the Town's Policy relating to Vehicle Access to Dwellings via a ROW, where a ROW constitutes the sole access to a dwelling and that dwelling forms part of a development involving two (2) or more dwellings, a condition of development approval requires before occupation of the building, the ROW is to be upgraded to the Town's specifications to provide sealed access from the dedicated road network to the furthest boundary of the lot, at the full cost of the developer.

Remaining unsealed ROWs

A total of 118 ROWs have been identified for assessment under the Town's "ROW Acquisition and Upgrade Program". At the current level of funding, it is estimated that it will take seven (7) years to complete the program, (nearly \$2,000,000 worth of work).

Zoning	Number	Zoning	Number	Zoning	Number
Commercial/R80	2	R60	8	R40/R30	8
R80	41 (short legs)	R60/R40	4	R30	17
R80/R50	1	R60/R30	4	R20	4
R80/R25	1	R60/R20	3		
Districtcentre/R40	2	R40	23		

Note: Dual figures indicate different zoning on each side of the ROW

Preferred Assessment Table

The Town has policies in place to address the ROW upgrade requirement when linked with development. These policies are intended to deal separately with necessary works in ROWs which are required to service new development. The Town's "ROW Acquisition and Upgrade Program" is based upon a logical schedule to facilitate the upgrade of unsealed ROWs, prioritising those which present significant health, safety and liability issues to the Town.

Although it could be argued that ROWs in greater density areas serve more residents, on a one by one basis this is not always the case as ROWs in Mount Hawthorn (R20 and R30), for instance can be in excess of 250 metres long, and may service up to 50 dwellings.

Geometry, on the other hand, by virtue of reducing ease of access and safety of use, can mean that a ROW offers a limited amenity for vehicle access, and that upgrading of such a ROW should not be such a high priority.

A sample ROW assessment sheet is attached (refer appendix 10.2.1).

Conclusion

An updated ROW Acquisition and Upgrade program needs to be developed using the revised 'adopted' Assessment Table to enable acquisitions to be actively pursued to enable the 2007/2008 ROW upgrade program (and beyond) to be developed. For these reasons, it is recommended that the Council adopt Option 1 as the preferred matrix for scoring the ROWs and establishing a new schedule.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town has a legal obligation to maintain ROWs that are in its ownership, or under its care, control and management. The maintenance and care of privately owned ROWs is in law the responsibility of the owner of the ROW or, in the owner's absence, the adjacent property owners who have a legal right of access through the ROW.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 "1.4 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*(b) *Continue to develop, enhance and implement annual footpath, Rights of Ways, road rehabilitation and upgrade programs.*"

FINANCIAL/BUDGET IMPLICATIONS:

The Town's annual budget allocates \$300,000 for the implementation of the ROW Upgrade and Acquisition program and \$15,000 contributory funding for the upgrade of ROWs ahead of schedule, whereby residents wish to contribute to the ROW upgrade in accordance with the Council's policy.

COMMENTS:

It is necessary that the Town's unsealed ROWs be re-assessed and a new schedule developed to guide the timing of their acquisition and upgrade. The factors which form the basis of the scoring system have been reviewed and their relative importance re-assessed and two models (Option 1 and Option 2) have been discussed in this report. For the reasons outlined previously, it is recommended that the Council adopt Option 1 as the assessment table for preparing the updated ROW Acquisition and Upgrade program.

10.2.2 Local Area Traffic Management Advisory Group - Suggested Deletion of Clearway Restriction and Improvements - Vincent Street, Leederville, Oxford Street to Loftus Street

Ward:	South	Date:	20 February 2007
Precinct:	Oxford Centre P4	File Ref:	TES0045/PKG0001
Attachments:	001		
Reporting Officer(s):	C Wilson; R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the request for the suggested deletion of the Clearway Restriction and associated improvements on the southern side of Vincent Street, Leederville, between Oxford and Loftus Streets,*
- (ii) *NOTES that the matter has been considered by the Local Area Traffic Management Advisory Group;*
- (iii) *WRITES to Main Roads WA and the Department for Planning and Infrastructure seeking their comments regarding the proposal as outlined on attached Plans Nos. 2510-TM-1 and 2511-PP-1;*
- (iv) *RECEIVES a further report once a formal response has been received from both Main Roads WA and the Department for Planning and Infrastructure prior to the proposal being canvassed with the community; and*
- (v) *ADVISES the Vincent Street resident who raised the issue with the Town of the Council's decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request received from a resident of Vincent Street, Leederville, to remove the Clearway Restrictions on the southern side of Vincent Street, between Oxford and Loftus Streets.

BACKGROUND:

At its Ordinary Meeting held on 10 November 1997 the Council approved the introduction of a morning clearway southside of Vincent Street between Loftus and Oxford Streets between the hours of 7.30am and 9.00am Monday to Friday. Prior to this there was only an evening clearway restriction in existence.

In mid 2006 a resident of Vincent Street requested that the Clearway Restrictions on the southern side on Vincent Street, 7.30 am to 9.00 am and 4.15 pm to 6.00 pm, between Oxford Street and Vincent Street, be lifted.

Vincent Street, from the Mitchell Freeway to Fitzgerald Street, has been subject to clearway restrictions for in excess of a decade.

The restrictions were imposed in recognition of Vincent Street's classification as a District Distributor A Road in accordance with the Town's Functional Road Hierarchy.

DETAILS:

Traffic Volumes

In 1997/1998, prior to the opening of the Graham Farmer Freeway, the section of Vincent Street between Oxford and Loftus Streets carried 17,960 vehicles per average weekday.

As a consequence of the opening of the Graham Farmer Freeway and the resultant redistribution of traffic, the volume dropped by 16% to 15,087 vehicles per average week day by March 2005, a reduction of 2,873 vehicle movements.

Recent counts to determine the peak flows in each of the traffic lanes indicated the following:

West Bound	Morning Peak (vph)*	Evening Peak (vph)
Kerbside lane	156 (24%)	231 (35%)
Outer lane	503 (76%)	425 (65%)
Total	659 vph	656 vph

Note* Vehicles per hour

Clearway

As previously mentioned, Vincent Street between the Mitchell Freeway and Fitzgerald Street, has been subject to clearway restrictions for in excess of a decade.

In late 2003, to accommodate pedestrians during the construction of the Department of Sport and Recreation's (DSR) office building at 246 Vincent Street, the clearway restriction on the northern side of Vincent Street (between the Leederville Oval entrance and the Town's Administration Centre) was removed with little impact upon traffic congestion and, as a result, was never reinstated.

North Side Vincent Street - Oxford to Loftus

An existing 5 minute parking bay nearest the Leederville Post Office, some 25 metres east of Oxford Street, is still subject to a Clearway Restriction in view of its proximity to the signalised intersection at Oxford Street and the numerous vehicle entrances to the Education Department, Leederville Oval, the Leederville Hotel, TAB and the adjacent office development.

Since the elimination of the Clearway on the northern side of Vincent Street, the Town has received few complaints from motorists. However, it is considered that the situation on the north side of Vincent Street differs from that of the southern side given that a significant length of the traffic lanes, on approach to Loftus Street, from the bus stop to the west of the primary vehicle entrance to the Town's Administration Centre, are unimpeded. In addition, there is a right turn arrow from Vincent Street into Loftus Street south bound.

Notwithstanding this, in the afternoon peak period (4.00 pm to 6.00 pm) it is common for traffic to queue back to the Leederville Early Childhood Development Centre at 244A Vincent Street, however, this normally clears in single phase of the Loftus Street traffic signals.

South Side Vincent Street - Loftus to Oxford

The Oxford/Vincent traffic signals unlike the Loftus/Vincent intersection do not have a right turn signal phase but rather a right turn ban (*on the east / west movements*) between 7.00 am to 9.00 am and 4.00 pm to 6.00 pm respectively. However, it is quite common for drivers to ignore the ban and as a consequence many motorists tend to remain in the left, or kerb side, lane in anticipation of this happening. The resultant queue, particularly in the afternoon peak period and should a vehicle be parked in the Clearway zone in the vicinity of the entrance to Leederville Oval, can stretch back as far as the Leederville Child Care Centre.

Local Area Traffic Management (LATM) Advisory Group

Clearway - south side Vincent Street - Loftus to Oxford

This matter was raised in General Business at an LATM Advisory Group meeting in September 2006 and the Group duly invited the Vincent Street resident to attend the LATM meeting of 29 January 2007.

At the meeting, the resident tabled a lengthy document detailing his justification of removing the Clearway Restriction on the south side of Vincent Street, Loftus to Oxford. Amongst the issues raised by the resident was a loss of amenity, difficulty in accessing his property, the dominance of the car over residents and the existing lane markings encouraging through traffic.

The Group discussed Vincent Street's function as a District Distributor A road, and that a likely consequence of removing the Clearway restrictions and lane markings, would be increased traffic on surrounding 'residential' streets.

The Group decided to refer the matter to the Council, recommending that the Town consult with the affected residents and businesses, Main Roads WA (MRWA) and the Department for Planning and Infrastructure (DPI) regarding the 'possible' removal of the clearway restriction.

While Vincent Street is under the care control and management of the Town, MRWA and DPI need to be consulted with regard to the potential impact the suggested removal of the clearway restriction may have on traffic movements in the wider area and the possible redistribution of traffic as a consequence.

Intersection Loftus/Vincent

The Group also noted that the above intersection could possibly operate more efficiently if the left hand lane in Vincent Street, west bound, on approach to Loftus Street, was made a dedicated "left turn only" lane. Further, it was contended that should this measure be introduced, it would eliminate the need for vehicles west of Loftus Street having to merge at speed over a short distance, as currently occurs outside of Clearway hours, thereby improving the amenity of those residents closest to Loftus Street.

Officers' Comments:

Suggested Removal of Clearway

As outlined at the LATM meeting, Vincent Street, given its classification, is classified to carry high volumes of 'through' traffic, i.e. non local traffic. Clearway restrictions generally exist on all similar classified roads in the Town and throughout the metropolitan area to ensure traffic flows are unimpeded, as much as possible, during the morning and evening peak periods.

A build up of traffic on these types of roads i.e. District Distributors, due to parked vehicles, albeit often illegally, break downs, traffic crashes etc., often result in a negative impact on adjoining residential streets, classified as 'access roads', as motorists try and find a quicker route.

It is therefore imperative that when considering the removal of a clearway restriction, the possible negative impact on other roads in the network need to be considered.

While the traffic volume along this section of Vincent Street has dropped by about 2,800 vehicle per day since the opening of the Graham Farmer Freeway, the road still carries in excess of 15,000 vehicles per day and in excess of 650 vehicles per hour during the peak periods.

While the peak hour traffic flows indicates that 76% of traffic travels in the outer west bound lane during the morning peak period and 65% during the evening peak there is still a reasonable volume using the outer lanes. This combined with existing driveways, i.e. Town of Vincent Administration and Civic Centre, Leederville Early Childcare Development Centre, DSR building could result in congestion should the clearway restriction not be in place.

This could however be overcome by extending the "no stopping" restriction west of Loftus Street and retaining a portion of clearway restriction from around 295 Vincent Street, opposite the DSR driveway, to the existing "no stopping" restriction east of Oxford Street, to maintain traffic flow and minimise congestion.

Intersection Loftus/Vincent

As mentioned above, the LATM group suggested that at the above intersection could possibly operate more efficiently if the left hand lane in Vincent Street, west bound, on approach to Loftus Street, was made a dedicated 'left turn only' lane as the majority of traffic in this 'kerbside' lane tend to turn left into Loftus Street.

While this may appear to be feasible, there are some concerns that if two buses (or other large vehicle) were to be in the rather short right turn slip lane, some vehicle overhang would occur in the proposed 'straight through' lane, thus either stopping the west bound movement, albeit temporally, or forcing vehicles to illegally enter the dedicated left turn lane. This has been observed by both the Executive Manager Technical Services and Manager Engineering Design Services on numerous occasions. (*Refer attached Plan No. 2510-TM-1*)

Conclusion/Recommendation

It is therefore considered that prior to consulting with the residents along this section of Vincent Street, comments regarding the suggested proposals be sought from both MRWA and DPI and, once these comments have been received, that a further report be presented to the Council prior to consulting with the community.

CONSULTATION/ADVERTISING:

It is proposed to consult with MRWA and DPI regarding the proposal prior to consulting with the residents and businesses located on the southern side of Vincent Street, between Oxford and Loftus Streets.

LEGAL/POLICY:

Vincent Street is under the care, control and management of the Town, however, given its regional importance as a District Distributor, MRWA and DPI have an interest in any proposed changes to this road.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(d) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads.”*

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

The request to remove the Clearway Restrictions on the southern side of Vincent Street, between Oxford and Loftus Streets, was initiated by a single resident. However, while some residents would support the proposal, it likely that MRWA and DPI may not support the change in view of the likely impact upon traffic movement in the greater area.

It is therefore proposed to seek the comments of both MRWA and DPI and that a further report be presented to the Council prior to consulting with the Community.

10.3.2 North Perth Bowling Club – Funding Request for 100 Year Anniversary Celebrations

Ward:	North	Date:	28 November 2006
Precinct:	North Perth Precinct-P8	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	M.Rootsey/K Stiecke/J Van den Bok		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that a petition with 37 signatures has been received from the North Perth Bowling Club seeking the Town's assistance and advising of the Club's forthcoming 100 year anniversary celebrations to be celebrated in February 2008;*
- (ii) *APPROVES of a \$12,000 donation to the North Perth Club for the purchase of a replacement bowling green roller and reticulation works, as acknowledgement of the Club's 100 Year Anniversary; and*
- (iii) *LISTS an amount of \$8,500 for consideration in the Specified Maintenance Draft Budget 2007/08 for the work requested to be carried out at the North Perth Bowling Club.*

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

PURPOSE OF REPORT:

The purpose of the report is to advise Council on the funding request submitted by the North Perth Bowling Club and the purchase of essential plant and maintenance work required for improvement to the facility in preparation for the celebration of the Club's 100 year anniversary next February.

BACKGROUND:

A petition was received dated the 12 February 2007 from the Chairman of the North Perth Bowling Club seeking funds for the purchase of plant items that are essential for the operation of the Club. Financial Assistance is also being requested for maintenance works at the Club. This work is being sought in order that the Club is presented in good order when it celebrated its 100 year anniversary in February next year.

DETAILS:

The Club in their letter have requested financial assistance in the provision of equipment and work to be performed.

The items required are for reticulation works, the replacement of reticulation pipes as the existing pipes are worn and if not replaced the greens will deteriorate to such an extent that the greens may not recover.

The current green roller is over twenty years old and is in urgent need of replacement.

Landscape work this has been requested to improve presentation of the Club for the 100 year anniversary celebration scheduled for next year as specific work has been identified but a contingent amount of \$1,500 is suggested.

The lease is not specific on this matter, however it does indicate that the Town is responsible for replacing pipework/reticulation due to age and deterioration however this normally refers to underground pipework, not the aluminium irrigation pipes (replacement valued at \$5,000) that the Club use to water the greens.

Landscaping (additional) would normally be at the Club's expense unless the Town had approved a minor redevelopment of the grounds.

Other requested items include the following:

- Replace the concertina door in the bar area at estimated cost of \$3,000
- Repairs to the verandah area at an estimated cost of \$1,500
- Internal painting estimated value \$2,000
- Replacement of carpet at the locker room \$500

The facility is leased from the Town by the North Perth Bowling Club, their current lease is for the period from 1 September 2002 to 31 August 2007.

As part of the conditions of the lease, the Club pays a rental of \$2,432 per annum. It also pays 100% of the water consumption which is recharged to them and it is responsible for the payment of all other utility charges.

Under the lease agreement the majority of these items are considered to be the responsibility of the Lessee.

The following clauses are outlined.

“Repairs and Maintenance

The lessee must repair and maintain the premises including all lighting and electrical installations, all fences, gates, reticulation, drainage systems and other fixtures and fittings in the premises in good order and condition and must keep the premises clean in a sanitary state at all times.

The lessee shall not be required to replace electrical switchboards or wiring if replacement is required due to the age of the switchboards or wiring.

The lessee shall not be required to replace any plumbing or piping if replacement is required due to the age of the plumbing or piping.

Repainting

Without limitation the lessee is to paint all parts of the interior and exterior which are painted at the commencement of the lease and as often as may reasonably be directed by the lessor - but not more frequently than every five years, to the satisfaction of the lessor.

Grounds Maintenance Covenants

The lessee agrees that it will at all times maintain:

- (i) All bowling greens, lawns and gardens (including without limitation all plants and hedges) adequately and properly watered, fertilized, tended and cared for;*
- (ii) all fences in good order and in a safe and functional condition;*
- (iii) all parking areas, pathways, steps and ramps safely and properly surfaced and illuminated and free and clear of hazards;*
- (iv) all direction and information signs, speed limit and other notices in all necessary positions clearly marked and in good order;*
- (v) all pumps, pressure units and equipment used in connection with or ancillary to any sewage apparatus or any bore or other water supply source in sounds and functional order and condition.”*

The Town has allocated in the 2006/07 budget to carry out the following work at the North Perth Bowling Club:

- Replacement of tiled roof with colorbond metal -\$18,600, this work is currently scheduled in March 2007;
- Repair of verandah concrete slab – \$2,700. Work is planned to commence in April following the completion of the roof;
- Construction of Male Accessible Toilets – \$35,000. Architect currently preparing drawings to be commenced May/June 2007.

It is acknowledged that much of the work requested would normally be the responsibility of the lessee. However it is important for the Town that the North Perth Bowling club is well presented in the community in the year of its 100th anniversary. The Club, although well patronised is not able to commit to this amount of funding in one financial year. The purchase of a new roller, together with the reticulation work, needs to be carried out to ensure that the greens are maintained in pristine condition.

The Town is proud of having a Club with such a history in its locality and therefore should ensure that the facility is in its best possible condition for its celebration and support the funding request as a ‘once off’ contribution.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

This matter is in accordance with the Town's Policy No 1.1.5 - Donations, Sponsorship and Waiving of Fees - clause (iii) which states:

“(iii) *APPLICATIONS WITH EXTENUATING CIRCUMSTANCES*

If an application for a donation for sponsorship does not meet the evaluation criteria but is assessed by the Town's administration as a case warranting further consideration, it will be forwarded to Council for determination.”

STRATEGIC IMPLICATIONS:

Plan for the Future - Strategic Plan 2006-2011 - Community Development

3.1.1 (a) *Organise and promote community events and initiatives that engage the community and celebrate the cultural and social diversity of the Town.*

FINANCIAL/BUDGET IMPLICATIONS:

The amount of \$22,300 is listed in the 2006/07 Specified Maintenance Budget with a further \$35,000 listed in the 2006/07 Building Budget for the North Perth Bowling Club.

A total amount of \$8,500 will be listed for consideration in the Draft Budget 2007/08 to provide for the specified maintenance work to be carried out at the North Perth Bowling Club. A donation of \$12,000 for the purchase of a replacement green roller and reticulation works can be funded, as the Town has received increased revenue (primarily due to parking revenue) over the previous six (6) months, as reported in the mid-year budget review report (Item 10.3.1 on this Agenda).

COMMENTS:

It is important the Town celebrates the North Perth Bowling Club's 100 year anniversary. It is therefore recommended that the provision of these funds be supported.

10.3.3 Financial Statements as at 31 January 2007

Ward:	Both	Date:	21 February 2007
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 31 January 2007 as shown in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 January 2007.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 January 2007.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Balance Sheet (Statement of Financial position) and Statement of Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position
- Variance Comment Report

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

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

Operating Revenue

Operating revenue is currently 103% of the month of January Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 100 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 100% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 261 % of the budget received to date; this is due the sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a variance of 55 % of the budget to date. \$15,000 grant expected has not been received in January 07.

Health (Page 4)

Health is showing 103 %, this is due to 308 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is showing 215 % of the budget, the Town received the \$173,663 in operating surplus budget expected from Leederville Garden Retirement Village.

Community Amenities (Page 6)

Community Amenities is 127 % of the year to date budget, this is the result of 391 planning applications being processed to date and the issue of non rateable and commercial properties for their refuse charges.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is on target at 107 % of their revenue budget. Beatty Park Leisure Centre revenue is 44 % of the total Recreation and Culture revenue budget and performing favourably with the centre year to date budget of 125%.

Economic Services (Page 12)

Economic Services is 135 % over budget which is the 325 building licences issued to the month of January.

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 292% over the budget which is due the higher insurance claims for the last 7 months and lease on Tamala Park exceeded budget.

Operating Expenditure

Operating expenditure for the month of January is under budget at 96 %

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2006/07 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for January amount of \$4,030,471 which is 7% of the budget of \$54,475,888.

	Budget	Actual to Date	%
Furniture & Equipment	101,800	30,397	30%
Plant & Equipment	905,925	460,922	51%
Land & Building	43,623,350	303,979	1%
Infrastructure	9,844,813	3,235,174	33%
Total	54,475,888	4,030,471	7%

**Balance Sheet (Statement of Financial Position) and
Statement of Changes in Equity (Pages 25 & 26)**

The statement shows the current assets of \$23,438,568 and non current assets of \$116,492,282 for total assets of \$139,930,850.

The current liabilities amount to \$3,411,212 and non current liabilities of \$14,545,801 for the total liabilities of \$17,957,013. The net asset of the Town or Equity is \$121,973,837.

Restricted Cash Reserves (Page 27)

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

Debtors and Rates Financial Summary**General Debtors (Page 28)**

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

Sundry Debtors of \$325,271 are outstanding at the end of January. Of the total debt \$13,234 (4%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 29)

The notices for rates and charges levied for 2006/07 were issued on the 1 August 2006.

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

First Instalment	5 September 2006
Second Instalment	6 November 2006
Third Instalment	4 January 2007
Fourth Instalment	6 March 2007

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

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

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

Rates outstanding are \$1,913,186 which represents 12 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 30)

As at 31 January 2007 the operating deficit for the Centre was \$51,527 in comparison to the budgeted year to date deficit of \$337,322 and annual deficit of \$639,155.

The cash position showed a current cash surplus of \$220,437 in comparison to the year to date budget of cash deficit of \$40,548 and an annual budget estimate of a cash deficit of \$81,056. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The amount raised from rates for the year to date 31 January 2007 was \$15,072,273.

