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(9 March 2004)

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10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES

10.1.1 Further Report - No. 6 (Lot 504) Alma Road, Mount Lawley – Proposed Two (2)-Storey Single House

Ward:	South	Date:	3 March 2004
Precinct:	Norfolk, P10	File Ref:	PRO0251; 00/33/1914
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	R Rasiah, 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 In Residence on behalf of the owners C Suttle and L Park, for proposed two (2)-storey single house at No. 6 (Lot 504) Alma Road , Mount Lawley, and as shown on plans stamp-dated 12 February 2004, subject to:

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

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

(a) *the crossover being 90 degrees to the road; and*

(b) *the maximum total width of the carport being reduced to 5.1 metres;*

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

(ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 3 and bedroom 2 on the northern and eastern elevations, respectively, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. 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;*

(x) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the walls of the house and the east parapet wall; and*

(xi) *subject to first obtaining the consent of the owners of No. 6a Alma Road and No. 105 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. 6a Alma Road and No. 105 Walcott Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 24 February 2004 resolved to defer the application for a two (2)-storey single house at No. 6 (Lot 504) Alma Road, to obtain clarification on carport width specifications and setbacks.

Carport widths

Due to the location of the carport being within the front setback area, it was considered necessary to ensure that the width be reduced to the minimum standard requirement for a double carport being 5.1 metres as stipulated within the Residential Design Codes (R Codes). The carport as proposed occupies 60 percent of the total frontage width of the lot. The R Codes require that carports within the street setback area do not exceed 50 per cent of the frontage width. Reducing the width to 5.1 metres, results in 51 percent of the total frontage width being occupied by the carport. Whilst it is still over the 50 percent requirement, it is considered to be acceptable in this instance due to the narrow nature of the lot.

The Town has not received any correspondence/advice from the applicant regarding this matter or any changes to the plans. As such, the recommendation remains the same, with a recommendation for approval subject to the above stated conditions.

It should be noted that the width of the carport as stated in condition (viii) (b) in the report to the Ordinary Meeting of Council on 24 February 2004 should have been 5.1 metres instead of 5.15 metres which was a typographical error.

Setbacks

The issue of setbacks has been assessed and addressed in the report to the Ordinary Meeting of Council on 24 February 2004.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 February 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by In Residence on behalf of the owners C Suttle and L Park, for proposed two (2)-storey single house at No. 6 (Lot 504) Alma Road , Mount Lawley, and as shown on plans stamp-dated 12 February 2004, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
 - (ii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
 - (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
 - (iv) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
 - (v) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
 - (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
 - (vii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Alma Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
 - (viii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following;*
 - (a) the crossover being 90 degrees to the road; and*
 - (b) the maximum total width of the carport being reduced to 5.15 metres;*

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

- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 3 and bedroom 2 on the northern and eastern elevations, respectively, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. 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;*
- (x) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the walls of the house and the east parapet wall; and*
- (xi) *subject to first obtaining the consent of the owners of No. 6a Alma Road and No. 105 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. 6a Alma Road and No. 105 Walcott Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Doran-Wu

That the Item be DEFERRED to obtain clarification on carport width specifications and setbacks.

CARRIED (6-0)

(Cr Franchina was absent from the Chamber and did not vote. Crs Cohen and Ker on approved leave of absence.)

LANDOWNER: *C Suttle and L Park*
APPLICANT: *In Residence*
ZONING: *Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R40*
EXISTING LAND USE: *Vacant*

COMPLIANCE

<i>Setback</i>	<i>Required</i>	<i>Proposed</i>
<i>Setbacks - East Ground Floor (Garage)</i>	<i>1 metre</i>	<i>0 metre</i>
<i>West Ground Floor (Family, Theatre, Foyer, Study)</i>	<i>1.5 metres</i>	<i>0 metre to 2 metres</i>
<i>West First Floor (Ensuite, Master Bedroom, Retreat, Screened Balcony)</i>	<i>1.7 metres</i>	<i>1 metre to 1.5 metres</i>
<i>East First Floor (Bed 3, Bath, Bed 2, Sitting Room)</i>	<i>1.8 metres</i>	<i>1.6 metres to 1.75 metres</i>
<i>Front First Floor (Balcony)</i>	<i>6 metres</i>	<i>5.3 metres</i>

<i>Privacy Assessment - Bedroom 3 North Facing Window</i>	<i>4.5 metres or screening as per R Codes requirements</i>	<i>3.3 metres to south boundary</i>
<i>Buildings on Boundary - Carport</i>	<i>3 metres average with maximum of 3.5 metres on one side boundary and not to occupy more than 2/3 of boundary length</i>	<i>Height is maximum and average of 3.2 metres</i>
<i>Theatre</i>	<i>3 metres average with maximum of 3.5 metres on one side boundary and not to occupy more than 2/3 of boundary length</i>	<i>Height is maximum and average 3.2 metres high</i>
<i>Carport Width</i>	<i>No more than 50 per cent of the frontage width</i>	<i>60 per cent</i>

<i>Use Class</i>	<i>Single House</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area</i>	<i>260 square metres</i>

SITE HISTORY:

The subject site is currently vacant. The lot width is 10 metres and a maximum of 25.77 metres in depth.

DETAILS:

The applicant seeks approval for a two storey-single house.