Net Current Asset Position (Page 32)

Variance comment Report (Pages 33 to 36)

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

10.3.4 LATE REPORT: Tender No 358/07 Cleaning of Administration & Civic Centre and Library

Ward:	Both	Date:	23 February 2007
Precinct:	-	File Ref:	TEN0368
Attachments:	-		
Reporting Officer(s):	Keith Steicke, Andrew Neilson, John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender as submitted by Arrix Australia as being the most acceptable to the Town for the cleaning of the Administration & Civic Centre and Library for a total annual price of \$35,176 (including Goods and Services Tax) for the first year; and*
- (ii) *AUTHORISES the Chief Executive Officer;*
 - (a) *to sign and affix the Council Common Seal to the contract between the Town and Arrix Australia Pty Ltd; and*
 - (b) *to renew the Administration & Civic Centre Contract at the conclusion of the first year at the sole discretion of the Town and subject to compliance with contractual specifications, including; satisfactory quality of service, value for money and any increase in cost to be in accordance with the Consumer Price Index.*

COUNCIL DECISION ITEM 10.3.4

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council approval of the clean tender number 358/07.

BACKGROUND:

Tenders were recently sought from suitably registered companies for the cleaning of the Administration & Civic Centre for a two (2) year period, with an option for a further one (1) years and Town Library for a one (1) year period. The Library period is for one (1) year, as a new Library is being constructed and will be completed by February/March 2008.

TENDER

The tender was advertised on 17 January 2007. At the close of tenders on 6 February 2007, seven (7) tenders were received. Present at the opening were Bee-Choo Tan, Manager Financial Services and Keith Steicke, Property Maintenance Officer. No representatives of the cleaning companies or public were present.

Tenders were received from the following companies:

Company		Administration Civic Centre \$	Library \$	Total \$
1.	Arrix Australia	20,416.00	14,760.00	35,176.00
2.	Jasneat Management & Facility Service Contractors	23,128.60	14,512.30	37,640.90
3.	Selma Cleaning Services	33,018.00	11,795.00	44,813.00
4.	Charles Service Company	28,920.10	18,788.00	47,708.10
5.	Dominant Property Services	33,968.00	15,407.00	49,375.00
6.	Du Clene Pty Ltd.	34,745.10	16,338.20	51,083.30
7.	DMP (WA) Pty Ltd	34,320.00	25,740.00	68,292.00
Average		29,787.97	16,762.92	47,726.90
Median		28,920.10	18,788.00	47,708.10

Selection Criteria

Each tender was assessed in accordance with the following selection criteria:

Criteria	%	Weighting
1. Price Include in the lump sum price all fees and other costs and disbursements to provide the required service and appropriate level of Goods and Services Tax (GST)	50	50%
2. Capacity to deliver <ul style="list-style-type: none"> • Demonstrate capacity to achieve the proposed level of cleaning. • Provide evidence of successful results in relevant previous projects demonstrating the ability to provide a high level of: <ul style="list-style-type: none"> o finish o site supervision o practices providing a safe working environment o practices regarding environmental protection 	10 10	20%
3. Professional expertise and relevant experience in similar projects <ul style="list-style-type: none"> • Demonstrated knowledge and experience in the cleaning of projects of a similar nature. • Provide suitable written references 	5 5	10%
4. Relevant experience of key personnel <ul style="list-style-type: none"> • Credentials (i.e. formal qualifications and experience) of key personnel of the organisation. • Roles of the key personnel on the project and their experience, including position in the firm's organisational structure. 	5	5%
5. Financial History and Evidence of Stability <ul style="list-style-type: none"> • Demonstrate financial history of organisation to carry out works for this project. • Demonstrate evidence of stability and experience. 	5	5%
6. Overall compliance with Tender Specification and Requirements	10	10%
		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Andrew Neilson, Co-ordinator Major Projects, Keith Steicke, Property Maintenance Officer and John Giorgi, Chief Executive Officer.

	Arrix	Jasneat	Selma	Charles	Dominant	Du Clene	DMP
Cost (A)	20,416	23,128.60	33,018	28,920.10	33,968	34745.10	34,320
(L)	14,760	14,512.30	11,795	18,788	15,407	16,338.20	25,740
Total	35,176	37,640.90	44,813	47,708.10	49,375	51,083.30	68,292
Hrs/wk (A)	13	13.75	25	18.75	25	20	20
(L)	10	8.75	5	12.5	10	10	25
No of Cleaners (A)	2	1	2	3	2	2	4
(L)	1	1	2	2	1	2	3
Award/Agreement	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Quality Assured	Yes	Yes	Yes	Yes	Yes	Yes	Yes
No of Staff (F/T)	42	10	2	15	2	9	0
(P/T)	288	275	0	440	8	47	35
(Cas)	115.	5	4	20	0	16	0
Member Cleaners' Guild	Yes	Yes	No	Yes	Yes	No	Yes
Financial Information	Yes	No (will provide)	No	Will provide on request	No	No	No
Information provided	Comprehensive	Comprehensive	Limited	Comprehensive	Comprehensive	Limited	Comprehensive
References	City of Perth. Parliament House. Public Transport Authority.	Town of Vincent Cities of Belmont & Swan Challenge Stadium	None provided	University of WA Lotteries Commission Town of Cambridge.	Western Power Offices. City of Melville. Shop Centre United KFPW	Shire of Mundaring Kings Park Authority. Diesel Motors.	Bankwest. Shire of Kalamunda City of Rockingham .

(A) = Administration & Civic Centre

(L) = Library

Tender Assessment

Criteria	Weighting %	Arrix	Jasneat	Selma	Charles	Dominant	Du Clene	DMP
Price	50	50	48.2	42.94	40.82	39.6	38.35	25.75
Capacity to Deliver	20	18	10	0 **	16	10	15	17
Expertise & Experience	10	8	8	0 **	8	8	7	8
Exp of Staff	5	5	2*	0 **	5	4	4	4
Financial History	5	5	5	0 **	5	0 **	0 **	5
Tender Compliance	10	9	9	0	9	7	8	9
TOTAL	100	95	82.2	42.94	83.82	68.6	72.35	68.75
Ranking		1st	3rd	7th	2nd	6th	3rd	5th

** No information was given for tender assessment.

A summary of the tender evaluation is shown at Appendix 10.3.4 and is "Laid on the Table".

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY IMPLICATIONS:

The tender was called in accordance with the Local Government (Functions and General) Regulations 1996.

STRATEGIC IMPLICATIONS:

This matter is in accordance with the Town's Strategic Plan 2006-2011 Objective 2.1.6 - *"Review leases and commercial Contracts to ensure the best return to the Town, whilst being cognisant of its community service obligations."*

FINANCIAL/BUDGET IMPLICATIONS:

The budget allocation for cleaning of the Administration and Civic Centre is \$40,500.

The budget allocation for cleaning of the Library is \$16,000.

The budget includes an amount for the cost of additional cleaning and function set-up, which is required (e.g. before and after a function or event). This cleaning and set-up costs approximately \$14,000 per annum. This task is currently being carried out by Jasneat, however, has not proved to be totally satisfactory. It is proposed to have this task carried out separately.

COMMENTS:

Arrix Australia's tender is the lowest and is most comprehensive. It is therefore recommended that the tender submitted by Arrix Australia be accepted.

APPENDIX 10.3.4

1. Arrix Australia

Price

This tender was the lowest in price. The submitted documentation indicated that savings would be achieved in lower hourly rates, a small reduction in hours and reduced overall overheads. The hourly rate includes provision for the Fair Pay Commission Wage Increase.

Hours - Administration and Civic Centre

Experience over the past eight years has demonstrated that not less than 13 hours per week is essential to maintain a high standard of cleaning. The hours tendered are 13 hours per week which meets this requirement. The Evaluation Panel found this acceptable.

Hours - Library

Experience over the past eight years has demonstrated that not less than 10 hours per week is required. The hours submitted is 10 hours per week and meets this requirement.

Capacity to deliver

Arrix Australia has operated in the WA Commercial and Building Services industry since 1982, with its core cleaning business based on many commercial, educational and shopping centre contracts. In 2002 Arrix broadened its market into a multi-service operation under the new name of Arrix Australia and whilst retaining cleaning as its core business, now offers the total range of integrated building services. The company has 42 full- time, 288 permanent part time and 115 casual employees.

Expertise and Experience

The submitted information was comprehensive.

Experience of Staff

The submitted information was comprehensive and demonstrated that this company had the necessary experience to fulfil the cleaning contract. Arrix have recently won many awards including "Good Housekeeping" run by the Australian Council of Shopping Centres Association. As well as this they have been the receivers of Kimberley Clark "Golden Service Awards" in the years 1999-2005. Reference checks revealed excellent performance. The Miscellaneous Workers Union also provided a satisfactory reference.

Financial History

Financial details of the company were provided.

Tender Compliance

Tender compliance was considered adequate.

APPENDIX 10.3.4

2. Jasneat Management & Facility Service Contractors

This company holds the current cleaning contract and has held this for approximately 9 years. Jasneat's performance over the last 12 months has deteriorated in respect to their capacity to deliver a quality service. This has also been found to be the case in other cleaning contracts the company holds with the Town, which involve child health clinics and halls. Due to the turn over of staff and inadequate supervision they have consistently failed to meet contractual obligations with the Town. This matter is currently being addressed.

Price

This tender was the second lowest in price.

Hours - Administration and Civic Centre

The hours tendered are 13.75 hours per week. The Evaluation Panel considered this to be acceptable.

Hours - Library

The hours submitted is 8.75 per week. The Evaluation Panel considers 10 hours cleaning a week the minimum requirement to maintain a high standard of cleaning. Jasneat's hours tenders would result in 65 hours less cleaning per annum. This is considered too low to provide a satisfactory level of cleaning, which will result in officer time to pursue compliance of the tender. The reduced hours is reflected in the lower tender price.

Capacity to deliver

Jasneat is a well established company employing 10 full-time, 275 part-time cleaners and 5 casual staff. They provide a full range of cleaning services.

Expertise and Experience

The submitted information was comprehensive but the Towns experience over the past 12 months has revealed a number of complaints about unsatisfactory level of cleaning, necessitating written Notices to achieve compliance. The company has been advised that unless a sustained level of satisfactory cleaning is provided, the Town will have no option but to take strong action, in accordance with the Contract.

Experience of Staff

The recent problems experienced by Jasneat in acquiring experienced and reliable staff has resulted in a substandard cleaning service provide to the Town.

Financial History

Financial details of the company were provided.

Tender Compliance

Tender compliance was achieved.

APPENDIX 10.3.4

3. Selma Cleaning Services

Selma Cleaning submitted limited documentation with their tender submission. They are a very small company employing 4 permanent part time and 2 full time employees. This would be inadequate in providing a satisfactory cleaning service as well as back up to the Town.

Price

This tender was the third lowest in price.

Hours - Administration and Civic Centre

The hours tendered are 25 hours per week. The Evaluation Panel considered this to be too inflated.

Hours - Library

The hours submitted is 5 per week. 10 hours cleaning a week is the minimum requirement to maintain a high standard of cleaning. The Evaluation Panel considered this to be unacceptable and would result in a lesser standard of cleaning.

Capacity to deliver

Selma is a local company with few employees. The Evaluation Panel considered them too small to provide a quality and consistent service to the Town.

Expertise and Experience

The submitted information was inadequate.

Experience of Staff

The submitted information was inadequate.

Financial History

No financial details of the company were provided.

Tender Compliance

Tender compliance was not achieved.

APPENDIX 10.3.4

4. Charles Service Company

Charles Service Company is a Western Australian owned and operated contract cleaning company. It has serviced educational institutions, commerce, industry and government in WA since 1966.

Price

This tender was the fourth lowest in price.

Hours - Administration and Civic Centre

The hours tendered are 18.75 hours per week which is probably 5 hours per week more than that required. This contract would result in 260 hours year more. In addition, three one cleaner would be over-servicing the contract. The Evaluation Panel considered this to be unacceptable and would result in a costlier standard of cleaning.

Hours - Library

The hours submitted is 12.5 hours per week and this would equate to 130 hours per year more than the current contract. The Evaluation Panel considered this to be unacceptable and would result in over-servicing.

Capacity to deliver

Charles Service Company is a well established Western Australian company employing 15 full-time, 440 part-time and 20 casual cleaners. They provide a full range of cleaning services.

Expertise and Experience

The submitted information was comprehensive.

Experience of Staff

The submitted information was comprehensive and demonstrated that this company had the necessary experience.

Financial History

Financial details of the company will be provided on application.

Tender Compliance

Tender compliance was achieved and adequately demonstrated.

APPENDIX 10.3.4

5. Dominant Property Services

Price

This tender was the fifth lowest in price.

Hours - Administration and Civic Centre

The hours tendered are 25 hours per week which is nearly double that considered necessary to complete the contract. This contract would result in the inflated expenses of 624 hours per year more being worked. The Evaluation Panel considered this to be unacceptable.

Hours - Library

Experience over the past eight years has demonstrated that not less than 10 hours per week is required to clean the Library to a satisfactory standard. The hours submitted is 10 hours per week. The Evaluation Panel considered this to be acceptable and would result in the same high standard of cleaning.

Capacity to deliver

Dominant is a small local cleaning business employing 2 full-time and 8 part-time cleaners. They would have limited resources to provide a full range of services including backup cleaners.

Expertise and Experience

The submitted information was adequate.

Experience of Staff

The submitted information was limited but demonstrated that this company had the necessary experience.

Financial History

No financial details of the company were provided.

Tender Compliance

Tender compliance was sufficient but not adequately demonstrated.

APPENDIX 10.3.4

6. Du Clene Pty Ltd

Price

This tender was the sixth lowest in price.

Hours - Administration and Civic Centre

The hours tendered are 20 hours per week which is 7hrs more than that required to service the contract. This contract would result in 364 hours per year more. The Evaluation Panel considered this to be unacceptable as it would inflate the overall cost.

Hours - Library

Experience over the past eight years has demonstrated that not less than 10 hours per week is required to maintain a satisfactory service. The hours submitted is 10 hours per week. The Evaluation Panel considered this acceptable.

Capacity to deliver

Du Clene is a medium size commercial cleaning company employing 9 full-time, 47 part time and 16 casual cleaners. They provide a full range of services including cleaning and maintenance.

Expertise and Experience

The submitted information was comprehensive. Their main expertise is in managing large & small commercial office buildings and Local Government offices.

Experience of Staff

The submitted information was comprehensive and demonstrated that this company had the necessary experience.

Financial History

No financial details of the company were provided.

Tender Compliance

Tender compliance was achieved and adequately demonstrated.

APPENDIX 10.3.4

7. DMP (WA) Pty Ltd

Price

This tender was the highest in price.

Hours - Administration and Civic Centre

The hours tendered are 20 hours per week which is currently 6.5hrs per week more than the minimum requirement. This additional cleaning is reflected in the price.

Hours - Library

The hours submitted is 25 hours per week. This is currently 15hrs per week above the current contract. The additional hours is reflected in the price.

Capacity to deliver

DMP employ 0 full-time and 35 part-time and 0 casual staff. They provide a full range of cleaning services.

Expertise and Experience

The information provided was comprehensive.

Experience of Staff

The information provided was comprehensive.

Financial History

Financial details of the company were provided.

Tender Compliance

Full tender compliance was demonstrated.

10.4.1 Leederville Oval (Medibank Stadium) Ground Management Committee - Receiving of Minutes

Ward:	South	Date:	19 February 2007
Precinct:	Oxford Centre, P4	File Ref:	RES0078
Attachments:	001		
Reporting Officer(s):	M McKahey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Leederville Oval Ground Management Committee Meeting held on 15 February 2007, as shown in Appendix 10.4.1.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Leederville Oval Ground Management Committee meeting held on 15 February 2007.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 October 2004, the Council considered the establishment of a Committee for the management of Leederville Oval (now known as "Medibank Stadium") and resolved inter alia as follows;

"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."*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

It is the Town's practice that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations.

10.4.3 Donation to the Lord Mayor's Disaster Relief Fund for the Dwellingup Fires Appeal

Ward:	-	Date:	19 February 2007
Precinct:	-	File Ref:	FIN0008
Attachments:	-		
Reporting Officer(s):	N Greaves, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES a donation of \$2,000 (two thousand dollars) to the Lord Mayor's Distress Relief Fund's Dwellingup Fires Appeal in accordance with the Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance".

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

PURPOSE OF REPORT:

To approve of a donation to the Lord Mayor's Disaster Relief Fund for the Dwellingup Fires Appeal for the areas in the south-east affected by bushfires.

BACKGROUND:

On 3 February the town of Dwellingup (70 kilometre south-east of Perth) and its surrounds were ravaged by bushfires. Embattled residents in the Dwellingup area have suffered as fire has burned through more than 13,000 hectares between the forest community and Coolup and south to the Murray River.

The bushfires ravaged the region for a week and have destroyed homes, fencing, sheds and some livestock. Many people have been left in need of assistance.

In response, the Lord Mayor has established the Dwellingup Fires Appeal as part of the Lord Mayor's Distress Relief Fund.

The Fund is working with the local authorities in Dwellingup to ensure all donations go to those who are most in need.

DETAILS:

The Town has been advised that the best way to offer help is to make a donation to Lord Mayor's Dwellingup Fires Appeal 2007.

Previous Donations

The Town of Vincent has previously provided donations for disaster relief as follows;

Date	Details	Amount
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none"> • Lord Mayor's Moora Flood Appeal • Lord Mayor's Exmouth Cyclone Appeal 	\$1,000 \$1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$5,000
January 2005	Tsunami Appeal to CARE Australia	\$5,000
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund (<i>General request for Donations</i>)	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$2,500
June 2006	Australian Red Cross - Indonesian Earthquake Appeal Fund	\$2,000

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" states;

"OBJECTIVES

To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.

POLICY STATEMENT

1. Council to Approve Requests

All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency (Lord Mayor's Disaster Appeal) and shall be reported to the Council for consideration and determination.

2. *Financial Support*

- (a) *Financial support shall be limited to a maximum of \$5,000 to any one disaster or other significant emergency appeal.*
- (b) *In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*
- (c) *Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."*

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2006-2011, Objective 4.1 *"Provide good strategic decision making governance, Leadership and professional management"*.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$2,000 (two thousand dollars) would be expended from the Donation account.

COMMENTS:

The recommended donation is in accordance with the Town's Policy.

The Presiding Member advised that Cr Doran-Wu had declared a proximity interest in this Item. Cr Doran-Wu departed the Chamber at 6.35pm and did not speak or vote on the matter.

10.1.3 No. 163 (Lot 13) Loftus Street, Corner Galwey Street, Leederville - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses

Ward:	North	Date:	21 February 2007
Precinct:	Leederville; P3	File Ref:	PRO1939 5.2006.590.1
Attachments:	001, 002		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Morley Davis Architects on behalf of the owner Lindsey View Pty. Ltd. for proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses at No. 163 (Lot 13 D/P: 1509) Loftus Street, corner Galwey Street, Leederville, and as shown on plans stamp-dated 5 December 2006 (Contour and Site Feature Survey, Sun Study Plan), 30 January 2007 (Site Plan) and 16 February 2007 (Floor Plans and Elevations), subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the development setback from Loftus Street, being in accordance with the Western Australian Planning Commissions Other Regional Road Reservation in the Metropolitan Region Scheme as per WAPC Plan 13.160/1. No structures including front fences and retaining walls shall be constructed within the Other Regional Road Reservation;*
 - (b) the garage to Residence B being setback at or behind the front setback of that dwelling;*
 - (c) the carport to Residence B being 100 per cent being open on all sides at all times (open type gates/panels are permitted) except to the extent where it abuts the main dwelling building walls; and*

- (d) *the 'screen/hoods' attached to the windows of bedroom 3 of Residence A and bedroom 3 of Residence B on the northern elevation, on the first floor, being a permanent obscure material and be non-moveable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 165 Loftus Street stating no objection to the respective proposed privacy encroachment;*
- (iv) *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;*
- (v) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Loftus Street and Galwey Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *any new street/front wall, fence and gate on Loftus Street and Galwey Street, including along the side boundaries within this front setback area, shall comply with the following:*

 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and a minimum 3.0 metres by 3.0 metres truncation where Galwey Street and Loftus Street intersect, in accordance with the Western Australian Planning Commissions Other Regional Road Reservation; and*
 - (f) *the solid portion adjacent to the Loftus Street boundary (setback in accordance with the Western Australian Planning Commissions Road Reservation) from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (vii) *first obtaining the consent of the owners of No. 165 Loftus Street, Leederville for entry onto their land the owners of the subject land shall finish and maintain the surface of the strata boundary (parapet) walls facing No. 165 Loftus Street, Leederville in a good and clean condition;*
 - (viii) *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;*
 - (ix) *prior to the first occupation of the development, the full length and width of the right of way from Galwey Street to the northern 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; and*
 - (x) *a bond and/or bank guarantee for \$3200 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence.*
-

COUNCIL DECISION ITEM 10.1.3

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 6.36pm.

Moved Cr Maier, Seconded Cr Messina

That;

1. *clause (iii) (a) be amended to read as follows:*

“(iii) (a) the development setback from Loftus Street, being in accordance with the Western Australian Planning Commissions Other Regional Road Reservation in the Metropolitan Region Scheme as per WAPC Plan 13.160/1. No structures including front fences and retaining walls shall be constructed within the Other Regional Road Reservation, OR, the applicant/owner is to obtain written approval from the Department for Planning and Infrastructure stating that any structures such as front fences and retaining walls is acceptable until such time as the land is required by the Department for Planning and Infrastructure/Western Australian Planning Commission;”

2. *clauses (vi)(e) and (f) be amended to read as follows:*

- “(vi) (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and a minimum 3.0 metres by 3.0 metres truncation where Galwey Street and Loftus Street intersect, in accordance with to the satisfaction of the Western Australian Planning Commissions, recognising the regarding Other Regional Road Reservation; and*
- (f) *the solid portion adjacent to the Loftus Street boundary (setback in accordance with to the satisfaction of the Western Australian Planning Commissions, recognising the Other Regional Road Reservation) from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;”*

AMENDMENT CARRIED (5-0)

(Crs Chester and Farrell were apologies. Crs Doran-Wu and Torre were absent from the Chamber and did not vote.)

Moved Cr Lake, Seconded Cr Ker

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

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

Debate ensued.

AMENDMENT CARRIED (5-0)

(Crs Chester and Farrell were apologies. Crs Doran-Wu and Torre were absent from the Chamber and did not vote.)

Elected Members requested that the wording of the standard clause relating to schedule of plants be amended to reflect the change above and this wording be used in the future.

Debated ensued.

MOTION AS AMENDED LOST (4-1)
AS AN ABSOLUTE MAJORITY WAS NOT ACHIEVED

<p><u>For</u> Mayor Catania Cr Ker Cr Lake Cr Maier</p>	<p><u>Against</u> Cr Messina</p>
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(Crs Chester and Farrell were apologies. Crs Doran-Wu and Torre were absent from the Chamber and did not vote.)

Landowner:	Lindsey View Pty Ltd
Applicant:	Morley Davis Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	534 square metres
Access to Right of Way	Western side, 4.2 metres wide, unsealed and privately owned.

BACKGROUND:

26 February 2002	The Council at its Ordinary Meeting resolved not to support the three lot freehold subdivision on the subject site.
26 March 2002	The Council at its Ordinary Meeting conditionally approved demolition of the existing dwelling and refused the development of three (3) two-storey grouped dwellings.
1 May 2002	The Western Australian Planning Commission refused the subdivision of the lot into three lots.
9 July 2002	The Council at its Ordinary Meeting conditionally approved the construction of three (3) two-storey grouped dwellings.

DETAILS:

Approval is sought for the demolition of the existing single house and construction of three (3) two-storey single houses. Vehicular access for the new dwellings is provided from Galwey Street and an adjoining right of way.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Requirements	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.967 dwellings, R60	3 single houses, R60.7, 1.12 per cent density bonus	Noted – refer to Comments.

Site Area	Average Site Area = 180 square metres Minimum Site Area = 160 square metres	Average lot size = 178 square metres Dwelling A = 162 square metres Dwelling B = 162 square metres Dwelling C = 210 square metres	Supported - variation is considered minor and proposed lots are compliant with minimum lot size requirements.
Plot Ratio	0.65 maximum	Dwelling = A 0.65 Dwelling = B 0.63 Dwelling = C 0.62	Noted – no variation.
Setback to Galwey Street: Residence A Residence B Garage to Residence B	4 metres to ground floor, 6 metres to first floor 4 metres to ground floor 6 metres to first floor Garage to be setback at or behind the main dwelling	2.5 metres to ground floor 4 metres to first floor main building 3 metres to first floor balcony 3 metres to ground floor 4 metres to first floor main building 3 metres to first floor balcony Garage set 0.02 metre in front of Residence B	Supported - the visual bulk of the building is reduced by the first floor being stepped back from the ground floor. This creates a more open streetscape. Balconies shown as open style and a 'light weight' material reducing visual bulk of structure. Not supported - considered to have an undue impact on the streetscape and has been addressed in the Officer Recommendation.

Consultation Submissions

Support	Nil	Noted
Western Australian Planning Commission	Requires the development to be setback in accordance with the Other Regional Road Reservation which requires 1.1 to 1.2 metres of land be ceded adjacent to Loftus Street and a 3 metre by 3 metre truncation at the intersection of Galwey Street and Loftus Street.	Supported – conditioned to be setback in accordance with Other Regional Road Reservation requirements. Requires modification to garden area adjacent to Loftus Street, but no changes required to the proposed building structures.
Objection (2)	Open space is negligible. Construction should be limited to two dwellings only.	Not supported - open space complies with R Code requirement. Not supported – refer to Comments regarding density.

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

* 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.

COMMENTS:

Heritage

The existing place proposed for demolition was constructed circa 1922 and represents the generic building stock which was built around Perth following the First World War. The dwelling is tiled and has retained a few of its original features. The place was assessed for heritage value in 2002 in response to a previous application for demolition, which was conditionally approved. The original Heritage Assessment has been updated in terms of the current considerations and is shown as an attachment to this report.

Whilst the building contributes to the streetscape in terms of traditional setbacks and building style, the place has little cultural heritage significance and does not meet the minimum threshold for entry on to the Town's Municipal Heritage Inventory. It is therefore recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Density

The applicant is seeking a 1.12 per cent variation to the average lot/site size. All dwellings meet the minimum lot area requirement of 160 square metres. Clause 3.1.3 of the R Codes allows a variation to the site area where the variation is not more than 5 per cent in area and it would facilitate the development of lots with separate and sufficient frontage to more than one public street. The proposed sites have a frontage of 13 metres and 13.5 metres wide to Galwey Street. This is comparable to the existing adjacent lots on Galwey Street which have frontages between 11.9 metres wide and 12.0 metres wide. Therefore, the proposed frontages are considered to be sufficient and fit into the existing streetscape.

Sense of Openness

The lot is bound by Loftus Street, Galwey Street and a right of way. This separation from other dwellings creates a sense of openness around the development.

Previously Approved Development

The Council at its Ordinary Meeting held on 9 July 2002, conditionally approved three (3) two-storey grouped dwellings on the subject site. Strata lots of 197.6, 167.7 and 168.8 square metres were proposed. At this time, residential development was assessed against the Residential Planning Codes 1991, which required an average and minimum lot area of 166.6 square metres. Therefore, the proposal complied with the lot area requirement. Notwithstanding, this Planning Approval has expired and the current application must be assessed against the current Residential Design Codes 2002 (R Codes 2002).

In this instance, a variation to the density is considered supportable.

Conclusion

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

Crs Doran-Wu and Torre returned to the Chamber at 6.40pm. The Presiding Member advised that the Item 10.1.3 had been lost as an absolute majority had not been achieved.

10.1.1 Further Report - No. 145 (Lot 349 D/P: 2355) Walcott Street, Corner William Street, Mount Lawley - Proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Offices and Nine (9) Single Bedroom Multiple Dwellings

Ward:	South	Date:	20 February 2007
Precinct:	Norfolk; P10	File Ref:	PRO3807; 5.2006.545.1
Attachments:	001 002		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oldfield Knott Architects on behalf of the owner J L Felton for proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Offices and Nine (9) Single Bedroom Multiple Dwellings, at No. 145 (Lot 349 D/P: 2355) Walcott Street, corner William Street, Mount Lawley, and as shown on demolition plans stamp dated 14 November 2006, and revised development plans stamp-dated 11 January 2007 (excluding elevations) and revised elevations dated 20 February 2007, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall 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 \$13,500 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;*
- (iii) *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;*

- (iv) *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 (\$19,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$19,000, subject to the Town agreeing to this arrangement . 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 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);*
- (v) *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;*
- (vi) *first obtaining the consent of the owners of No. 147 Walcott 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. 147 Walcott Street ~~if applicable and the wall adjacent to the right-of-way~~ in a good and clean condition;*
- (vii) *details of an interpretation proposal, which incorporates explicit recognition of the historic values of the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') shall be submitted to and approved by the Town before the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed prior to the first occupation of the new development;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *any proposed vehicular gate adjacent to the William Street being a minimum 50 percent visually permeable when viewed from William Street;*
 - (b) *the awnings being a minimum height of 2.75 metres from the Walcott Street and William Street footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Walcott Street and William Street;*
 - (c) *the residential car parking for each unit being clearly marked for the exclusive use of the respective residential unit;*
 - (d) *each store having a minimum area of 4 square metres; and*
 - (e) *the height of buildings being a maximum of 10.5 metres from the natural ground level.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies and the Residential Design Codes;
- (ix) *prior to the first occupation of the development, one (1) class- one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*

- (x) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xii) *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;*
- (xiii) *doors, windows and adjacent floor areas on the ground floor fronting Walcott and William Streets shall maintain an active and interactive relationship with these streets;*
- (xiv) *the maximum total gross floor area of the offices shall be limited to 253 square metres;*
- (xv) *prior to the first occupation of the development, nine (9) 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;*
- (xvi) *the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) and the Town not to seek from either the Town or the WAPC compensation for any loss, damage or expense to remove the approved works (balconies and awnings) and landscaping strip which encroaches the Other Regional Road reservation/ road widening requirement when the road reservation/road widening/road upgrade is required. This Agreement is to be registered as a Caveat on the Certificate of Title of the subject land. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation shall be borne by the applicant/owners(s);*
- (xvii) *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;*
- (xviii) *the on-site car parking area for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xix) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xx) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xxi) *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 of the following:*
 - (a) *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; and*

- (b) *the Town of Vincent will not issue a visitor car parking permit to any owner or occupier of the units. 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.*

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

- (xxii) *any new street/front wall, fence and gate between the Walcott Street and William Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*

- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

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

- (xxiv) *any proposed vehicular entry gates adjacent to the commercial car parking area shall a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development.*

Note: *The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline*

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That clause (viii)(e) be amended and a new clause (viii)(f) be added as follows:

“(viii) (e) the height of buildings being a maximum of 10.5 metres, excluding the feature blade wall on the eastern corner of the building which can be a maximum height of 12 metres from the natural ground level; and

(f) additional design features using colour and/or relief being incorporated on the visible portions of the north-west face of the building wall facing No. 147 Walcott Street to reduce the visual impact of that wall.”

The Presiding Member ruled that each clause will be considered separately.

Clause (viii)(e) was put.

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

Clause (viii)(f) was put.

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

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 Oldfield Knott Architects on behalf of the owner J L Felton for proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Offices and Nine (9) Single Bedroom Multiple Dwellings, at No. 145 (Lot 349 D/P: 2355) Walcott Street, corner William Street, Mount Lawley, and as shown on demolition plans stamp dated 14 November 2006, and revised development plans stamp-dated 11 January 2007 (excluding elevations) and revised elevations dated 20 February 2007, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*

- (ii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall 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 \$13,500 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;*
- (iii) *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;*
- (iv) *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 (\$19,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$19,000, subject to the Town agreeing to this arrangement. 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 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);*
- (v) *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;*
- (vi) *first obtaining the consent of the owners of No. 147 Walcott 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. 147 Walcott Street in a good and clean condition;*
- (vii) *details of an interpretation proposal, which incorporates explicit recognition of the historic values of the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') shall be submitted to and approved by the Town before the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed prior to the first occupation of the new development;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *any proposed vehicular gate adjacent to the William Street being a minimum 50 percent visually permeable when viewed from William Street;*
 - (b) *the awnings being a minimum height of 2.75 metres from the Walcott Street and William Street footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Walcott Street and William Street;*
 - (c) *the residential car parking for each unit being clearly marked for the exclusive use of the respective residential unit;*
 - (d) *each store having a minimum area of 4 square metres; and*

- (e) the height of buildings being a maximum of 10.5 metres, excluding the feature blade wall on the eastern corner of the building which can be a maximum height of 12 metres from the natural ground level; and*
- (f) additional design features using colour and/or relief being incorporated on the visible portions of the north-west face of the building wall facing No. 147 Walcott Street to reduce the visual impact of that wall.*

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

- (ix) prior to the first occupation of the development, one (1) class- one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (x) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xi) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xii) 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;*
- (xiii) doors, windows and adjacent floor areas on the ground floor fronting Walcott and William Streets shall maintain an active and interactive relationship with these streets;*
- (xiv) the maximum total gross floor area of the offices shall be limited to 253 square metres;*
- (xv) prior to the first occupation of the development, nine (9) 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;*
- (xvi) the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) and the Town not to seek from either the Town or the WAPC compensation for any loss, damage or expense to remove the approved works (balconies and awnings) and landscaping strip which encroaches the Other Regional Road reservation/ road widening requirement when the road reservation/road widening/road upgrade is required. This Agreement is to be registered as a Caveat on the Certificate of Title of the subject land. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation shall be borne by the applicant/owners(s);*
- (xvii) 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;*
- (xviii) the on-site car parking area for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*

- (xix) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xx) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xxi) *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 of the following:*
- (a) *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; and*
 - (b) *the Town of Vincent will not issue a visitor car parking permit to any owner or occupier of the units. 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.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xxii) *any new street/front wall, fence and gate between the Walcott Street and William Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xxiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the William Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

(xxiv) *any proposed vehicular entry gates adjacent to the commercial car parking area shall a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 13 February 2007 considered the subject proposal and resolved the following:

"That the Item be DEFERRED to allow for the heights to be checked".

The applicant has provided additional information clarifying the height of the building as per revised plans dated 20 February 2007 (attached), which can be summarised as follows:

- The maximum height as stated on the plans is 12 metres for the feature blade wall and 10.025 metres for the corner roof.
- The boundary wall on the north-west corner is 11.26 metres in height.
- The "high and low" facade on the William Street elevation measures 10.78 metres (high roof) and 9.75 metres (parapet wall).

The applicant is also prepared to reduce the above height to 10.5 metres for the following reasons:

- *"Respectfully request Council to consider a maximum height of 10.5 metres instead of 10 metres, as this would result in better amenity for the overall development.*
- *The building would benefit from the additional 0.5 metres in the slab-to-slab and ceiling spaces, especially across the corner two floors of commercial tenancies.*
- *The increased height results in increased ceiling space that will easily and better accommodate mechanical ducting, structural members, lights fixtures, electrical cabling and plumbing."*

The Assessment Table below has been amended to reflect the heights in the revised plans dated 20 February 2007:

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Height of Building	10 metres	<ul style="list-style-type: none"> • 11.4 metres • <u>12 metres for the feature blade wall.</u> • <u>10.025 metres for the corner roof.</u> • <u>11.26 metres in height to the boundary wall on the north-west corner.</u> 	<p>Not supported in part- as undue impact on the amenity of the area, and there is opportunity to comply with the 10 metres height limit associated with three (3) storey buildings with concealed roofs, <u>however, a 10.5 metres height is supported, being a corner site and to give prominence to this gateway into the Town.</u></p>

		<ul style="list-style-type: none"> • <u>10.78 metres (high roof) and 9.75 metres (parapet wall), for facade on the William Street elevation.</u> 	
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The previous Officer Recommendation remains unchanged, with the exception of condition (viii) (e) such that the maximum height supported is increased from 10 metres to 10.5 metres, based on the additional information and justification provided by the applicant.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 13 February 2007.

"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 Oldfield Knott Architects on behalf of the owner J L Felton for proposed Demolition of Existing Building and Construction of a Three (3) Storey Mixed Use Development Comprising Offices and Nine (9) Single Bedroom Multiple Dwellings, at No. 145 (Lot 349 D/P: 2355) Walcott Street, corner William Street, Mount Lawley, and as shown on demolition plans stamp dated 14 November 2006, and revised development plans stamp-dated 11 January 2007, subject to the following conditions:

- (i) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall 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 \$13,500 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;*
- (iii) 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;*

- (iv) *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 (\$19,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$19,000, subject to the Town agreeing to this arrangement . 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 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);*
- (v) *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;*
- (vi) *first obtaining the consent of the owners of No. 147 Walcott 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. 147 Walcott Street if applicable and the wall adjacent to the right-of-way in a good and clean condition;*
- (vii) *details of an interpretation proposal, which incorporates explicit recognition of the historic values of the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') shall be submitted to and approved by the Town before the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed prior to the first occupation of the new development;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *any proposed vehicular gate adjacent to the William Street being a minimum 50 percent visually permeable when viewed from William Street;*
- (b) *the awnings being a minimum height of 2.75 metres from the Walcott Street and William Street footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Walcott Street and William Street;*
- (c) *the residential car parking for each unit being clearly marked for the exclusive use of the respective residential unit; ~~and~~*
- (d) *each store having a minimum area of 4 square metres; and*
- (e) *the height of buildings being a maximum of 10 metres from the natural ground level.*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies and the Residential Design Codes;*
- (ix) *prior to the first occupation of the development, one (1) class- one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (x) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*

- (xi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xii) *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;*
- (xiii) *doors, windows and adjacent floor areas on the ground floor fronting Walcott and William Streets shall maintain an active and interactive relationship with these streets;*
- (xiv) *the maximum total gross floor area of the offices shall be limited to 253 square metres;*
- (xv) *prior to the first occupation of the development, nine (9) 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;*
- (xvi) *the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) and the Town not to seek from either the Town or the WAPC compensation for any loss, damage or expense to remove the approved works (balconies and awnings) and landscaping strip which encroaches the Other Regional Road reservation/ road widening requirement when the road reservation/road widening/road upgrade is required. This Agreement is to be registered as a Caveat on the Certificate of Title of the subject land. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation shall be borne by the applicant/owners(s);*
- (xvii) *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;*
- (xviii) *the on-site car parking area for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xix) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xx) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xxi) *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 of the following:*
 - (a) *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; and*
 - (b) *the Town of Vincent will not issue a visitor car parking permit to any owner or occupier of the units. 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.*

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

- (xxii) *any new street/front wall, fence and gate between the Walcott Street and William Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xxiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the William Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xxiv) *any proposed vehicular entry gates adjacent to the commercial car parking area shall a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development.*

Note: *The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline*

COUNCIL DECISION ITEM 10.1.4

Cr Messina returned to the Chamber at 7.25pm.

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Messina

That the Item be DEFERRED to allow for the heights to be checked.

CARRIED (7-0)

(Crs Farrell and Torre were apologies.)

<i>Landowner:</i>	<i>J L Felton</i>
<i>Applicant:</i>	<i>Oldfield Knott Architects</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Local Centre</i>
<i>Existing Land Use:</i>	<i>Service Station</i>
<i>Use Class:</i>	<i>Office Building and Multiple Dwellings</i>
<i>Use Classification:</i>	<i>"P" and "AA"</i>
<i>Lot Area:</i>	<i>999 square metres</i>
<i>Access to Right of Way</i>	<i>Not applicable</i>

BACKGROUND:

3 November 2006 *The proposal was forwarded to the Western Australian Planning Commission (WAPC) for comments.*

DETAILS:

The proposal involves the demolition of existing service station building and construction of a three (3) storey mixed use development comprising offices and nine (9) single bedroom multiple dwellings. Vehicular access to the site is off William Street. The proposal also involves the closure of an existing crossover off Walcott Street.

The applicant's submission is "Laid on the Table".

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>R60 or 9 single bedroom multiple dwellings</i>	<i>R60 or 9 single bedroom multiple dwellings</i>	<i>Noted - no variation.</i>
<i>Plot Ratio</i>	<i>0.70 - 699 square metres</i>	<i>0.63 - 626 square metres</i>	<i>Noted - no variation.</i>
<i>No of Storeys as per Non-Residential/Residential Development Interface Policy</i>	<i>2 storeys is strongly encouraged. Three (3) storeys can be considered provided the amenity of adjacent residential area is protected.</i>	<i>3 storeys</i>	<i>Supported – as the subject Local Centre allows for 3 storey development and (lofts) to be considered, provided the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk, in which this development complies with and given the context of the site being within a Local Centre, along two district distributor roads and in close proximity to public transport. It is also gives prominence to this strategically located corner site.</i>

<i>Stores</i>	<i>4 square metres in area</i>	<i>3.55 square metres in area (Units 1,2,3,5,6,7 and 8)</i>	<i>Not supported - an undue impact on amenity of occupiers and has been conditioned to comply.</i>
<i>Setback to Balconies on First and Second Floors facing William Street</i>	<i>4.9 metres</i>	<i>2.9 metres</i>	<i>Supported - the setback is considered not to have an undue impact on the streetscape. The WAPC has also supported the encroachments into the road reserve.</i>
<i>Height of Building</i>	<i>10 metres</i>	<i>11.4 metres</i>	<i>Not supported- as undue impact on the amenity of the area and there is opportunity to comply with the 10 metres height limit associated with three (3) storey buildings with concealed roofs.</i>
<i>Landscaping</i>	<i>10 per cent</i>	<i>9.1 per cent</i>	<i>Supported - on the basis that the applicant is required to contribute to the Town's Percentage for Art Scheme and the upgrading of the adjacent footpath, each dwelling has been provided with an adequate and functional area of outdoor living area (balconies) and due to the nil setback proposed, any further landscaping to be provided is not considered to benefit the wider community.</i>
<i>Consultation Submissions</i>			
<i>Support (2)</i>	<i>No comments provided.</i>		<i>Noted.</i>
<i>Objection (7)</i>	<i>The 3 storey development facing is too high and would result on visual impact based on bulk and scale of development and inconsistent with the surrounding area. Non-compliance with the Town's Policy relating to Non-Residential /Residential Development Interface, including the third storey being setback 4 metres from the front building line.</i>		<i>Not supported - for the reasons provided in the above non-compliance table.</i>

	<p><i>Balconies setback to close to William Street, and may result in danger to pedestrians and building.</i></p>	<p><i>Not supported - as the setback is to the first and second floor balconies and not the ground floor. The WAPC has not objected to the reduced setbacks. The balconies also provide direct interaction of upper floor built form and uses with the street.</i></p>
	<p><i>Demolition of the existing building on-site and heritage implication, and Council is urged to keep heritage nature of locality as its highest priority. Proposal would undermine the character of building within close proximity of site.</i></p>	<p><i>Not supported - as a full heritage assessment has been undertaken, and the demolition is supported by the Town's Heritage Officers.</i></p>
	<p><i>Loss of privacy to adjoining residential properties.</i></p>	<p><i>Not supported - as the proposal complies with the privacy requirements of the Residential Design Codes.</i></p>
	<p><i>Proposed car parking is considered inadequate for the proposed uses. The proposal will be relying on goodwill of neighbouring properties for car parking and also on street car parking in the surrounding area. Affected landowners may seek compensation from Town for any parking infringements on neighbouring properties including loss of business.</i></p>	<p><i>Not supported - as the car parking is in compliance with the Town's Policy relating to Parking and Access. The issue of compensation is noted. Any unauthorised car parking occurring on a neighbouring property is a private matter between the affected landowners and those who park on the property.</i></p>
	<p><i>The use of glass will detract the visual appeal of the building and not keep with the type and character of the immediate area.</i></p>	<p><i>Not supported- as the proposal will provide interaction of uses with both streets.</i></p>
	<p><i>Size of stores should be compliant, as anything less may result in personal items being stored outside, resulting in slum like appearance.</i></p>	<p><i>Supported - has been conditioned to comply.</i></p>
	<p><i>The reduced setback along Walcott Street will result in loss of visibility to existing businesses from westbound traffic.</i></p>	<p><i>Not supported- as the building can have a nil setback to Walcott Street, and the issues raised is not substantiated with any statistical evidence.</i></p>

	<i>Zoning of subject property seems to have changed and as such the adjoining property should be allowed to operate as a retail business.</i>	<i>Noted. The zoning has not changed. The proposed office use is a "P" or permitted use and the multiple dwelling use is an "AA" or discretionary use.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

** 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.*

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 9 car bays, based on the standard of one (1) car bay for each of the 9 proposed single bedroom multiple dwellings. A total of 14 car bays have been provided for the entire development; therefore, resulting in five (5) car bays available for the commercial component.

Commercial Car Parking

<i>Requirements as per Parking and Access Policy</i>	<i>Required</i>
<i>Total car parking required before adjustment factor (nearest whole number)</i>	
<i>Office-1 car bay per 50 square metres gross floor area (proposed 253 square metres) = 5.06 car bays.</i>	<i>5 car bays</i>
<i>Apply the parking adjustment factors.</i>	<i>(0.68)</i>
<ul style="list-style-type: none"> ▪ <i>0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</i> ▪ <i>0.85 (within 400 metres of a bus stop)</i> 	<i>3.4 car bays</i>
<i>Car parking provided on-site for commercial component</i>	<i>5 car bays</i>
<i>Resultant surplus</i>	<i>1.6 car bays</i>

Bicycle Parking

<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Office</i>		
<i>1 per 200 (proposed 253) square metres public area for employees (class 1 or 2).</i>	<i>1.265 space</i>	<i>Bicycle parking shown on plans, within the service access.</i>
<i>1 space per 750 square metres over 1000 square metres for visitors (class 3).</i>	<i>N/A</i>	<i>N/A</i>

COMMENTS:

WAPC COMMENTS

The initial proposal has been referred to the Western Australian Planning Commission (WAPC) as the proposal abuts Walcott Street and William Street, which are both classified as "Other Regional Roads" and also due to regional implications. The WAPC has advised that the encroachments (balconies, and landscaping) within the William Street Road reserve was supportable, subject to the applicant's entering into a deed of agreement with the WAPC and the Town not to seek compensation for removal of the above structures. The WAPC is yet to respond to the revised plans dated 11 January 2007. The road widening reservations along Walcott Street is 2.9 metres, and along William Street is 4.9 metres, which will be required for future road widening purposes.

Demolition

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory (MHI). The Town released a draft list of places considered to have cultural heritage value on 21 June 2006, for community consultation. The subject place at No. 145 (Lot 149) Walcott Street, Mount Lawley ('Bongiorno's Garage') was recognised on the draft list. After a period of community consultation a revised MHI was adopted by the Council at its Ordinary Meeting held on 12 September 2006. The adopted list comprises places which had received no objection from the owners.

The subject place was identified by Heritage consultants, the Hocking Planning and Architecture Collaboration as a "Category A" place as a rare surviving example of a service station/garage of the Inter-war period, which demonstrates the nature and standard of these early service station/garage facilities. The place was also recognised for its landmark value. The owner of the subject place objected to the proposed listing of the place onto the MHI for various reasons including:

- Disappointment in consultation process adopted by the Town;*
- Detrimental impact upon the landowners impending plans for the redevelopment and use of the property;*
- Adverse impact on the financial value of the site and the loss of opportunity to develop site in a way that better contributes to the amenity of the area; and*
- Wider planning concerns including proposed widening of Walcott and William Streets and the requirement to remove underground fuel storage tanks in accordance with DOIR.*

During the consultation period, the Town's Heritage Officers met with the owner of the subject place and their representative and visited the subject place so as to conduct a full heritage assessment. A full heritage assessment was prepared by the Town's Heritage Officers with the information available and presented a draft copy to the owner for comment. The heritage assessment found the place to have some historic value in demonstrating the advent of the motor car in the first half of the twentieth century in the locality and early designs applied to the newly emerging motor service industry. However, it was not considered that the place had sufficient historic value to warrant allocation of a 'Category A' management recommendation. It was also considered that the adaptive reuse capacity of the place as a whole was extremely limited considering the planning controls affecting road widening, location, environmental considerations and the reduced authenticity of the place.

A detailed Heritage Assessment is contained in the attachment to this report.

The proposed listing of the place onto the MHI was considered by the Council at its Ordinary Meeting held on 7 November 2006. The Council resolved to exclude the place at No. 145 (Lot 349) Walcott Street, Mount Lawley ('Bongiorno's Garage') from the Town's Municipal Heritage Inventory. In light of the recent consideration of the place onto the Town's MHI, it is recommended that the Council conditionally approve the demolition of the subject dwelling in accordance with the Officer Recommendation. Whilst the place was not formally listed onto the Municipal Heritage Inventory, to recognise the places historic value, it is recommended that a plaque or an alternative form of interpretation be created and displayed in the redevelopment of the site.

Conclusion

The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is, therefore, supported subject to standard and appropriate conditions to address the above matters. "

10.4.2 Approval of Lease with Gymnastics Western Australia for part of the Loftus Centre, 99 Loftus Street, Leederville, known as the "State Gymnastics Centre"

Ward:	South	Date:	21 February 2007
Precinct:	Oxford Centre, P4	File Ref:	PRO3449
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES of the Lease between the Town of Vincent and Gymnastics Western Australia Inc for part of the Loftus Centre, 99 Loftus Street, Leederville, as "Laid on the Table";*
- (ii) *AUTHORISES the Chief Executive Officer to make minor variations to the documents, which may arise during the negotiations and finalisation of the documents; and*
- (iii) *AUTHORISES the Mayor and the Chief Executive Officer to sign the Lease and affix the Common Seal.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Torre, Seconded Cr Lake

That the recommendation be adopted.

Cr Messina departed the Chamber at 6.45pm.

CARRIED (6-0)

(Crs Chester and Farrell were apologies. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF THE REPORT:

The purpose of the report is for the Council to approve of the Lease for part of the Loftus Centre for Gymnastics WA, known as the State Gymnastics Centre, as shown in Appendix 10.4.2.

BACKGROUND:

The Town's Chief Executive Officer has prepared draft Lease documents to reflect the Terms and Conditions based on the information reported to Council at the Special Meeting of Council held on 26 October 2006. The Town has extensively liaised with Gymnastics WA and the Department of Sport concerning the terms and conditions of the draft lease. All parties are now in agreeance, subject to final approval.

DETAILS:

The details of the Lease are as follows;

Land

Lot 10926 on Deposited Plan 216914 being the whole of the land described in Crown Land Certificate of Title Volume 3049 Folio 447.

Building

The improvements erected on the Land generally known as the Loftus Recreation Centre.

Premises

Those parts of the ground floor and first floor of the Building (cross hachured on the Plan, as shown in Appendix 10.4.2).

Initial Term

Ten (10) years.

- (a) Commence Date: 1 May 2008, or date thereafter to be mutually agreed between the Town and Gymnastics WA.
- (b) Expiration Date: 31 December 2017.

Rent

- (a) \$40,000 plus GST, increased annually on 1 July by CPI.
- (b) Payable in advance by equal monthly instalments on the first day of each month commencing on the Commencement Date.

Rent Review Dates

1 July in each year during the Term and any further term.

Lettable Area of the Premises

Approximately 2,500m².

Permitted Business

Gymnastics Centre.

Prescribed Rate (for overdue monies)

4% per annum more than the maximum overdraft rate (expressed as a rate per annum) from time to time applied by the Commonwealth Bank of Australia on overdrafts of less than \$100,000.

Intervals for Painting

At the expiration of every five (5) years during the Term.

Further Term of this Lease

Ten (10) years.

- (a) Commence Date: 1 January 2018.
- (b) Expiration Date: 31 December 2027.

Security Deposit

\$ Nil.

Contribution to the Reserve Fund

\$10,000 plus GST, increased annually on 1 July by CPI, payable annually in advance, with the first payment date on the Commencement Date.

DRAFT LEASE

The Lease covers the following items;

1. Defined Terms and Interpretation

Defines the terms used in the Lease.

2. Lease and Licence

Prescribes the Lease term.

3. Payments

Prescribes the payments to be made.

4. Insurance and Indemnity

Defines the insurance obligations of the tenant and indemnity provisions for the Town.

5. Maintenance and Repair

Prescribes and clarifies the repairs and maintenance requirements of both parties.

6. Use of Premises

Prescribes the use of the premises for recreational and leisure purposes only.

7. Alterations and Installations

Prohibits Gymnastics WA to make alterations and installations without prior approval.

8. Entry by Town

Prescribes the Town's right to inspect/enter the property. Twenty-four (24) hours notice to be provided, except in urgent matters.

19. Assignment and Subletting

Prescribes that the Town's prior approval is required before any assignment or subletting is carried out.

10. Expiration of the Term

Prescribes the requirements to be undertaken by Gymnastics WA at the expiration of the term of the lease.

11. Reports to the Town and Miscellaneous

Requires Gymnastics WA to submit reports to the Town, as requested.

12. Town's Covenants

This prescribes the requirements for Gymnastics WA to have rights to the premises to enable them to fulfil lease requirements (without undue interference from the Town).

13. Default and Termination

Prescribes the default provisions.

14. Miscellaneous, Notices and Other Communications

Prescribes the conditions for the issue of any notices or letters.

15. Dispute Resolution

Defines the dispute resolution procedures.

16. Trustee Provisions

Prescribes the conditions for any Trustee (if applicable) in the future.

17. Town's Option of Renewal

Defines the conditions relating to the Option period.

18. Capital Works and Redevelopment

Defines the rights of each party in the event of redevelopment of the Centre.

19. Legal Costs

Requires each party to pay their own legal costs.

20. No Absolute Caveat

Prohibits Gymnastics WA from placing any caveat on the premises.

FINANCIAL/BUDGET IMPLICATIONS:

The Lease will ensure that the legal obligations between the parties are protected. As the bulk of the preparation of the document has been carried out in-house by the Town's Chief Executive Officer, and only minimal work by the Town's solicitors, the legal cost for the checking of the Lease is approximately \$2,000.

LEGAL/POLICY IMPLICATIONS:

The Lease reflects the Terms and Conditions of the Town's Tender requirements.

The Town is required to approve of a lease to Gymnastics WA, as a requirement precedent to the Financial Assistance Agreement. In view of the State Government's financial contribution of \$3.7 million towards the Loftus Redevelopment Project, the State Government approval of the Lease is also required before the Department of Sport and Recreation makes any payment to the Town.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2006-2011, Objective 2.1.6(a) - *"Review leases and commercial contracts to ensure the best return for the Town, whilst being cognisant of its community service obligations."*

COMMENT:

The Town's long term partnership with Gymnastics WA will be protected by the Lease document.

It is considered that this long term partnership will be a major benefit to the Town and its residents and ratepayers.

10.1.5 Nos. 51-53 (Lot 108 D/P: 2355) Burt Street, North Perth - Single Storey Single House

Ward:	South	Date:	19 February 2007
Precinct:	Norfolk; P10	File Ref:	PRO3161; 5.2007.54.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted the owner A La Piana for proposed Single Storey Single House, at Nos. 51-53 (Lot 108 D/P: 2355) Burt Street, North Perth, and as shown on plans stamp-dated 1 February 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Burt Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage boundary wall on the eastern elevation being a maximum wall height of 3.5 metres with a maximum average wall height of 3 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (iv) *first obtaining the consent of the owners of No. 49 Burt 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. 49 Burt Street in a good and clean condition.*
-

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Cr Messina returned to the Chamber at 6.47pm.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Torre

That clause (iii) be deleted and the remaining clause renumbered.

AMENDMENT CARRIED (4-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Ker
Cr Doran-Wu	Cr Lake
Cr Messina	Cr Maier
Cr Torre	

(Crs Chester and Farrell were apologies.)

MOTION AS AMENDED CARRIED (6-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Doran-Wu	
Cr Ker	
Cr Maier	
Cr Messina	
Cr Torre	

(Crs Chester and Farrell were apologies.)

COUNCIL DECISION ITEM 10.1.5

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 the owner A La Piana for proposed Single Storey Single House, at Nos. 51-53 (Lot 108 D/P: 2355) Burt Street, North Perth, and as shown on plans stamp-dated 1 February 2007, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (ii) *any new street/front wall, fence and gate between the Burt Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iii) *first obtaining the consent of the owners of No. 49 Burt 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. 49 Burt Street in a good and clean condition.*

Landowner:	A La Piana
Applicant:	A La Piana
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

24 May 2005 The Council at its Ordinary Meeting resolved as follows in regards to the proposed demolition of existing single house at No. 51 (Lot 108) Burt Street, North Perth:

"That the Item be DEFERRED to allow discussion with the applicant on the benefits of retaining the existing dwelling."

14 June 2005 The Council at its Ordinary Meeting granted conditional approval for proposed demolition of existing single house at No. 51 (Lot 108) Burt Street, North Perth.

1 November 2006 The Town under delegated authority from the Council, granted conditional approval for single storey single house at Nos. 51-53 (Lot 108) Burt Street, North Perth. Condition (iii) (a) of the conditional approval stated as follows:

"(iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:

(a) the garage boundary wall on the eastern elevation being a maximum wall height of 3.5 metres with a maximum average wall height of 3 metres; and..."

5 December 2006 The Council at its Ordinary Meeting granted conditional approval for single storey single house at Nos. 51-53 (Lot 108) Burt Street, North Perth. Condition (iii) of the conditional approval stated as follows:

"(iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage boundary wall on the eastern elevation being a maximum wall height of 3.5 metres with a maximum average wall height of 3 metres; and

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

DETAILS:

The application involves the re-consideration of condition (iii) applied to the conditional approval granted by the Council at its Ordinary Meeting on 5 December 2006, for single storey single house at the subject property.

Condition (iii) of this approval states as follows:

"(iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage boundary wall on the eastern elevation being a maximum wall height of 3.5 metres with a maximum average wall height of 3 metres; and

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

The applicant's submission is "*Laid on the Table*".

Council Determination

Delegated Authority No. 110 allows for the subject application to be determined under delegated authority; however, in this particular instance, a commitment by the Executive Manager Environmental and Development Services was made to the applicant that the application would be presented to the Council for a second time for determination.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Building on Boundary (East Parapet Wall)	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Wall height - 3.6 metres - 4 metres (average 3.8 metres).	Not supported - <ul style="list-style-type: none"> • Non-compliant with the boundary wall height requirements of the R Codes; • affected neighbour has objected; and • considered to have an undue impact on the streetscape.
Fill	0.5 metre.	1.3 metres.	Noted - the Council at its Ordinary Meeting held on 5 December 2006 resolved to delete a condition requiring the fill within the front setback area to be a maximum height of 0.5 metre in relation to the previous application.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> • Previous objection to the proposal, with no specific comments provided. 		Supported in part - as boundary wall is considered to have an undue impact on the affected neighbour and the streetscape.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* 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.

COMMENTS:

The re-consideration of condition (iii) is not supported for the following reasons:

- The proposed boundary parapet wall will be located adjacent to an approved 3 metres high fence at No. 49 Burt Street along the eastern property boundary. It is considered that the proposed 3.6 metres - 4 metres (average height 3.8 metres) parapet wall in addition to the existing approved 3 metres high wall will intensify the undue impact on the streetscape and surrounding amenity;

- The boundary parapet wall is considered to have an undue impact on the affected neighbour;
- The affected neighbour objected to the proposal;
- The boundary parapet wall height is not compliant with the boundary wall height requirements of the R Codes; and
- It is feasible for the parapet wall to comply with the boundary wall height requirements of the R Codes and still achieve the same outcome being a three car garage.

In light of the above, condition (iii) on the Planning Approval granted by the Council at its Ordinary Meeting held on 5 December 2006 should be retained and also applied on the subject Planning Application.

10.1.2 Nos. 59-61 (Lots 10, 16, 17, 18, 19, and 20) Brewer Street, Corner Pier Street and Thorley Street - Proposed Demolition of Existing Warehouse Buildings and Construction of Four (4) Storey Residential Building Comprising Forty One (41) Multiple Dwellings and Basement Car Parking

Ward:	South	Date:	21 February 2007
Precinct:	Beaufort; P13	File Ref:	PRO3797; 5.2006.528.1
Attachments:	001_002		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Overman & Zuideveld Architects on behalf of the owner Schnapper Developments and Town of Vincent for proposed Demolition of Existing Warehouse Buildings and Construction of Four (4) Storey Residential Building Comprising of Forty One (41) Multiple Dwellings and Basement Car Parking at Nos. 59-61 (Lots 10, 16, 17, 18, 19 and 20) Brewer Street, corner Pier Street and Thorley Street, and as shown on site survey stamp dated 2 November 2006, and revised plans stamp-dated 12 January 2007, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall 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 \$18,660 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.*
- (v) *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 of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial, non-residential activities and adjacent stadium; and*

(b) the Town of Vincent will not issue a visitor car parking permit to any owner or occupier of the units. 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.

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and

(vi) any new street/front wall, fence and gate between the Brewer Street, Pier Street and Thorley Street boundaries and the main building, including along the side boundaries within this front setback area, shall comply with the following:

(a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;

(b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;

(c) the maximum width, depth and diameter of posts and piers being 350 millimetres;

(d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and

(e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;

(vii) 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;

(viii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;

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

(x) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;

- (xi) *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. All tandem car bays are to be allocated for a specific multiple dwelling;*
- (xii) *the proposed vehicular gate for the basement car park being a minimum 50 percent visually permeable when viewed from rear right-of-way;*
- (xiii) *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);*
- (xiv) *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;*
- (xv) *prior to the first occupation of the development, the full length and width of the rear right of way from Pier Street to Thorley Street abutting the subject land shall be resealed, to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xvi) *a bond and/or bank guarantee for \$9,720 for the full upgrade of the right-of-way shall be lodged prior to the issue of a Building Licence; and*
- (xvii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating balconies of units 9, 19, 18, 17, 16, 20, 30, 29, 28, 27, 31, 41, 40, 39, and 38, living rooms windows of units 9, 20 and 31 and bedroom 2 windows of units 9, 20 and 31 on the southern elevation facing the rear right-of-way on the first, second and third floors, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along Edward Street, respectively, stating no objections to the proposed privacy encroachment.*

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

Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline

COUNCIL DECISION ITEM 10.1.2

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

The Chief Executive Officer advised that he would declare an interest affecting impartiality in this matter. The nature of his interest being that as CEO he is responsible the day to day management of the Town's operations which include overseeing the sale of the adjoining Town owned land.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Torre

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

“(v) (a) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial, non-residential activities including an alleged brothel and adjacent stadium; and”

Debate ensued.

AMENDMENT WITHDRAWN
WITH THE CONSENT OF THE SECONDER

Debate ensued.

The Chief Executive advised that the Executive Manager Technical Services and Executive Manager Environmental and Development Services would declare an interest affecting impartiality in this matter. The nature of their interests being that they are aware that the Council has approved of the sale of a portion of Town owned land to the owners of the proposed development. They have processed the plan and dealt with the applicants without bias and in the best interests of the Town.

Moved Cr Doran-Wu, Seconded Cr Torre

That the Item be DEFERRED to allow the height of the development on the southern boundary to be redressed, allow consideration of a mixed three and four storey development and to address the resident's concerns.

CARRIED (6-1)

For
Mayor Catania
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Maier
Cr Torre

Against
Cr Messina

(Crs Chester and Farrell were apologies.)

ADDITIONAL INFORMATION:

At an Elected Members Forum held on 14 November 2006, the matter of 'affordable housing' was discussed in the context of Item 4.2.5 relating to Amendment No. 25-Planning and Building Policies - Appendix No. 16 Design Guidelines for half Street Block bounded by Fitzgerald, Newcastle and Stuart Streets and Pental Lane. In this respect, Elected Members saw this street block as a prime opportunity to require a percentage provision of affordable housing.

Discussion at the Forum primarily related to the provision of affordable housing within the subject street block along with examples of methods and constructed outcomes of affordable housing within the metropolitan area. Further, Elected Members discussed the absence of an Affordable Housing Strategy and associated Policies for the whole of the Town and concern was expressed that targeting this particular area in an ad hoc fashion was not necessarily desirable without adequate provisions in place to guide this type of housing.

The Council at its Ordinary Meeting held on 21 November 2006, has subsequently requested the Chief Executive Officer, to:

- "(i) *prepare a Project Brief and the Terms of Reference for Council's approval for the preparation of an "Affordable Housing Strategy" and such Strategy to include the following:*
- (a) *the role of local government and various key stakeholders;*
 - (b) *definition of "affordable housing", "social housing", "special needs housing", "rent", "ownership" and "occupier" "eligibility criteria";*
 - (c) *identification of potential partnerships including Banks and their roles;*
 - (d) *"triple bottom line" objectives and sustainability principles;*
 - (e) *relationship with the Town's planning and building policies and other legislation (including application, bonuses or concessions based on density, zoning, car parking provisions);*
 - (f) *identification and assessment of the various affordable housing models including examples; and*
 - (g) *an Implementation Plan for the proposed Strategy and including the financial implications for the Town;*
- (ii) *identify a source of funds to carry out the proposed Affordable Housing Strategy; and*
- (iii) *submit a report on the Draft Project Brief and Terms of Reference for the Council's consideration no later than April 2007."*

Accordingly, the requirements for the provision of affordable housing has not been imposed on this current development proposal, as it is considered reasonable that developers/owners/applicants should be made aware of all planning requirements upfront at the design stage so that they have an opportunity to consider among other aspects, the financial viability of their project.

In terms of the issue raised relating to the alleged "Brothel" activity being carried out at No. 140 Edward Street, the above issue has been reported to the Council on various occasions, however due to the lack of State Legislation, this matter has been held in abeyance by the WA Police Department, State legislators and the Town. In terms of the concerns raised in the submission about the public liability of the Town in not allowing future landowners know about the alleged "Brothel" at No. 140 Edward Street including the sharing of the common right-of way, the Town's Officers are of the view that proposed condition (v) (a) below would be considered adequate to notify landowners of the above activity:

"(v) 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 of the following:

(a) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial, non-residential activities and adjacent stadium; and"

However, if Elected Members are of the view that the alleged "Brothel" activity should be included, then the above proposed condition should be amended accordingly.

In terms of the privacy screening, only those balconies, living room windows and bedroom windows within 7.5 metres, 6 metres and 4.5 metres respectively to the adjoining lots to the south are required to be screened in accordance with the R Codes. A 'Corrected Recommendation' that explicitly addresses this matter is proposed to this effect.

Landowner:	Schnapper Developments and Town of Vincent
Applicant:	Overman & Zuideveld Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Warehouse
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	1820 square metres
Access to Right of Way	South side, 3 metres wide, unsealed, privately owned

BACKGROUND:

Five of the six lots the subject of this development is owned by Schnapper Developments. The remaining Lot 10 is owned by the Town. Schnapper Developments is currently in the process of purchasing Lot 10 from the Town.

19 September 2006 The above proposal was presented to an Elected Members Forum by the applicants.

24 October 2006 The Council at its Ordinary Meeting considered the matter relating to the sale of Lot 10 corner of Brewer and Pier Streets, Perth.

5 December 2006 The Council at its Ordinary Meeting re-considered the matter relating to the sale of Lot 10 corner of Brewer and Pier Streets, Perth.

DETAILS:

The proposal involves the proposed demolition of existing warehouse buildings and the construction of a four (4) storey residential development and basement car parking comprising forty one (41) multiple dwellings. Access to the basement car park will be off the rear right-of-way. At grade angle visitor car parking is also provided off the rear right-of-way.

Most of the relevant concerns raised in the public submissions have been addressed in the applicant's comprehensive submission. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R80 (14.56 multiple dwellings)	R225 (41 multiple dwellings). 181 per cent density bonus	Supported – as the development is consistent with the objectives of Clause 40 of TPS 1, in terms of enhancing the amenity of the area, with the demolition of the existing warehouses, consistent with proper and orderly planning of the locality, in terms of the planning vision for the area, and intensity and use is consistent with the surrounding development and land uses, occupiers of the development and the conservation of amenities of the locality.
Plot Ratio	1.0	1.94	Supported – as the increased density would inversely result in the increased in the plot ratio, which is less than the 2.0 allowed for a R160 density.
Open Space	60 per cent or 1092 square metres	52.9 per cent or 962.05 square metres	Supported – as each dwelling is provided with a functional balcony. Furthermore, the communal open space has been consolidated in one area. The site is within close proximity to passive and active recreational areas.
Communal Open Space	656 squares metres	546.9 square metres	Supported- as above.

<p>Privacy Setbacks: Facing Right-of-Way- (ROW) Bedroom Living area Balcony</p>	<p>4.5 metres 6 metres 7.5 metres</p>	<p>4.02 metres 4.02 metres 4.02 metres</p>	<p>Not supported – due to undue impact on neighbouring properties and to overcome the potential overlooking aspect, which is evident in the proposal, it is recommended that all major openings to balconies, living rooms and bedrooms within 7.5, 6.0 and 4.5 metres respectively from the ROW boundary be screened to a height of 1.6 metres from the finished floor level above 0.5 metre from natural ground level with fixed obscured glass or other similar material to the satisfaction of the Town, so as to comply with the privacy requirements of the Residential Design Codes.</p>
<p>Car Parking</p>	<p>67 car bays of which 7 car bays to be marked as visitors car bays.</p>	<p>55 car bays of which 6 car bays are marked as visitors car bays.</p>	<p>Supported - as there is street parking available along Pier, Brewer and Edward Streets, for any over flow of car parking from the above development site. The development site is also within walking proximity to Perth City and well serviced by public transportation facilities. A condition is being recommended that the Town will not issue a visitor car parking permit to any owner or occupier of the units. 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.</p>

No. of Storeys	2 storey and loft	4 storeys and basement car park	Supported-as there are other similar high rise building in the area.
Height of Building	7 metres	14 metres	Supported - as above.
Consultation Submissions			
Support (1)	No comments provided		Noted
Objection (6)	Parking - concern that there is not enough parking for residents and visitors.		Not supported - see Non-Compliant table above for comments.
	Height – concern that the four-storey development will unduly interrupt the existing streetscape.		Not supported-as there are other similar high rise building in the area, specifically Members Equity Stadium.
	<p>Concern that height will overshadow adjoining properties and block sunlight to outdoor areas. Feeling of confinement for the occupants of Nos. 136 to 140 Edward Street being adjacent to a four storey high wall.</p>		<p>Not supported - as the proposal complies with the overshadowing requirements of the R Codes being less than the 50 per cent requirement (proposed is 34.6, 40.8, 42.3 and 40.8 per cent respectively). The development site is further separated by a rear right-of-way, which is to be increased in width from 3 metres to 4 metres.</p>
	<p>Density – concern that such a high density is unlikely to encourage families and mixed style living in the area. Concern that they will encourage social problems that have occurred in other high rise developments from the 1960's and 1970's. Support East Perth Redevelopment Authority vision of a height graduation, represented by R160 adjacent to Newcastle Street to R100 in Parry Street and Lindsay Street, down to R80 in the Beaufort Precinct.</p>		<p>Not-supported - as the development as designed would benefit the area without undue adverse impact to the surrounding amenity, in terms of bulk and scale. The proposal also involves removal of warehouses. The development is unlikely to encourage social related problems. There is no evidence submitted to substantiate these allegations. The dwellings are to be privately owned.</p>

	Plot Ratio – concern that there is inadequate external space per occupant.	Not supported - as the Town has considered higher plot ratios provided that the "total development package" fits in with the surrounding development. Each dwelling is further provided with a 10 square metre balcony for personal recreation and use.
	Open Space and communal open space – concern that there is inadequate space per occupant.	Not supported - see Non-Compliant table above for comments.
	Privacy – request screening to 1.6 metres above the Finished Floor Level for all balconies and windows overlooking the laneway.	Supported - see Non-Compliance Table above for comments.
	Devaluation of surrounding properties	Not supported – as this is not a valid planning ground for objection. Moreover, there is no evidence submitted to substantiate this claim.
	Noise from the large number of balconies allowing outdoor entertainment.	Not supported – as the use is a permitted “P” use with the Residential-Commercial zoning applying to the subject site.
	Concern that allowing such variations will set precedence for over-development.	Not supported - as the Town has the ability through its Town Planning Scheme and Policies to vary requirements based on individual merit of the development proposal, as in this case.
	Concern regarding the Council's lack of action regarding brothels in the area.	Not supported – as this issue is not related to this development proposal.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

* 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.

Demolition

A full Heritage Assessment is contained within the Attachment to this report.

The subject place at Nos.59 -61 Brewer Street, Perth comprises an eclectic range of connected buildings, which vary in style, ages and setback. The original portion of the place was built in the Inter-war Stripped Commercial style of architecture, circa 1927 and was used by the Western Australian Knitters Knitting Mill.

As outlined in the Heritage Assessment, the place is considered to have *some historic value* as the contextual setting of the factory premises, within a residential area is reminiscent of an early era in the development of inner city Perth.

The place is considered to have little aesthetic, social and/or scientific value. Given that the place has had numerous changes and additions to its original layout and details over the years, as well as the absence of other cultural heritage values, it is considered that the place does not meet the threshold for inclusion onto the Municipal Heritage Inventory. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved subject to a quality archival record and other standard conditions.

In light of the above, the application is recommended for approval, subject to standard conditions.

Conclusion

The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is, therefore, supported subject to standard and appropriate conditions to address the above matters.

10.1.4 Nos. 20-20A (Lot 121 D/P: 1223) Franklin Street, Leederville - Proposed Subdivision- Reconsideration of Conditions

Ward:	North	Date:	22 February 2007
Precinct:	Leederville; P03	File Ref:	133218; 7.2006.73.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin, D Abel		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by K R Butson on behalf of the owner K R & N J Butson for proposed subdivision of Nos. 20-20A (Lot 121 D/P: 1223) Franklin Street, Leederville, and as shown on plans stamp-dated 22 November 2006 (Subdivision 133218), subject to the following conditions:

- (i) the street verge tree(s) on Franklin Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (ii) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill, and height of associated retaining walls, is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (iii) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iv) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (v) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (vi) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with clause 2.3.3 of the Residential Design Codes;*

- (viii) *if the existing residence(s) are required to be retained, each residence(s) is to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including the provision and construction of one (1) on-site car parking bay per residence and associated driveways and crossover;*
- (ix) *a pedestrian access way of a minimum width of 1.5 metres being provided and constructed from Franklin Street to proposed Lot 1 and being provided as "common property" in order to satisfy the requirements for grouped dwellings/survey strata lots under the Residential Design Codes. The pedestrian access way width may be reduced to 1.25 metres where it is directly adjacent to the front porch/verandah of the existing dwelling;*
- (x) *the right of way adjacent to the subject property being transferred to the Town and the owner(s) applying to and obtaining the formal approval of the Town for the proposed rear Lot 1 to have an "expressed right of access" over the adjacent right of way. All costs of securing a right of access to be borne by the applicant;*
- (xi) *the owner(s) shall enter into a legal agreement with and 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 conserve the existing dwellings on-site. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *a bond and/or bank guarantee for \$6,300 for the full upgrade of the right of way being lodged prior to clearance of the diagram of survey by the Town. The extent of the right of way upgrade shall be from the edge of the existing sealed right of way to the eastern boundary of the subject property;*
- (xiii) *one (1) car bay and associated single-width driveway and crossover (with a maximum width of 3 metres) being provided for each of the existing dwellings on proposed Lots 2 and 3 fronting Franklin Street; and*
- (xiv) *the subject subdivision and proposed lots being provided as a survey strata subdivision and lots, as opposed to a 'green-title'/freehold subdivision lots.*

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Cr Torre departed the Chamber at 7.08pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

- “(ix) a pedestrian access way of a minimum width of 1.5 metres being provided and constructed from Franklin Street to proposed Lot 1 and being provided as "common property" in order to satisfy the requirements for grouped dwellings/survey strata lots under the Residential Design Codes. The pedestrian access way width shall be a minimum width of 1.5 metres for the first 5 metres from the Franklin Street boundary, and may be reduced to 1.25 metres where it is directly adjacent to the front porch/verandah of the existing dwelling for the remaining length of the pedestrian access way;”*

Debate ensued.

Cr Torre returned to the Chamber at 7.12pm.

AMENDMENT CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

MOTION AS AMENDMENT CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by K R Butson on behalf of the owner K R & N J Butson for proposed subdivision of Nos. 20-20A (Lot 121 D/P: 1223) Franklin Street, Leederville, and as shown on plans stamp-dated 22 November 2006 (Subdivision 133218), subject to the following conditions:

- (i) the street verge tree(s) on Franklin Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (ii) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill, and height of associated retaining walls, is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (iii) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iv) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (v) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (vi) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with clause 2.3.3 of the Residential Design Codes;*

- (viii) *if the existing residence(s) are required to be retained, each residence(s) is to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including the provision and construction of one (1) on-site car parking bay per residence and associated driveways and crossover;*
- (ix) *a pedestrian access being provided and constructed from Franklin Street to proposed Lot 1. The pedestrian access way width shall be a minimum width of 1.5 metres for the first 5 metres from the Franklin Street boundary, and may be reduced to 1.25 metres for the remaining length of the pedestrian access way;*
- (x) *the right of way adjacent to the subject property being transferred to the Town and the owner(s) applying to and obtaining the formal approval of the Town for the proposed rear Lot 1 to have an “expressed right of access” over the adjacent right of way. All costs of securing a right of access to be borne by the applicant;*
- (xi) *the owner(s) shall enter into a legal agreement with and 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 conserve the existing dwellings on-site. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *a bond and/or bank guarantee for \$6,300 for the full upgrade of the right of way being lodged prior to clearance of the diagram of survey by the Town. The extent of the right of way upgrade shall be from the edge of the existing sealed right of way to the eastern boundary of the subject property;*
- (xiii) *one (1) car bay and associated single-width driveway and crossover (with a maximum width of 3 metres) being provided for each of the existing dwellings on proposed Lots 2 and 3 fronting Franklin Street; and*
- (xiv) *the subject subdivision and proposed lots being provided as a survey strata subdivision and lots, as opposed to a ‘green-title’/freehold subdivision lots.*

Landowner:	K R & N J Butson
Applicant:	K R Butson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Two Single Houses
Use Class:	Single House
Use Classification:	"P"
Lot Area:	880 square metres
Access to Right of Way	Northern side, 5.03 metres wide, unsealed, privately owned

BACKGROUND:

23 January 2007

The Council at its Ordinary Meeting resolved to recommend approval of the proposed subdivision at Nos. 20-20A (Lot 121 D/P:1223) Franklin Street, Leederville subject to several conditions. Condition (ix), (xii), (xiv) and (xv) of the Council resolution stated as follows:

- “(ix) a pedestrian access way of a minimum width of 1.5 metres being provided and constructed from Franklin Street to proposed Lots 1, 2 and 3 and being provided as "common property" in order to satisfy the requirements for grouped dwellings/survey strata lots under the Residential Design Codes;”
- “(xii) the length of the right of way adjacent to the subject land being widened by 500 millimetres and shown on the Diagram or Plan of Survey as such and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown;”
- “(xiv) two (2) tandem car bays and associated single-width driveways and crossover (with a maximum width of 3 metres) being provided for each of the existing dwellings on proposed Lots 2 and 3 fronting Franklin Street; and;”
- “(xv) the subject subdivision and proposed lots being provided as a survey strata subdivision and lots, as opposed to a ‘green-title’/freehold subdivision lots.”

DETAILS:

The applicant has requested the Council to reconsider the above subject conditions (ix), (xii), (xiv) and (xv) on the following basis:

“Excision of 0.5m from Rear Lot 1 to create widening to ROW (aim is to widen 5m ROW to 6m)

We would like this condition removed.

Arguments:

- *Town will never practically achieve a 6m ROW only an unsafe & confusing series of boundary ‘steps’*
- *Why?*
 - *There are 3 pre-existing subdivisions on our side of the ROW including next door (making 0.5 widening now impossible on our side)*
 - *There is a large strata subdivision down the other side (from Shakespeare St entrance) with rear access to garages just off the ROW boundary (making 0.5 widening now impossible on the other side)*
 - *There is a substantial double garage with dome roof structure only a few years old almost opposite us near the ROW boundary*
 - *All the Shakespeare St blocks backing onto the ROW are only 500m², so no subdivision is ever possible on that side (making 0.5 widening now impossible on other side)*
 - *The ROW is ‘L’ shaped with the lots at the end are also all being 500m², so no subdivision is ever possible on that side (making 0.5 widening impossible at the end)*
 - *The slope & the hard L shaped end of the ROW is such that one would not want to encourage any speed by increasing the width of the ROW*
- *Planning Bulletin 33 states... ‘existing 5m ROW’s may not require widening if they only provide vehicular access to garages & are not main pedestrian access to dwellings eg where there is a PAW... & so the requirement to widen the ROW may be waived...’*
- *The imposition of removing 0.5 m on a 300m² block & then requiring a normal setback & workable truncation for garage access would severely limit what could be built.*

Provision of 1.5m Pedestrian Access Way

We would like the PAW to be 1m width or at most 1.25m.

Arguments:

- *All services can be contained to a 600m trench & we have had no objections from any of the Utilities (WAPC advice)*
- *Sewer will connect from the rear*
- *There is discretion from 1m*
- *The PAW at 1.5m makes the new boundary setback only 1m to the front porch (design requirements for R30?). Really the key issue here is the hemmed in look of having a fence butted up to within a metre of the an old dwelling's front porch.*

Provision of Double Front Parking to Each Original Front Flat.

We would like this condition removed.

Arguments:

- *We are not changing these units, so why do we need to change the parking requirements. Originally (1939) they only had a single garage each. For the last 30 odd years they have not even had a garage but just a single parking bay out the front. For the last 10 years there has been no problem with single parking. They are just 2 bedroom, 1 bathroom flats.*
- *Trying to get double parking within the front will mean the loss of all of the garden (will become entirely paved). This will destroy the look & character of the units.*
- *Getting the double parking to work is extremely hard to achieve (for one side impossible). Changing crossovers, brickwalls & retaining walls would be necessary & even if it was then barely achievable on one side, it would be too hard to use (Nathan a civil engineer has lived in the unit for 2-3 years).*

Green Title change to Strata Title

We would like the Town to refer this condition to the WAPC rather than make a call on it

Arguments:

- *This is a legal land tenure issue which is really a matter for the WAPC to adjudicate. Whilst all of the other conditions are fair & reasonable for the Town to make a call on, this one has all sorts of involved cadastral interpretations.*
- *The Town can be overt about it by stating that because of the complex nature of the ROW implications on this subdivision, the Town refers the matter of freehold or strata to WAPC.*
- *Water Corp have shown no issue to freehold in their review of the proposal."*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.93 dwellings/lots R30	3 dwellings/lots R34 2.22 per cent density bonus	Supported - <ul style="list-style-type: none"> • variation is considered minor; • proposed lots are compliant with minimum lot size requirements;

			<ul style="list-style-type: none"> proposed subdivision is in keeping with Leeder Locality Plan No.12 which states <i>'the character of existing housing (and of the locality) is to be protected...and sensitively designed infill will be supported on larger lots'</i>; the existing dwellings are considered worthy of retention and their retention warrant a density bonus; and no undue impact on streetscape or surrounding amenity.
Plot Ratio	N/A	N/A	Noted.
Car Parking: Existing Dwellings	2 car bays per dwelling	Nil	Supported in part- Refer to 'Comments'.
Pedestrian Access Way Width	1.5 metres, however, the Town may consider a lesser width where access way abuts an existing dwelling.	1.0 metre	Supported in part- Refer to 'Comments'.
Consultation Submissions			
The proposed subdivision did not require any community consultation.			
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

* 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

COMMENTS:

Heritage and Streetscape

The place at Nos.20-20A Franklin Street, Leederville is not currently listed on the Town of Vincent's Municipal Heritage Inventory (MHI).

However, the provision of a density bonus is not restricted to places that are on or meet the threshold for inclusion onto the MHI. As stipulated in the Leeder Locality Plan No.12 *'the character of existing housing (and of the locality) is to be protected...and sensitively designed infill will be supported on larger lots.'* The subject dwellings were built in circa 1941 in the Bungalow style of architecture. Overall, Franklin Street comprises an electric range of dwellings dating from the Federation, Inter-war and Late Twentieth Century periods. The dwellings have a varied setback from the street and comprise single brick and weatherboard houses on large lots.

The subject dwellings are worthy of retention and the provision of a density bonus to facilitate the retention of the dwellings and the subdivision of this property into three (3) lots are warranted in this instance under Clause 20 (2) (b) of the Town's Town Planning Scheme No.1.

Previous Condition (ix) - Pedestrian Access Way Width

The Town's Technical Services has provided the following comments regarding condition (ix):

An inspection carried out on 14 February 2007 indicated that there is 2.5 metres wide clearance between a small front portion of the existing dwelling, the 'porch', and the existing boundary fence on the eastern side of the property. The clearance between the dwelling and the existing boundary fence on the eastern side of the property for the remainder of the building is approximately 3 metres.

The Town's Policy requires a 1.5 metres wide 'access way' to a dedicated road where a green title cannot be achieved, as is the case with this subdivision. At the site meeting, as a compromise, the applicant requested that the 'access way' be reduced from the required 1.5 metres to 1.25 metres for its entire length with the argument that where the clearance between the dwelling and the existing boundary fence on the eastern side of the property is adjacent to the 'porch' is 2.5 metres in width the 'access way' width could be split 50/50 resulting in a clearance of 1.25 metres between the existing dwelling, at its narrowest point, and the proposed access way fence/wall.

While the Town's Technical Services would prefer an 'access way' width of 1.5 metres for the entire length given the reasons of maintaining an adequate amenity for the existing dwelling, as presented by the applicant, a reduction from 1.5 metres to 1.25 metres for a portion of the proposed access way adjacent to the 'porch' section is supported, albeit reluctantly, subject to the remainder of the access way, that is the portion to the north and to the south of the 'porch' being a minimum of 1.5 metres in width.

While the 1.25 metres width is considered adequate for access, a width of 1.5 metres is required, in particular at the front boundary, to accommodate a letter box structure etc for the rear property. In addition, a width of 1.5 metres is the preferred width for the public utility providers whose services are required to be laid along the 'access way'.

Previous Condition (xii) - Right of Way Widening

In this instance, the Town's Technical Services are prepared to support the deletion of condition (xii) as the right of way is 5.03 metres wide and recent development along this right of way have not had this condition imposed.

Previous Condition (xiv) - Car Parking Provision

In this instance, the amendment to condition (xiv) such that only one car bay is required for each existing dwelling is supported as the provision of two (2) car bays for each dwelling will involve alterations to the existing building fabric and additional paved area within the front setback area, therefore, potentially having an undue impact on the amenity and streetscape of the area.

Previous Condition (xv) - Survey Strata Subdivision

Condition (xv) should be retained for the following reasons:

Clause 3.7.1 of the Western Australian Planning Commission's Development Control Policy 1.1 states as follows:

"New green title lots will be created only where each lot has, or can be, provided with direct frontage access to a constructed public road, which is connected to the road system of the locality. This is to ensure the provision of public utility and other services as well as to provide vehicular and pedestrian access to the lot";

The subject subdivision and proposed lots are intended to be of a 'green-title'/freehold nature. It has been the Town's Officers' view that each lot created from a 'green-title'/freehold subdivision should have direct road frontage; however, if the lot was created from a survey strata subdivision that lot does not require direct road frontage.

On the other hand, the Western Australian Planning Commission (WAPC) Officers are of the view that the subject subdivision, including the creation of proposed rear Lot 1, can be considered as a 'green-title'/freehold subdivision as the pedestrian access way from proposed Lot 1 to Franklin Street will provide pedestrian access and a public utilities corridor to a dedicated road, and proposed Lot 1 will have an implied right of access for vehicles over the adjacent right of way.

The Town's Technical Services have advised that the rear right of way is not programmed to become dedicated and, therefore, does not meet the above WAPC requirement.

The proposed subdivision can still be supported provided the subject subdivision and proposed lots are provided as a survey strata subdivision and lots, as opposed to a 'green-title'/freehold subdivision and lots,

Conclusion

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

10.1.6 Nos. 120 - 122 (Lot 12, Strata Lots 1 & 2) Summers Street, Perth - Proposed Additional Four (4) Two-Storey Single Bedroom Dwellings to Existing Two (2) Grouped Dwellings

Ward:	South	Date:	19 February 2007
Precinct:	Banks; P15	File Ref:	PRO3608; 5.2006.264.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Fugro Spatial Solutions Pty Ltd on behalf of the owner Kital Nominees Pty Ltd for proposed Additional Four (4) Two-Storey Single Bedroom Dwellings to Existing Two (2) Grouped Dwellings, at Nos. 120 - 122 (Lot 12, Strata Lots 1 and 2) Summers Street, Perth, and as shown on plans stamp-dated 13 December 2006, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Summers Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *a detailed landscaping plan, including a list of plants 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);*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the upper floor of single bedroom dwelling Unit 4 being setback a minimum of 1.1 metres from the eastern property boundary; and*
 - (b) *the windows to the work stations on the southern elevation on the upper floor of Single Bedroom Dwelling Units 1 and 4 on Lots 3 and 6 respectively, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 132 and No. 118 Summers Street stating no objection to the respective proposed privacy encroachments.*

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

- (v) *first obtaining the consent of the owners of No. 132 and No. 118 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 No. 132 and No. 118 Summers Street in a good and clean condition;*
- (vi) *the proposed vehicular entry gates ('security gate') adjacent to the car parking area shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development; and*
- (vii) *the visitors car parking spaces on the subject land shall be clearly marked as such and signposted from the point of entry to the development prior to the first occupation of the development.*

Moved Cr Ker, Seconded Cr Messina

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

- "(vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the proposed vehicular entry gates ('security gate') adjacent to the car parking area shall being setback a minimum of 5.4 metres from the southern (Summers Street) property boundary either open at all times or suitable management measures and the provision of an 'audiolink' or other communication device which is appropriately located for the driver of vehicles entering the property shall be implemented to ensure access is available for visitors for the residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development; and. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and"*

CARRIED (6-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Doran-Wu	
Cr Ker	
Cr Maier	
Cr Messina	
Cr Torre	

(Crs Chester and Farrell were apologies.)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Fugro Spatial Solutions Pty Ltd on behalf of the owner Kital Nominees Pty Ltd for proposed Additional Four (4) Two-Storey Single Bedroom Dwellings to Existing Two (2) Grouped Dwellings, at Nos. 120 - 122 (Lot 12, Strata Lots 1 and 2) Summers Street, Perth, and as shown on plans stamp-dated 13 December 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Summers Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) a detailed landscaping plan, including a list of plants 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);*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the upper floor of single bedroom dwelling Unit 4 being setback a minimum of 1.1 metres from the eastern property boundary; and*
 - (b) *the windows to the work stations on the southern elevation on the upper floor of Single Bedroom Dwelling Units 1 and 4 on Lots 3 and 6 respectively, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 132 and No. 118 Summers Street stating no objection to the respective proposed privacy encroachments.*

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

- (v) *first obtaining the consent of the owners of No. 132 and No. 118 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 No. 132 and No. 118 Summers Street in a good and clean condition;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the proposed vehicular entry gates ('security gate') adjacent to the car parking area being setback a minimum of 5.4 metres from the southern (Summers Street) property boundary or suitable management measures and the provision of an 'audiolink' or other communication device which is appropriately located for the driver of vehicles entering the property shall be implemented to ensure access is available for visitors for the residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (vii) *the visitors car parking spaces on the subject land shall be clearly marked as such and signposted from the point of entry to the development prior to the first occupation of the development.*

Landowner:	Kital Nominees Pty Ltd
Applicant:	Fugro Spatial Solutions Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Two (2) Grouped Dwellings
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1113 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves additional four (4) two-storey single bedroom dwellings to existing two (2) grouped dwellings at the subject property.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	6 multi-bedroom grouped dwellings Or 9 single bedroom grouped dwellings Or 2 multi-bedroom grouped dwellings and 6 single bedroom grouped dwellings. R60	2 multi-bedroom grouped dwellings (existing) and 4 single bedroom grouped dwellings. R42	Noted - no variation.
Plot Ratio: Existing Dwelling 1	0.65	0.34	Noted - no variation.
Existing Dwelling 2	0.65	0.38	Noted - no variation.
Single Bedroom Dwelling - Unit 1	0.65 and 60 square metres	0.58 and 53.85 square metres	Noted - no variation.
Single Bedroom Dwelling - Unit 2	0.65 and 60 square metres	0.59 and 53.85 square metres	Noted - no variation.
Single Bedroom Dwelling - Unit 3	0.65 and 60 square metres	0.59 and 53.85 square metres	Noted - no variation.
Single Bedroom Dwelling - Unit 4	0.65 and 60 square metres	0.58 and 53.85 square metres	Noted - no variation.
Whole site	0.65	0.36	Noted - no variation.

Minimum Site Area: Lot 3 (Single Bedroom Dwelling)	106.6 square metres	92.3 square metres	Supported - proposed development is compliant with the overall site density and the bulk and scale of the proposed development is considered to not have an undue impact on the streetscape or surrounding amenity.
Lot 4 (Single Bedroom Dwelling)	106.6 square metres	90.1 square metres	Supported - as above.
Lot 5 (Single Bedroom Dwelling)	106.6 square metres	90.1 square metres	Supported - as above.
Lot 6 (Single Bedroom Dwelling)	106.6 square metres	92.3 square metres	Supported - as above.
Setbacks: Ground Floor- West	1.5 metres	Nil	Supported - refer to Boundary Walls comments.
East	1.5 metres	Nil	Supported - refer to Boundary Walls comments.
Upper Floor- West	1.1 metres	Nil	Supported - refer to Boundary Walls comments.
East	1.1 metres	Nil	Not supported - considered to have an undue impact on affected neighbour and one objection received, therefore, has been addressed in the Officer Recommendation.
Boundary Walls: West	Walls not higher than 3.5 metres with average of 3 metres, to one side boundary.	Wall height - 4.1 metres - 5 metres (average - 4.55 metres)	Supported - not considered to have an undue impact on affected neighbours and no objections received.

East	Walls not higher than 3.5 metres with average of 3 metres, to one side boundary.	Wall height - 4.1 metres - 5 metres (average - 4.55 metres) Two boundary walls	Not supported - considered to have an undue impact on affected neighbours and has been addressed in the Officer Recommendation. Supported in part - as above.
Outdoor Living Area: Lot 1 (existing grouped dwelling) Lot 2 (existing grouped dwelling) Visitors Car Parking Spaces	Located behind the street setback area and directly accessible from a habitable room of a dwelling. Located behind the street setback area and directly accessible from a habitable room of a dwelling. Clearly marked as such, located close to and clearly signposted or visible from the point of entry to the development and outside any security barrier.	Located within the street setback area and not directly accessible from a habitable room of a dwelling. Located within the street setback area and not directly accessible from a habitable room of a dwelling. Located behind a security gate.	Supported - access to the outdoor living area via the entry is considered adequate in this instance and not considered to have an undue impact on the streetscape. Supported - as above. Not supported – undue impact on amenity of area, and addressed in the Officer Recommendation.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> Overshadowing by the over-height wall on the eastern boundary on the adjacent properties courtyard and living room. 		Not supported - proposal is compliant with the overshadowing requirements of the Residential Design Codes.
	<ul style="list-style-type: none"> The visual impact of the height of the boundary wall on the living room and courtyard of the neighbouring property and the feeling of confinement which results. 		Supported - addressed in the Officer Recommendation
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

* 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.

COMMENTS:

The proposal is supported as it is not considered to unduly impact on the streetscape or the amenity of the adjacent or surrounding properties.

In light of the above, approval is recommended, subject to standard and appropriate conditions to address the above matters.

10.1.9 No. 6 (Lot 10 D/P: 1114) Brisbane Place, Perth - Proposed Demolition of Existing Single House

Ward:	South	Date:	20 February 2007
Precinct:	Hyde Park; P12	File Ref:	PRO3886 5.2007.59.1
Attachments:	001 , 002		
Reporting Officer(s):	S Kendall, M Fallows		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Lau on behalf of the owner Lau Brothers Management Pty Ltd for proposed Demolition of Existing Single House, at No. 6 (Lot 10 D/P: 1114) Brisbane Place, Perth, and as shown on plans stamp-dated 16 February 2007, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) 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;*
- (iv) 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; and*
- (v) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Doran-Wu, Seconded Cr Messina

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

- "(vi) prior to the issue of a Demolition Licence, the owner(s) shall enter into a legal agreement with and 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 redevelop the subject site within 2 years of the issue date of the subject Demolition Licence. All costs associated with this condition shall be borne by the applicant/owner(s)."*

Debate ensued.

AMENDMENT LOST (1-6)

<u>For</u>	<u>Against</u>
Cr Doran-Wu	Mayor Catania
	Cr Ker
	Cr Lake
	Cr Maier
	Cr Messina
	Cr Torre

(Crs Chester and Farrell were apologies.)

Moved Cr Maier, Seconded Cr Ker

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

"(vi) a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section for the site at No. 6 (Lot 10) Brisbane Place, Perth, shall be submitted and approved prior to the issue of a Demolition Licence. Where the redevelopment of the property has not been substantially commenced within 6 months of the issue date of the Demolition Licence, the approved landscaping plan works shall be undertaken and completed within a further 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s)."

Debate ensued.

AMENDMENT LOST (3-4)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania
Cr Lake	Cr Doran-Wu
Cr Maier	Cr Messina
	Cr Torre

(Crs Chester and Farrell were apologies.)

Moved Cr Ker, Seconded Cr Lake

"(vi) a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section for the site at No. 6 (Lot 10) Brisbane Place, Perth, shall be submitted and approved prior to the issue of a Demolition Licence. Where the redevelopment of the property has not been substantially commenced within 12 months of the issue date of the Demolition Licence, the approved landscaping plan works shall be undertaken and completed within a further three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s)."

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

COUNCIL DECISION ITEM 10.1.9

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Lau on behalf of the owner Lau Brothers Management Pty Ltd for proposed Demolition of Existing Single House, at No. 6 (Lot 10 D/P: 1114) Brisbane Place, Perth, and as shown on plans stamp-dated 16 February 2007, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) 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;*
- (iv) 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;*
- (v) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (vi) a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section for the site at No. 6 (Lot 10) Brisbane Place, Perth, shall be submitted and approved prior to the issue of a Demolition Licence. Where the redevelopment of the property has not been substantially commenced within 12 months of the issue date of the Demolition Licence, the approved landscaping plan works shall be undertaken and completed within a further three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s).*

Landowner:	Lau Brothers Management Pty Ltd
Applicant:	C Lau
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	253 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the brick and iron dwelling at No.6 Brisbane Place, Perth, which has been significantly damaged by fire.

To address the concerns regarding the safety of the structure, the applicant is seeking consideration of the non-application of the Town's standard condition requiring a development proposal for the redevelopment of the subject property being approved by the Town prior to the issue of a Demolition Licence. The owners, in a letter dated 9 February 2007, have requested that the standard condition not be applied for the following reasons:

- The building is in a very poor condition;
- Whilst numerous attempts to secure the building have been made vagrants have managed to break in; and
- The squatters have caused numerous problems in the neighbourhood with fires and theft.

To support this request, the applicant has submitted a letter from Andreotta Cardenosa Consulting Engineers, which comments on the structural stability of the dwelling. The letter states '*the damage to the load bearing timber walls and timber roof framing, is considered significant in terms of ensuring safety within the building*'. This letter is contained as an attachment to this report.

In addition to the letter from Andreotta Cardenosa Consulting Engineers, the applicant has obtained a petition from neighbouring residents and businesses, which requests that the Council approve the demolition of the subject building in light of its bad condition and ongoing problems with squatters. A letter of support for the demolition of the subject place has also been provided by John Hyde M.L.A. Both the petition and letter from Mr Hyde are contained within the attachment to this report.

In this instance, it is considered prudent to expedite the consideration of the demolition aspect of the proposal and for the non-application of the Town's standard condition, which requires a redevelopment proposal for the subject property to be approved by the Council prior to the issue of a Demolition Licence.

ASSESSMENT:

Clause 3.13 of the Town's Community Consultation Policy No. 4.1.5 states:

'3.13 The Chief Executive Officer have the discretion to vary the provisions of this policy with regard to a Planning, Building and Heritage Matter due to specific exceptional circumstances relating to that matter.

A greater extent and nature of notification and consultation than that required...

A lesser extent and nature of notification and consultation than that required by this policy may be undertaken where the development is required to prevent an immediate threat to the health and safety of the public.'

As further outlined in the 'Comment' section of this report, the above place is considered to be a threat to the amenity and safety to the residents and businesses in the vicinity of Brisbane Place. Therefore, to expedite the consideration of the proposed demolition, a period of community consultation was not undertaken for the proposed demolition of the subject place.

However, to ensure that any concerns regarding the demolition of the above place will have the opportunity to be voiced and noted by the Council, all the owners and occupiers that would have been consulted during the period of community consultation, as outlined in the Community Consultation Policy No. 4.1.5 Diagram 2A, have been advised that the above application will be considered by the Council at the Ordinary Meeting to be held on 27 February 2007.

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
No advertising was undertaken for this application for reasons previously advised.			
Other Implications			
Legal/Policy		TPS 1 and associated Policies and the Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

* 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.

COMMENTS:

Health Comments

The above premises has presented significant problems for the Town, the Western Australian Police and surrounding residents and business owners, since April 2003, due to its use by squatters causing subsequent anti-social behaviour. Despite being secured against entry on numerous occasions by both the Town's contractors and the property owner, the premises continue to be re-entered and used by squatters, resulting in nearby residents and business owners contacting the Town and Police Services with complaints regarding alleged unauthorised access. The Town's Environmental Health Officer subsequently encourages the demolition or refurbishment of the dwelling at No. 6 Brisbane Place, Perth, as soon as practical to minimise the undue impact of vagrant activity associated with the house on surrounding residents and businesses.

Heritage Comments

A site visit to the subject place at No. 6 Brisbane Place, Perth was undertaken by the Town's Heritage Officers on 19 February 2007. At this time, an internal inspection of the property was not undertaken as there were concerns regarding the structural stability of the place, resulting from a series of internal fires and the possible threat of vagrants. Images of the place that were attained at an earlier date, from the Town's Environmental Health Officers, are contained within an attachment to this report.

The rendered brick and iron dwelling at No. 6 Brisbane Place was constructed circa 1897. The general form of the dwelling indicates that it would have been constructed in the Federation Georgian style of architecture. The place is not on the Town's Municipal Heritage Inventory.

The subject place contributes to a remnant streetscape of three dwellings from the turn of the last century. The grouping originally comprised four dwellings; however, the place at No. 4 Brisbane Place has been demolished and the place at No. 12 Brisbane Place has had demolition approval granted. Thus, the remnant streetscape along Brisbane Place will be reduced to two dwellings. Immediately opposite the subject place, there are a number of contemporary multi-storey developments, which front Brisbane Terrace and there is a multi-storey development along the corner of Brisbane Street and Brisbane Place, which forms a stark contrast to the adjacent nineteenth century cottages. Overall, the historic building stock of Brisbane Place and its immediate locality has been substantially eroded.

The place is in poor condition and any historic or aesthetic significance, which may have existed, has been reduced due to the physical condition of the place. The place does not warrant a detailed heritage assessment. In light of the above, it is recommended that the place be approved for demolition.

The request for the non-application of the standard condition requiring redevelopment approval on the Planning Approval is supported by the Town's Officers. This is a standard condition, as per clause 41 of the Town Planning Scheme No. 1, which is applied to the approval of all demolition within the Town and is intended to stop parcels of land being left vacant and enables opportunity for the dwelling to be retained. Whilst the request not to apply the condition is not generally granted, it is considered that, in this instance, as the dwelling is causing concern to its immediate neighbours and is structurally unsound, the condition not be imposed, as reflected in the Officer Recommendation.

10.3.1 Review of the 2006/2007 Annual Budget

Ward:	Both	Date:	19 February 2007
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Reporting Officer(s):	Bee Choo Tan / M Rootsey		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY ABSOLUTE MAJORITY the adjustments of the 2006/07 Annual Budget as detailed in this report.

<i>Capital Items</i>	<i>Budget Adjustment</i>	<i>Funding Source</i>	<i>Amount Required</i>	<i>Net Impact</i>
<i>Members Equity Stadium Stage 2</i>	<i>(\$24,500,000)</i>	<ul style="list-style-type: none"> State Government-Contribution 2006/07 budget projects 	0	0
<i>Loftus Recreation Centre Redevelopment</i>	<i>\$1,029,664</i>	<ul style="list-style-type: none"> Leederville Oval Open Space-\$501,000 Brookman/Moir streetscape work Robinson Ave-Street Trees\$15,000 Moir St-Street Trees \$15,000 Brockman Street \$15,000 Forbes Rd-Reconstruction \$110,000 Brookman St- Reconstruction \$75,000 Forbes Rd-Resurfacing-\$22,000 Moir St-Reconstruction \$75,000 Newcastle Street Upgrade (Loftus to Charles Street) \$70,000 Lincoln Street-Embayed Parking \$35,000 LCD Screen for Committee Room \$5,000 Capital Reserve \$91,604 	\$1,029,664	0
<i>Loftus Rec'n Centre</i>	<i>\$1,600,000</i>	<ul style="list-style-type: none"> Increased WA Treasury Corp Loan 	<i>\$1,600,000</i>	0
<i>Vincent Police Station</i>	<i>(\$5,500,000)</i>	<ul style="list-style-type: none"> Budgeted Loan 	0	0
<i>Leederville Child Care Centre</i>	<i>(\$1,600,000)</i>	<ul style="list-style-type: none"> Government Contribution and Town of Vincent Reserves 	0	0
<i>Margaret Kindergarten</i>	<i>(\$800,000)</i>	<ul style="list-style-type: none"> Government Contribution and Town of Vincent Reserves 	0	0
<i>YMCA HQ Youth Centre</i>	<i>\$226,320</i>	<ul style="list-style-type: none"> Lotterywest Grant 	<i>\$226,320</i>	0
<i>Banks Reserve Foreshore Restoration project</i>	<i>\$172,059</i>	<ul style="list-style-type: none"> Riverbank funding Swan River Trust 	<i>\$172,059</i>	0
<i>Mt Hawthorn Pre-primary School-Playground & surrounds improvement</i>	<i>\$49,000</i>	<ul style="list-style-type: none"> Mt Hawthorn-Area wide traffic management \$35,000 Mt Hawthorn Pre-primary School \$14,000 	<i>\$49,000</i>	0
<i>Underground Power Project</i>	<i>\$800,000</i>	<ul style="list-style-type: none"> Increased loan funding 	<i>\$800,000</i>	0
<i>Operating Expense</i>	<i>Budget Adjustment</i>	<i>Funding Source</i>	<i>Amount Required</i>	<i>Net Impact</i>
<i>Barlee Street Car Park Lease</i>	<i>\$27,000</i>	<ul style="list-style-type: none"> Increased parking revenue 	<i>\$27,000</i>	0
<i>Operating Revenue</i>	<i>Budget Adjustment</i>	<i>Funding Source</i>	<i>Amount Required</i>	<i>Net Impact</i>
<i>Leederville Gardens Village Operating Surplus</i>	<i>\$191,000</i>	<ul style="list-style-type: none"> Revenue transfer 	<i>\$191,000</i>	0
<i>Development Applicant Fees</i>	<i>\$50,000</i>	<ul style="list-style-type: none"> Additional revenue 	0	<i>+\$50,000</i>
<i>Modified Penalties</i>	<i>\$100,000</i>	<ul style="list-style-type: none"> Additional revenue 	0	<i>+\$100,000</i>
<i>Building Licence Fees</i>	<i>\$40,000</i>	<ul style="list-style-type: none"> Additional revenue 	0	<i>+\$40,000</i>
<i>Tamala Park Lease</i>	<i>\$27,800</i>	<ul style="list-style-type: none"> Additional revenue 	0	<i>+\$27,800</i>

COUNCIL DECISION ITEM 10.3.1

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Journalists Lindsay McPhee and Chris Thomson left the meeting at 7.38pm. Cr Messina departed the Chamber at 7.38pm.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY (6-0)

(Crs Chester and Farrell were apologies. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is review the progress of the annual budget and to recommend adjustments to account for any major variances, funding reallocations, additional requirements or reflect Council decisions.

BACKGROUND:

The Local Government Act (Amended 2005) now requires a Local Government to undertake a review of its budget at least once a year. In the period between January and March of a financial year.

The budget review must then be submitted to the Department of Local Government and Resource Development within the thirty (30) days of the end of the period.

No prescribed format has been requested by the Local Government Department as to the format of the budget review.

The Town as part of its management procedures since its inception undertaken reviews of its Annual Budget on a regular basis. To date this has been on a quarterly basis as required. This is to make adjustments for any major variations, reallocations and additional requirements to the adopted Budget.

DETAILS:

A review has been undertaken as at 31 December 2006 to adjust for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of the Council.

CAPITAL BUDGET - Land and Buildings:

Members Equity Stadium Stage 2 - \$24,500,000

This project will not be undertaken this financial year as it is awaiting the outcome of the final report of the Stadium Force Working Group. It is therefore recommended that this item be removed from the budget for this financial year. The project will be resubmitted to a future budget when the outcome is advised.

Funding Implication

No impact as the project was proposed to be funded from a combination of State Government contributions and Town of Vincent reserve funds.

Margaret Kindergarten - \$800,000

As above, this project is linked to the decision on the Vincent Police Station from the WA Police Service. It is therefore recommended for the same reason that this project be removed from this year's budget and will be resubmitted to a future budget following the outcome of the decision of the Police Station.

Funding Implication

No impact as the project was proposed to be funded from a combination of State Government contributions and Town of Vincent reserve funds.

YMCA HQ Youth Centre - \$226,320

On 22 December 2006 the Town was advised that its submission to Lotterywest for Building/Alterations and Furniture and Equipment to the facility had been successful.

As the submission had to be made by the Town on behalf of YMCA, a budget item must be created for this expenditure.

Funding Implication

No funding implications as the expenditure is grant funded.

CAPITAL BUDGET - Infrastructure Assets

Banks Reserve Foreshore Restoration Project - \$172,059

At the Ordinary Meeting of Council on 5 December 2006, Item 10.2.2, the Council were advised that the Town had been successful in its grant submission for funding of the amount of \$172,059 from the Swan River Trust Riverbank Funding Programme. As result the budget for this project is increased by this amount.

Funding Implication

No funding implications as the increase is grant funded.

Mount Hawthorn Pre-Primary School – Playground and surrounds improvement - \$49,000

At the Ordinary Meeting of Council on 19 December 2006, Item 10.2.4, the Council approved by absolute majority the reallocation of \$35,000 of funds from the Mount Hawthorn - Area Wide Traffic Management Project. The Mount Hawthorn Pre-Primary School will also contribute \$14,000 to fund the project.

Funding Implication

No impact on overall financial position as the item is funded by the reallocation of existing funds and a contribution from an external party.

Underground Power Project - \$800,000

The final estimated cost for the Highgate SUPP Project was significantly higher than the initial estimate provided by Western Power.

Funding Implication

No impact on the overall financial position as the increased expenditure is to be funded from loan funds that have been taken out by the Town for the increased amount.

OPERATING BUDGET

Operating Expenditure:

Transport:

Barlee Street Car Park - \$27,000

In accordance with the lease of the above, a rent review was conducted which together with a CPI increase has resulted in the rent for this property increasing to \$62,616 per annum, this is substantially below the \$90,000 per annum that was initially proposed by the landlord following the review.

Funding Implication

There is no impact on the overall financial as the increase in costs is able to be funded from an increase in revenue.

OPERATING REVENUE

Education and Welfare:

Leederville Gardens Retirement Village Surplus - \$191,000

As part of the Leederville Gardens Retirement village Constitution in accordance with a specified formula part of the surplus of the village for a financial year is transferred to the Town and then further transferred to the Aged Persons Reserve Fund.

The figure for 2005/06 was significantly higher than budgeted amount of \$25,000. The reason for the increase is the higher than anticipated number of units that were sold in the financial year which form the vast of majority of the revenue for the village.

Funding Implication

There is no impact on the overall financial as the increased revenue is transferred to the relevant reserve fund.

Community Amenities:

Development Application Fees - \$50,000

The Development Applications are currently significantly over the budget estimated figure this is due to the current property market and is believed that this will be maintained to the end of this financial year and therefore it is anticipated that the revenue budget should be increased by a minimum of \$50,000.

Funding Implication

The increase in estimated revenue will improve the overall financial position of the Town.

Transport:

Modified Penalties - \$100,000

The modified penalties are producing significantly increased revenue that originally estimated as at the end of January it is therefore anticipated that the original budget should be amended by the amount recommended amount.

Funding Implication

The increase in estimated revenue will improve the overall financial position of the Town.

Economic Services:

Building Licence Fees - \$40,000

The building licences fees are currently running 40% over budgeted estimates, this is due to the current building market conditions it is estimated that this trend will continue to the end of the financial year it is conservatively estimated that the budget should be increased by the amount recommended.

Funding Implication

The increase in estimated revenue will improve the overall financial position of the Town.

Other Property Services:

Tamala Park Lease Fees - \$27,800

The lease fees received from Tamala Park were higher than budgeted.

Funding Implication

The increase in estimated revenue will improve the overall financial position of the Town.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Local Government Act 1995 (Amended 2005) requires that a Budget Review be undertaken each financial year, in the period between January and March of a financial year.

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2006-2011 - Key Result Area 4 – Governance and Management

“4.1.2 Manage the organisation in a responsible, efficient and accountable manner.”

FINANCIAL/BUDGET IMPLICATIONS:

At the end of the second quarter of the financial year, with the inclusion of the reported adjustments there is an estimated surplus on the 2006/07 Budget of \$143,800.

COMMENTS:

The Town reviews the Budget at the end of each quarter, if required. It would therefore be anticipated that the next review will be conducted at the end of March 2007. A report would then be presented to Council in April 2007.

10.4.4 Local Law Relating to Parking Facilities – Consideration of Public Submissions – Introduction of Ticket Issuing Machines in Forbes Road and Change Operating Times for Ticket Machines in William Street

Ward:	North	Date:	20 February 2007
Precinct:	Mount Hawthorn Centre P2; North Perth Centre P9	File Ref:	LEG0047
Attachments:	-		
Reporting Officer(s):	A Smith, J MacLean		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *NOTES no public submissions were received concerning the proposed local law amendment; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY an amendment to the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities to:*
 - (a) *introduce Ticket Issuing Machines on the north side of Forbes Road, between William Street and Wellman Street, Perth;*
 - (b) *amend the operating times for the ticket issuing machines in William Street, between Brisbane Street and Newcastle Street, from “9.00am to 5.30pm Monday to Friday and 9.00am and 12 noon on Saturday” to “9.00am to 8.00pm Monday to Sunday”;*

**"LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW
AMENDMENT NO 1, 2007**

Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent resolved on2007 to make the Local Law Relating to Parking Facilities, Amendment No 1, 2007.

The Town of Vincent Local Law Relating to Parking Facilities as published in the Government Gazette on 23 May 2000 and amended as published in the Government Gazette on 19 August, 2005, 14 January 2005, 24 August 2004, 2 December 2003, 20 June 2003, 4 January 2002, 24 August 2001 and 5 December 2000, is referred to as the principal local law. The principal local law is amended as follows:

1. First Schedule Amended

The existing First Schedule is deleted and replaced by the following First Schedule:

“FIRST SCHEDULE

TICKET MACHINES ZONES

PERIOD AND FEES

LOCATION	BETWEEN	PERIOD OF OPERATION
1 William Street	Brisbane Street and Newcastle Street	9.00am to 8.00pm Mon-Sun

<i>LOCATION</i>	<i>BETWEEN</i>	<i>PERIOD OF OPERATION</i>
2 <i>Oxford Street</i>	<i>Between Frame Court Car Park entry and Leederville Parade</i>	<i>8.00am to 8.00pm Mon-Fri and 8am to 12 noon Sat; and 8.00pm to 8.00am Mon-Sun</i>
3 <i>Frame Court</i>	<i>Between Frame Court Car Park entry and Leederville Parade</i>	<i>8.00am to 8.00pm Mon-Fri and 8am to 12 noon Sat; and 8.00pm to 8.00am Mon-Sun</i>
4 <i>East and West sides of Pier Street, Perth</i>	<i>Between Parry Street and Brisbane Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
5 <i>North side of Brewer Street, Perth</i>	<i>Between Lord Street and Stirling Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
6 <i>Median Parking in Stirling Street, Perth</i>	<i>Between Parry Street and Brisbane Street</i>	<i>8.00am to 10.00pm Mon-Sun</i>
7 <i>North side of Stuart Street, Perth</i>	<i>Between Palmerston Street and Fitzgerald Street</i>	<i>8.00am to 8.00pm Mon-Fri; and 8.00am to 12 noon Sat</i>
8 <i>North and south sides of Newcastle Street, Leederville</i>	<i>Between Carr Place and Loftus Street</i>	<i>8.00am to 8.00pm Mon-Sun</i>
9 <i>North side of Forbes Road, Perth</i>	<i>Between William Street and Wellman Street</i>	<i>9.00am to 8.00pm Mon-Sun</i>
10 <i>North and south sides of Forbes Road, Perth</i>	<i>Between Wellman Street and Forbes Lane</i>	<i>8.00am to 10.00pm Mon-Sun”</i>

COUNCIL DECISION ITEM 10.4.4

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (6-0)

(Crs Chester and Farrell were apologies. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of the report is to approve the proposed amendment to Town's Local Law Relating to Parking Facilities.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 August 2006 the Council resolved to amend its Local Law Relating to Parking Facilities to:

1. introduce of Ticket Issuing Machines on the north side of Forbes Road, between William Street and Wellman Street, Perth; and
2. amend the operating times for the ticket issuing machines in William Street, between Brisbane Street and Newcastle Street, from "9.00am to 5.30pm Monday to Friday and 9.00am and 12 noon on Saturday" to "9.00am to 8.00pm Monday to Sunday".

DETAILS:

The proposed amendment was advertised in The West Australian Newspaper on 8 November 2006 and in the Perth Voice on 11 November 2006.

At the conclusion of the consultation period no submissions had been received.

The Department of Local Government provided some suggestions on the formatting of the amendment and these have been taken into consideration and the amendment changed to reflect these suggestions.

Arrangements have been made to install the ticket issuing machines in Forbes Road in the next few weeks, but the machines will be programmed not to accept coins, until the Local Law Amendment has been gazetted. As soon as the new machines have been installed, appropriate changes will be made to the existing signage in William Street. There will then be a fourteen (14) day period where first offenders will receive a Caution, if they park in contravention of the new restrictions.

CONSULTATION/ADVERTISING:

The Town has already undertaken the required public consultation process. The amendment will be published in the next available Government Gazette and an advert will be placed in The West Australian Newspaper advising that the amendment has been adopted and gazetted.

LEGAL/POLICY:

There are no legal impediments associated with this report and Rangers will enforce the new restrictions in the same way as they do for all other areas of the Town.

STRATEGIC IMPLICATIONS:

The above report is in keeping with the Town's Strategic Plan 2006-2011 at Objective 2.1.4 - *"Identify the needs and expectations of the business community and facilitate outcomes in the Town" at, Part 2.1.4(b) - "Implement parking management strategies that provide assistance to businesses, while maintaining the Town's commitment to the whole community"*.

FINANCIAL/BUDGET IMPLICATIONS:

There will be a limited cost for advertising of the Local Law amendment, associated with this proposal, but there will be no other expenses.

COMMENTS:

There is general support for the installation of ticket issuing machines in Forbes Road and the amended operating times for the restrictions will ensure that local businesses receive an appropriate level of service, which will ensure a regular turnover of available bays. As a result, it is recommended that Council approve the proposed amendment to its Local Law Relating to Parking Facilities.

The Presiding Member advised that all Elected Members, Chief Executive Officer and Executive Managers Environmental and Development Services, Technical Services and Corporate Services had declared a financial interest in this matter. The Minister has granted approval for Elected Members to debated and vote on the matter and for the Mayor to preside.

10.4.5 Policies – New Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family, and Deletion of Policy 4.24 – Process to be Followed Prior to Deciding to Change the Method of Election of the Mayor

Ward:	-	Date:	20 February 2007
Precinct:	-	File Ref:	
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the deletion of the Policy No. 4.2.4 - Process to be Followed Prior to Deciding to Change the Method of Election of the Mayor, as shown in Appendix 10.4.5; and*
- (ii) *APPROVES to adopt Human Resources Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family, as shown in Appendix 10.4.5.*

COUNCIL DECISION ITEM 10.4.5

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (6-0)

(Crs Chester and Farrell were apologies. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council’s approval to adopt new policy and delete an existing policy.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 January 2007 the Council resolved *inter alia* as follows:

“That the Council;

...

- (vi) *REQUESTS the Chief Executive Officer to obtain the approval of the Minister for Local Government in accordance with Section 5.69 of the Local Government Act 1995 to seek approval for Elected Members to participate in that part of the meeting and any subsequent meetings and the Mayor to preside at the meetings, to consider the proposed Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family;*
- (vii) *APPROVES the proposed Policy No. 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family “LIE ON THE TABLE” until the approval of the Minister for Local Government has been received; and ...”*

DETAILS:

1. Policy 4.2.4 - Process to be Followed Prior to Deciding to Change the Method of Election of the Mayor

On 13 May 2003 the Council adopted a policy to provide a process to be followed by the Council prior to it deciding to change the Method of Election of the Mayor. The policy requires the Council to conduct a Plebiscite of the Electors by postal vote and for the Council to take cognisance of the result of the plebiscite prior to deciding the method.

This policy was introduced after the Council at the time, attempted to change the method of the Mayor from election by the Electors to election by the Councillors, without any community consultation. After receiving legal advice, the Council's action was deemed illegal and could not be changed. A subsequent plebiscite of the Town's electors resulted in an overwhelming vote against changing the current method of election by the Electors.

In 2004 the Local Government Act, Section 2.11(4) was amended to require Councils who currently elect the Mayor by the Electors, to carry out a poll and can only change the method if the poll is in favour of the change.

The Local Government Act amendment of 2004 has the legal effect of achieving the requirements of the Town's policy. The policy is therefore no longer needed and can be deleted.

2. Policy 5.5.9 - Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family

The Chief Executive Officer wrote to the Department of Local Government on 25 January 2007 requesting permission for those Elected Members who have declared an interest, to participate in the meeting (or subsequent meetings, if necessary) to consider proposed Policy 5.5.9 – Acknowledgement of a Birth, Death or Special/Exceptional Circumstances Affecting an Employee/Elected Member or their Immediate Family.

A letter was received from the Department on 20 February 2007 advising that the Minister has given his approval for Elected Members to debate and vote on the matter and for the Mayor to preside during the meeting. The approval is only valid for the Ordinary Meeting of Council to be held on 27 February 2007.

CONSULTATION/ADVERTISING:

As the proposed new policy 5.5.9 is a Human Resources policy it would not need to be advertised as it relates to employees only and does not involve the community. All other policies are advertised for a period of twenty-one (21) days seeking comments from the public.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 - Key Result Area 4 – Leadership, Governance and Management –
“4.1.2 – Manage the organisation in a responsible, efficient and accountable manner”.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council approve the proposed new Policy 5.5.9 and the deletion of Policy 4.2.4 as detailed in this report.

10.4.6 Purchasing Policy No 1.2.3 - Proposed Amendment

Ward:	-	Date:	19 February 2007
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	M Rootsey, John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the deletion of existing Policy No 1.2.3 - Contracts for the Supply of Goods and/or Services, as shown in Appendix 10.4.6A and ADOPTS Purchasing Policy No 1.2.3 as shown in Appendix 10.4.6;*
- (ii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the proposed amended and draft policies for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the draft policy in the Town's Policy Manual if no public submissions are received.*

Moved Cr Lake, Seconded Cr Ker

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

That clause (i) be amended as follows:

- "(i) *APPROVES the deletion of existing Policy No 1.2.3 - Contracts for the Supply of Goods and/or Services, as shown in Appendix 10.4.6A and ADOPTS Purchasing Policy No 1.2.3 as shown in Appendix 10.4.6, subject to inclusion of the following, under Clause 3 of the Policy:*
- *Preference will be given to locally sourced and/or recycled products, in the event that all other criteria are equal.*
 - *Consideration will be given to the embodied energy of any given material, in the choice of materials.*
 - *Products which require ozone-depleting substances during manufacture or release ozone-depleting substances or pollutants known to cause environmental harm including but not limited to VOCs (volatile organic compounds), CFCs (chlorofluorocarbons) and HCFCs (hydrofluorocarbons) shall be avoided, wherever practical or possible alternatives are available."*

CARRIED (6-0)

(Crs Chester and Farrell were apologies. Cr Messina was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.4.6

That the Council;

- (i) ***APPROVES the deletion of existing Policy No 1.2.3 - Contracts for the Supply of Goods and/or Services, as shown in Appendix 10.4.6A and ADOPTS Purchasing Policy No 1.2.3 as shown in Appendix 10.4.6, subject to inclusion of the following, under Clause 3 of the Policy:***
- ***“Preference will be given to locally sourced and/or recycled products, in the event that all other criteria are equal.***
 - ***Consideration will be given to the embodied energy of any given material, in the choice of materials.***
 - ***Products which require ozone-depleting substances during manufacture or release ozone-depleting substances or pollutants known to cause environmental harm including but not limited to VOCs (volatile organic compounds), CFCs (chlorofluorocarbons) and HCFCs (hydrofluorocarbons) shall be avoided, wherever practical or possible alternatives are available.”; and***
- (ii) ***AUTHORISES the Chief Executive Officer to:***
- (a) ***advertise the proposed amended and draft policies for a period of twenty-one (21) days, seeking public comment;***
 - (b) ***report back to Council with any submissions received; and***
 - (c) ***include the draft policy in the Town’s Policy Manual if no public submissions are received.***
-

PURPOSE OF REPORT:

Purpose of the report is to obtain Council’s approval to replace the existing Policy No 1.2.3 relating to contracts/purchasing and to adopt the Western Australian Local Government Association’s Model Policy for “*Purchasing*”.

BACKGROUND:

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

DETAILS:

The Local Government (Functions and General) Regulations 1996 (WA) are the process of being changed which will lift the threshold value for Tenders to be increased from \$50,000 to \$100,000. It will also require local governments to adopt a purchasing policy. To be compliant with the regulations a purchasing policy has to be in place by the time that the amended regulations come into effect on 30 March 2007.

The Western Australian Local Government Association (WALGA) has prepared a model policy for Councils to utilise.

The model policy has been reviewed by the Department of Local Government and Regional Development. The Department has noted that the WALGA policy contains a greater number of requirements than the minimum to comply with the amended regulations.

In particular the policy provides a framework for purchases where the consideration is under the \$100,000 threshold.

The Town does have an existing Purchasing Policy No 1.2.3, however the adoption of this policy model will provide a comprehensive framework for purchasing, compliant with the amended regulations. The policy has therefore been presented verbatim for recommendation.

If adopted, it will provide the Town with a policy in line with recommended industry standards and best practice.

CONSULTATION/ADVERTISING:

The policies will be advertised for a period of twenty-one (21) days seeking comments from the public.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2006-2011 - Key Result Area 4 - Leadership, Governance and Management

"4.1.2 Manage the organisation in a responsible, efficient and accountable manner."

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

It is recommended that the Council approve the draft policy as detailed in this report.

10.4.7 Receiving of the Minister for Local Government's Decision and Report from the Local Government Advisory Board concerning and Assessment of the Proposals for Changes to the District Boundary of the Town

Ward:	-	Date:	21 February 2007
Precinct:	-	File Ref:	ORG0031
Attachments:	001		
Reporting Officer(s):	M Rootsey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the summary of the report from the Local Government Advisory Board relating to its proposal to alter the Town's boundaries, as shown in Appendix 10.4.7;*
- (ii) *NOTES that the Minister for Local Government accepted all of the Local Government Advisory Board's recommendations, as follows;*

- "1. In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that an order be made to transfer from 1 July 2007, the part of the suburb of Glendalough, currently in the City of Stirling east of the Mitchell Freeway bounded by the Mitchell Freeway, Powis St, Brady St and Scarborough Beach Rd (Area 1) to the Town of Vincent.*
- 2. In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that an order be made to transfer from 1 July 2007, the part of the suburb of West Perth, currently in the City of Perth bounded by the Loftus St, Newcastle St and the Graham Farmer Freeway (Area 1A) to the Town of Vincent.*
- 3. In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that an order be made to transfer from 1 July 2007, the area currently in the City of Perth, bounded by Lindsay St, Little Parry St, Parry St, Lord St, Summers St, the Swan River, the Graham Farmer Freeway and Newcastle St (Area 1B) to the Town of Vincent.*
- 4. In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that the proposal submitted by the Town of Vincent to transfer the suburbs of Menora, Coolbinia and part of Mt Lawley located in the City of Stirling, bounded by Walcott St, Flinders St, Wiluna St, Bradford St, the southern boundary of Yokine Reserve, Alexander Dve, Central Ave and Railway Pde (Area 2).*

and

the area located in the City of Bayswater, bounded by Third Avenue, the Swan River, Mitchell St, Stanley St, Guildford Rd and Railway Pde (Area 2A).

to

the Town of Vincent, be rejected on the basis of community of interests, matters affecting the viability of local governments and effective delivery of local government services.

5. *In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that the proposal submitted by the City of Perth to transfer the area currently in the Town of Vincent, bounded by Newcastle St, Loftus St, Vincent St, Bulwer St, Lord St, Parry St and Lindsay St (Area 3) be rejected on the basis of community of interests and matters affecting the viability of local governments.*

If the Minister accepts the Board's recommendations, it further recommends that:

6. *Consequential orders be made to amend the boundaries of the North Ward and the South Ward of the Town of Vincent and the Osborne Ward of the City of Stirling to accommodate the transfer of areas 1, 1A and 1B to the Town of Vincent.*
 7. *This report is released to the public.';*
- (iii) *EXPRESSES its appreciation to the Precinct Groups and, in particular, Marie Slyth of the Cleaver Precinct Group and members of the community, who supported the Town's proposals; and*
 - (iv) *NOTES that the Town's Chief Executive Officer will prepare an Implementation Plan to give effect to the Minister for Local Government's decision to alter the Town's District boundaries.*

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Ker

That a new Clause (v) be added as follows;

"(v) ACKNOWLEDGES that the Local Government Advisory Board Report at Page 21 states;

'6.3.1 Community of Interest

There is strong support from residents to have this area renamed Mount Hawthorn. This was confirmed in a survey undertaken by the City of Stirling early in 2006, where 73% of the respondents favoured a change in the name of this area to Mount Hawthorn';

and therefore;

- (a) *AUTHORISES the Chief Executive Officer to commence the process to change the name of the suburb of Glendalough bounded by the Mitchell Freeway, Scarborough Beach Road, Brady Street and Powis Street to Mount Hawthorn (including the carrying out of a survey of owners and occupiers); and*
- (b) *APPROVES of the name change from Glendalough to Mount Hawthorn, if the survey is in favour of the name change."*

Cr Messina returned to the Chamber at 7.44pm.

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

COUNCIL DECISION ITEM 10.4.7

That the Council;

- (i) *RECEIVES the summary of the report from the Local Government Advisory Board relating to its proposal to alter the Town's boundaries, as shown in Appendix 10.4.7;*
- (ii) *NOTES that the Minister for Local Government accepted all of the Local Government Advisory Board's recommendations, as follows;*

- "1. In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that an order be made to transfer from 1 July 2007, the part of the suburb of Glendalough, currently in the City of Stirling east of the Mitchell Freeway bounded by the Mitchell Freeway, Powis St, Brady St and Scarborough Beach Rd (Area 1) to the Town of Vincent.*
- 2. In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that an order be made to transfer from 1 July 2007, the part of the suburb of West Perth, currently in the City of Perth bounded by the Loftus St, Newcastle St and the Graham Farmer Freeway (Area 1A) to the Town of Vincent.*
- 3. In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that an order be made to transfer from 1 July 2007, the area currently in the City of Perth, bounded by Lindsay St, Little Parry St, Parry St, Lord St, Summers St, the Swan River, the Graham Farmer Freeway and Newcastle St (Area 1B) to the Town of Vincent.*
- 4. In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that the proposal submitted by the Town of Vincent to transfer the suburbs of Menora, Coolbinia and part of Mt Lawley located in the City of Stirling, bounded by Walcott St, Flinders St, Wiluna St, Bradford St, the southern boundary of Yokine Reserve, Alexander Dve, Central Ave and Railway Pde (Area 2).*

and

the area located in the City of Bayswater, bounded by Third Avenue, the Swan River, Mitchell St, Stanley St, Guildford Rd and Railway Pde (Area 2A).

to

the Town of Vincent, be rejected on the basis of community of interests, matters affecting the viability of local governments and effective delivery of local government services.

5. *In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that the proposal submitted by the City of Perth to transfer the area currently in the Town of Vincent, bounded by Newcastle St, Loftus St, Vincent St, Bulwer St, Lord St, Parry St and Lindsay St (Area 3) be rejected on the basis of community of interests and matters affecting the viability of local governments.*

If the Minister accepts the Board's recommendations, it further recommends that:

6. *Consequential orders be made to amend the boundaries of the North Ward and the South Ward of the Town of Vincent and the Osborne Ward of the City of Stirling to accommodate the transfer of areas 1, 1A and 1B to the Town of Vincent.*
 7. *This report is released to the public."*
- (iii) *EXPRESSES its appreciation to the Precinct Groups and, in particular, Marie Slyth of the Cleaver Precinct Group and members of the community, who supported the Town's proposals;*
 - (iv) *NOTES that the Town's Chief Executive Officer will prepare an Implementation Plan to give effect to the Minister for Local Government's decision to alter the Town's District boundaries; and*
 - (v) *ACKNOWLEDGES that the Local Government Advisory Board Report at Page 21 states;*

'6.3.1 Community of Interest

There is strong support from residents to have this area renamed Mount Hawthorn. This was confirmed in a survey undertaken by the City of Stirling early in 2006, where 73% of the respondents favoured a change in the name of this area to Mount Hawthorn';

and therefore;

- (a) *AUTHORISES the Chief Executive Officer to commence the process to change the name of the suburb of Glendalough bounded by the Mitchell Freeway, Scarborough Beach Road, Brady Street and Powis Street to Mount Hawthorn (including the carrying out of a survey of owners and occupiers); and*
- (b) *APPROVES of the name change from Glendalough to Mount Hawthorn, if the survey is in favour of the name change."*

ADDITIONAL INFORMATION:

The change in name of this part of the Glendalough suburb was one of the catalysts for the boundary proposal. Literature provided to the affected owners and occupiers (residents) of Glendalough during 2006 advised that the Town would support a name change, if the majority of owners/occupiers/residents were in favour.

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the report recommendations received from the Local Government Advisory Board and the Minister for Local Government's decision relating to the Town's proposal to alter its boundaries.

BACKGROUND:

On 9 February 2007, the Minister for Local Government formally advised the Town of his decision to approve of the Local Government Advisory Board's recommendations relating to boundary proposals concerning the Town.

DETAILS:

The Local Government Advisory Board (the Board) received three proposals for boundary changes involving the Town of Vincent between October 2005 and May 2006. Two were initiated by the Town of Vincent and one by the City of Perth. The three proposals affect the Town of Vincent, City of Perth, City of Stirling and the City of Bayswater. All three proposals affect the Town of Vincent.

The first proposal (Areas 1,1A and 1B) – from the Town of Vincent, dated 20 October 2005 was received by the Board on 21 October 2005. The proposal is to transfer part of the suburb of Glendalough, currently in the City of Stirling east of the Mitchell Freeway bounded by the Mitchell Freeway, Powis St, Brady St and Scarborough Beach Rd and the Freeway, and the areas currently in the City of Perth, bounded by Loftus St, Newcastle St, Lindsay St, Little Parry St, Parry St, Lord St, Summers St, the Swan River and the Graham Farmer Freeway to the Town of Vincent.

The second proposal (Areas 2 and 2A) – from the Town of Vincent, dated 30 December 2005 was received by the Board on 5 January 2006. The proposal is to transfer The suburbs of Menora, Coolbinia and part of Mt Lawley located in the City of Stirling, bounded by Walcott St, Flinders St, Wiluna St, Bradford St, the southern boundary of Yokine Reserve, Alexander Dve, Central Ave, and Railway Pde and the area bounded by Third Avenue, the Swan River, Mitchell St, Stanley St, Guildford Rd, Railway Parade, located in the City of Bayswater to the Town of Vincent.

The third proposal (Area 3) – from the City of Perth, dated 2 May 2006 was received by the Board on 3 May 2006. The proposal is to transfer the area currently in the Town of Vincent, bounded by Newcastle St, Loftus St, Vincent St, Bulwer St, Lord St, Parry St and Lindsay St to the City of Perth.

The Board resolved to consider the proposals once its report on structural and electoral reform “*Ensuring the Future Sustainability of Communities*” had been completed. This report was completed in April 2006 and the Board resolved on 23 May 2006 to accept the three proposals under Clause 2(2) of Schedule 2.1 of the *Local Government Act 1995* (the Act) and to conduct a formal inquiry into the three proposals concurrently.

The Local Government Advisory Board carried out a six (6) week extensive public consultation period from 7 June 2006. A number of Precinct Groups, individual members and residents of the Town actively supported the Town's proposals and also strongly opposed the City of Perth proposal to annex South Vincent. In particular, Marie Slyth of the Cleaver Precinct was very active. It is appropriate that the Council formally express its appreciation for this and issue a Certificate of Appreciation to her.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995, Schedule 2.2, specifies that a similar proposal cannot be lodged within two years immediately before a submission is made.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011 - "*Overview, Key Trends and Challenges*" - which identified Local Government structural reform, "*with the potential for resource sharing, boundary changes and amalgamations.*"

FINANCIAL/BUDGET IMPLICATIONS:

The Town's Executive Manager Corporate Services has reviewed the Consultants' financial analysis and provides the following comments:

In order to analyse and assess the impact of the boundary changes the consultants apportioned the income and expense applicable to each proposed boundary change. A number of methods were available and the Councils provided core data on Population Area and Rateable Properties. The apportionment was performed on these categories and then an average was calculated from the results of the individual calculations.

There is a concern that this assessment has been based on averages of apportionment which are in turn based on percentages. The resulting information would therefore be considered to be very subjective.

The consultants have acknowledged in the report the limitations of the assumptions and methodology that is used.

The apportionment done on this basis bears no reality to what is actually in place. For instance, the apportionment will take into account revenue and expenditure that relates to Beatty Park Leisure Centre, which would bear no impact on these boundary realignments.

It is interesting to note that the consultants assess that income for the combined area is estimated to be \$7,400,000, yet the City of Stirling advised that revenue from the area is estimated to be \$4,485,000.

This would therefore question the practical relevance of the results of the model used.

The Capital expenditure amount in the assessment has been calculated on the percentage of Capital to Operating Expenditure.

The Capital figure is subjective, as the amount of capital works undertaken in the area would be determined by the Council and included in the long term works programme which would be factored into the annual budgets to meet the area requirements and the relevant revenue streams.

The conclusion that the transfer of the area 2 and 2A would have a negative impact on the viability of the Town is open to interpretation.

The statements made regarding the Town's financial history, appear to be biased. It is interesting to note that, apart from one year, the City of Bayswater financial performance is the same and yet their commentary on their financial history is more favourable.

The reference to the Town's loan liability has not been balanced by the acknowledgement of the guaranteed revenue streams that offset the liability or the securities in place to cover the loans.

The consultants acknowledge that had the boundary changes been implemented then the profitability of the Town would have been improved.

The implementation of the proposals to alter the Town's boundary will be carried out between now and 1 July 2007. At the time of writing this report, this information was still being prepared. It will be considered during the Budget 2007/08 process.

COMMENTS:

The Chief Executive Officer is pleased that the Town's proposal relating to transferring east Glendalough and parts of the City of Perth (north of the Graham Farmer Freeway) to the Town were successful. It is disappointing that the Town's proposal to transfer the suburbs of Mount Lawley, Menora and Coolbinia into the Town was not successful.

The Chief Executive Officer will now prepare an Implementation Plan to ensure the smooth transition of the affected areas into the Town by 1 July 2007.

10.4.8 Information Bulletin

Ward:	-	Date:	5 February 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 27 February 2007, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.8

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 7.53pm.

CARRIED (6-0)

(Crs Chester and Farrell were apologies. Cr Torre was absent from the Chamber and did not vote.)

DETAILS:

The items included in the Information Bulletin dated 27 February 2007 are as follows:

ITEM	DESCRIPTION
IB01	Municipal Heritage Inventory Review - Outstanding Places Requiring Action - Progress Report - February 2007 (All Precincts) PLA0098
IB02	Letter from the Office of Crime Prevention Director, Wendy Murray. Community Safety and Crime Prevention Plan
IB03	Letter from the State Administrative Tribunal enclosing decisions and orders made on 8 February 2007. Boyd and Town of Vincent DR 222 of 2006
IB04	Letter from Department of Water Acting Regional Manager, Ross Sheridan. Department of Water Land Use Planning Referral Arrangements
IB05	Letter from the State Administrative Tribunal enclosing Orders and Reasons for decision made on 1 February 2007. Lommond Properties Pty Ltd v Town of Vincent DR 378 of 2006.
IB06	Report - Questions by Elected Members - Relating to Checking of Building Licences (Estimated Value of Construction Works) ADM0018 PRO2262

ITEM	DESCRIPTION
IB07	Letter from Department of Education and Training regarding Mount Hawthorn Junior Primary School and Margaret Street Kindergarten
IB08	Town's Submission to Standing Committee on Environment and Public Affairs relating to the Local Government Amendment Bill (No. 2) 2006
IB09	Status Report - Outstanding Planning Applications as at 16 February 2007

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Simon Chester – Request for a Report Concerning the Assessment of Development Applications

That;

- (i) *the Council AUTHORISES the Chief Executive Officer to provide a report identifying any and all instances of;*
 - (a) *where any current practice used in the Officers' assessment of development applications is not contained in a formally adopted policy of the Town; and*
 - (b) *where the current practice of the Officers in the assessment of development applications is not to utilise or apply either any part of, or completely, a formally adopted policy of the Town; and*
- (ii) *the report to be provided to the Council no later than April 2007.*

COUNCIL DECISION ITEM 11.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the motion be DEFERRED to the next Ordinary Meeting of Council to be held on 13 March 2007 as Cr Chester was an apology for the meeting due to work commitments.

CARRIED (6-0)

(Crs Chester and Farrell were apologies. Cr Torre was absent from the Chamber and did not vote.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nomination for Membership - Recreation and Leisure Technical Reference Group

Ward:	-	Date:	16 February 2007
Precinct:	-	File Ref:	ORG0045
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That _____ be nominated to the Recreation and Leisure Technical Reference Group.

COUNCIL DECISION ITEM 12.1

Cr Doran-Wu departed the Chamber at 7.55pm.

Moved Cr Ker, Seconded Cr Messina

That nil nominations be made.

CARRIED (5-0)

(Crs Chester and Farrell were apologies. Crs Doran-Wu and Torre were absent from the Chamber and did not vote.)

PURPOSE OF THE REPORT:

To seek a nomination from Local Government Officers (Manager/Executive level) for membership to the Recreation and Leisure Technical Reference Group.

BACKGROUND:

In December 2005, the Western Australian Local Government Association (WALGA) called for expressions of interest to establish a formal Recreation and Leisure Technical Reference Group. The Group was established to facilitate greater member input and direction in to the Association's work in the areas of sport, recreation, facility and leisure planning. It was agreed that the membership would be reviewed after 12 months. The Association is now seeking nominations for 2007.

DETAILS:

Purpose of the Group

The purpose of the Recreation and Leisure Policy Group is to provide input and to influence the development of legislation and policy which affects the Local Government recreation and leisure industry.

Terms of Reference

1. Examine and report on Recreation and Leisure Industry-wide issues which impact on Local Government.
2. Examine the effectiveness of current Federal, State and Local Government funding mechanisms for Recreation and Leisure.
3. Look at options to address industry skill shortages.
4. Encourage professional development and training in regional areas for greater recreation and leisure opportunities in rural regional and remote communities.
5. Foster better relations and identify synergies between Federal, State Sporting Associations and community groups.

Priority Actions for the Forum

1. Fees and charges.
2. Management of Joint Use facilities.
3. Funding and Sustainability issues.
4. Professional development and training.
5. Skill shortages.

Current Recreation Issues being undertaken by WALGA

Recreation Fees and Charges

Public Open Space and Collocation Issues

Physical Activity Taskforce

Inclusive Sport Framework with Department of Sport and Recreation (DSR) and Disability Services Commission (DSC)

Membership

Membership is at an officer level due to the technical nature of the issues. Membership will ensure that there is representation from metropolitan and regional WA and is reviewed every twelve (12) months.

Nominations

Due to the technical nature of the issues, the Association seeks nominations from Local Government Officers (Management/Executive level) for membership to the Recreation and Leisure Policy Group.

Officers interested in becoming members are invited to address the following criteria:

- Relevant experience and background
- Local Government background
- Relationship with relevant industry groups/associations
- Particular interests/major issues.

Teleconference and video conferencing facilities are available to facilitate the involvement of participants in the group.

Nominations will be assessed by a panel convened by the Association's Planning and Community Policy Team.

Nominations can be emailed to Jodie Holbrook, email: jholbrook@walga.asn.au or faxed on (08) 9322 2611 or via email, PO Box 1544, West Perth WA 6872.

N.B.:

NOMINATIONS CLOSE COB WEDNESDAY 16 MARCH 2007

13. URGENT BUSINESS

Nil.

At 7.56pm Moved Cr Messina, Seconded Cr Ker

That the meeting proceed behind closed doors to consider Items 14.1 and 14.2 as they contain legal advice obtained, or which may be obtained by the Town or commercially sensitive information.

CARRIED (5-0)

(Crs Chester and Farrell were apologies. Crs Doran-Wu and Torre were absent from the Chamber and did not vote.)

Cr Doran-Wu returned to the Chamber at 7.56pm.

Cr Torre returned to the Chamber at 7.57pm.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

<p>14.1 CONFIDENTIAL REPORT: Request to Vary the Heads of Agreement between the Town of Vincent, North East Equity Pty Ltd and Allia Holdings Pty Ltd and Nicola Tana and David G. Rodwell (Guarantors) for the Multi Purpose Rectangular Sports Stadium, Pier Street, Perth</p>

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.95(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members as the matters contain legal advice obtained, or which may be obtained by the Town or commercially sensitive information; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.1

Moved Cr Messina, Seconded Cr Ker

That the Council;

- (i) *RECEIVES the report relating to the request from solicitors for North East Equity Pty Ltd and the Guarantors (Nicola Tana and David Rodwell) to vary the requirement of the Stadium Heads of Agreement (HOA), relating to the Mortgage Security;*
- (ii) *APPROVES of the Heads of Agreement (Clause 14 - Security for Guarantee and Indemnity) between the Town, North East Equity Pty Ltd, Allia Holdings Pty Ltd (Allia), Nicola Tana and David Rodwell (Guarantors) being varied by removing the Mortgage Security, subject to;*

- (a) *the necessary Bank Guarantee (which will be for a diminishing amount as the Town's loan is gradually reduced) must remain in place as a security held by the Town, until the Town's loan is fully repaid;*
- (b) *payment of all of the Town's legal costs associated with effecting the removal of the Mortgage and substituting the Bank Guarantee;*
- (iii) **AUTHORISES;**
 - (a) *the Chief Executive Officer to instruct the Town's solicitors to prepare the necessary legal documentation, as detailed in this report; and*
 - (b) *the Mayor and Chief Executive Officer to sign the necessary legal documents and affix the Common Seal.*

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

DETAILS:

The Chief Executive Officer is of the opinion that these reports are of a confidential nature as they contain legal advice obtained, or which may be obtained by the Town or commercially sensitive information. In accordance with the Local Government Act 1995, the reports are to be kept confidential until determined by the Council to be released for public information.

LEGAL/POLICY:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
 - (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
 - (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

COMMENTS:

The confidential reports are provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of this matter, the Council may wish to make some details available to the public.

14.2 CONFIDENTIAL REPORT - Nos. 395 - 397 (Lot 28) William Street, Perth - Non - compliance with the Town of Vincent Town Planning Scheme and Alterations to Front Door and Windows to Approved Shops, Offices and Warehouse - State Administrative Tribunal (SAT) - Review Matter No. DR 423 of 2006 and No. 439 of 2006 – “Papers” (Written Submissions)

Ward:	South	Date:	16 February 2007
Precinct:	Beaufort; P13	File Ref:	PRO3301 5.2006.511.1
Attachments:	-		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Nos. 395 - 397 (Lot 28) William Street, Perth - Non -compliance with the Town of Vincent Town Planning Scheme and Alterations to Front Door and Windows to Approved Shops, Offices and Warehouse - State Administrative Tribunal (SAT) - Review Matter No. DR 423 of 2006 and No. 439 of 2006 – “Papers” (Written Submissions); and*
- (ii) *INVITES COUNCILLOR to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of "Papers" (Written Submissions).*

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

The Presiding Member called for nominations in accordance with clause (ii).

Cr Chester was nominated and Cr Ker advised that he would provide a written submission if Cr Chester is unable to.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

COUNCIL DECISION ITEM 14.2

That the Council;

- (i) *RECEIVES the report relating to Nos. 395 - 397 (Lot 28) William Street, Perth - Non -compliance with the Town of Vincent Town Planning Scheme and Alterations to Front Door and Windows to Approved Shops, Offices and Warehouse - State Administrative Tribunal (SAT) - Review Matter No. DR 423 of 2006 and No. 439 of 2006 – “Papers” (Written Submissions); and*
- (ii) *INVITES Councillor Chester to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of "Papers" (Written Submissions).*

At 8.05pm **Moved Cr Ker, Seconded Cr Torre**

That an "open" meeting be resumed.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

- To advise the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member(s) to submit a written submission on behalf of the Council.

BACKGROUND:

5 January 2006 The Town under delegated approval from the Council conditionally approved an application for change of use from consulting rooms to shops, offices and warehouse and associated alterations and additions, subject to standard and appropriate conditions, including compliance with the following condition:

"(vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the existing front doors and windows are kept intact. The revised plans shall not result in any greater variation to the requirements of the Town's Policies."

12 September 2006 The Council at its Ordinary Meeting adopted the place at Nos. 395 - 397 (Lot 28) William Street, Perth on the Town's Municipal Heritage Inventory.

5 October 2006 The Town's Development Compliance Officer inspected the subject premises in relation to the above condition. The site inspection revealed that the ground level windows had been removed and provisions made for wide commercial ground level door openings. A Building Licence had not been issued for works on the site.

6 October 2006 Under Section 214(3) of the Planning and Development Act 2005, a Written Direction was issued by the Town of Vincent, which required:

"1. Under section 214(3) of the Planning and Development Act 2005 ('Act'), you are required, within 60 days of the service of this written direction on you:

(a) to re-instate the front doors and windows that previously existed on the property."

10 November 2006 An application for retrospective approval for alterations to front door and windows to approved shops, offices and warehouse was refused by the Town under delegated authority from the Council for the following reasons:

"(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and

(ii) the non-compliance with the Town's Policy No.3.6.1 relating to Heritage Management - Development Guidelines as the place is listed on the Municipal Heritage Inventory and the subject alterations do not reflect the heritage significance associated with the place and do not follow good heritage management practice."

In relation to this matter, the owner of the subject place was also advised the following:

"In light of this Planning Refusal the current ground floor front openings, resultant from the removal of the ground floor front door and four sash windows that previously existed on the property are still unauthorised, therefore you are requested to reinstate the front door and four sash windows by 8 December 2006 (this date reflects the 60 day timeframe as provided in the Town's Written Direction dated 6 October 2006). If you do not comply with this request the Town will commence legal proceedings against you under the provisions of Section 214(3) of the Planning and Development Act, 2005."

27 November 2006 The owner of the subject place lodged an application for review to the SAT for the non - compliance with the Town of Vincent Town Planning Scheme.

7 December 2006 A mediation regarding the non - compliance with the Town of Vincent Town Planning Scheme was held at the SAT. At this time, the Town reinforced that the requirement for the reinstatement of the front doors and windows that previously existed on the property be adhered to.

8 December 2006 The owner's representative lodged an application for review to the SAT in relation to the refusal of the application for alterations to front door and windows to approved shops, offices and warehouse.

DETAILS:

The applicant seeks a review of two separate applications as described above. In accordance with Section 51(1)(b) of the State Administrative Tribunal Act 2004, application DR 423 of 2006 for the non - compliance with the Town of Vincent Town Planning Scheme; and DR 439 of 2006 alterations to front door and windows to approved shops, offices and warehouse, are to remain separate proceedings but are to be determined together.

Due to the nature of the review, the matter is being dealt with by way of "Papers" (written submissions). The Town's Officers will be representing the Town, while the applicants are represented by Minter Ellison Lawyers.

By 30 March 2007, the Town is required to lodge with the SAT and the applicant with a written submission and associated statements, which will be relied on in relation to the matter.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy No. 4.1.23.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town will be represented by its Officers in the review process, due to the nature of the review and the interpretation of the cultural heritage values associated with the site.

On the above basis, the following is recommended:

- the Council receives the report; and
- the Council nominates an Elected Member(s) to submit a written submission (witness statement) in the review process.

At 8.05pm **Moved Cr Ker, Seconded Cr Torre**

That an "open" meeting be resumed.

CARRIED (7-0)

(Crs Chester and Farrell were apologies.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, JP, declared the meeting closed at 8.05pm with the following persons present:

Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicker	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 February 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007