CONSULTATION/ADVERTISING:

The proposal has been advertised and one written submission has been received by the Town from the east neighbour regarding a two storey boundary wall previously proposed. However, following amendments of the proposed development, the east neighbour provided a consent signature to a single storey boundary wall proposed.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Overshadowing

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

Front setback

The proposed carport is setback 1 metre from the front boundary and occupies 60 per cent of the total frontage width. The Town's Policy requires that carports be located behind the street setback line in accordance with the Residential Design Codes and not to exceed 50 per cent of the total frontage width. The subject carport does represent a variation however, there is provision in Town's Policy to support carports in the front setback area provided that it maintains unobstructed views between the street and house at ground level. The carport would be supported in this instance due to the narrow nature of the lot and the garage structures that exist on the adjoining properties. However, the applicants would be required to reduce the width of the carport to the absolute minimum requirement being 5.1 metres.

The proposed balcony is setback 5.3 metres from the front boundary. The required setback as per the Town's Policy is 6 metres, however, there is a provision in the R Codes that allows a lesser setback for a minor incursion.

The R Codes states the following;

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

The subject balcony complies with the requirement of the R Codes. Council has supported balconies in the past based on the above provision. The balcony is therefore considered to be acceptable and supported in this instance.

West Setback

The applicant proposes a variation to the ground floor setback requirement on the west elevation. The required setback is 1.5 metres accounting for the entire length of wall. The setback proposed varies between 0 metre and 2 metres with a maximum variation of 0.5 metres. The boundary wall applicable to the theatre abuts an adjoining boundary wall on the west boundary. The variation relates to the family room, study and theatre. Due to the single storey nature of the variations and no objections received, the proposed setbacks are considered to be acceptable and therefore supported.

East Setback

The applicant proposes a boundary wall on the east boundary. The boundary wall relates to the carport. The setback requirement is 1 metre. The boundary wall deviates from the Residential Design Codes in relation to setbacks and also boundary wall development due to two boundary walls being proposed. However, the variation relating to the setback is considered to be minor due to its single storey nature and has received consent from the adjoining affected neighbours. The variation to this setback is considered to be acceptable and therefore supported.

Privacy Setbacks

The privacy setback variation pertains to the north facing window of bedroom three. However the applicant demonstrated a willingness to modify the window to achieve compliance. The window of Bedroom 2 is indicated on the plans as being obscure. A condition has been included in the Officer Recommendation to ensure that the privacy screening of the windows is undertaken to the requirements of the Residential Design Codes.

Boundary Wall Development

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height and length of the boundary wall. In this instance, the proposed development involves a single storey boundary wall on the west side boundary and east side boundary. The proposed boundary walls are a deviation from the requirements in relation to the proposed height and the total number of walls proposed. The proposed boundary walls are considered to be acceptable in this instance as they serve in maximising usable area on a lot restricted by its small nature. The adjoining affected neighbours have also given their consent to the boundary walls. The west wall also abuts a two storey boundary wall on the west adjoining property, considered to cause very little impact on the west side. The boundary walls are therefore supported in this instance.

First Floor Setbacks

The remaining two setback variations relate to the west and east sides of the proposed development. The required setback for the east side is 1.8 metres. The applicant proposes 1.6 metres to 1.75 metres. Due to the minor nature of the variation and no objection received against the setback variation, this variation is supported in this instance. The required setback for the west first floor wall is 1.7 metres. The proposed setback ranges from 1 metre to 1.5 metres. Whilst the setbacks proposed for the west side do not comply with the requirement, it is considered that the applicant has provided adequate clearance from the boundary given that there is an adjoining two storey parapet wall facing this side of the proposed development. The proposed clearance from the boundary is considered to be sufficient enough in preventing a 'terrace' like visual outcome.

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

10.1.2 No. 342 (Lot 100) Beaufort Street (Corner Bulwer Street), Perth – Alterations and Additions to Signage to Existing Service Station

Ward:	South	Date:	27 February 2004
Precinct:	Forrest, P13	File Ref:	PRO0513; 00/33/2049
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, 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 Taylor Burrell Barnett on behalf of the owner NTC Pty Ltd for alteration and addition of signage at No. 342 (Lot 100) Beaufort Street, Perth, and as shown on plans stamp-dated 30 January 2004, subject to:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements and relevant Australian Standards and noise regulations; and*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: NTC Pty Ltd
APPLICANT: Taylor Burrell Barnett
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No. 1 – Commercial
EXISTING LANDUSE: Service Station and Shop

COMPLIANCE:

Use Class	Service Station and Shop
Use Classification	“P”
Lot Area	1609 square metres

Requirements	Required	Proposed
Projecting Signs	Limit of one Projecting Sign per tenancy on a lot other than any Projecting Signs which are attached to the fascia of a verandah or the like	3 Projecting Signs attached to the fascia of the awning
Monolith Signs	Not addressed in Town's Signs and Advertising Policy	One Monolith Sign adjacent to Beaufort Street and three Monolith Signs adjacent to Bulwer Street (all existing)

SITE HISTORY:

The site is a corner site, occupied by a service station and an ancillary shop. A Sign License was issued on 7 June 2001 authorising the installation of one (1) illuminated projecting sign, two (2) ground based signs, three (3) illuminated pylon signs and two (2) wall signs.

DETAILS:

Based on the Town's Policy Relating to Signs and Advertising, it is considered that the previously approved 'pylon' signs are better categorised as 'monolith' signage. Similarly, the previously approved 'wall' sign' located along Bulwer Street above the entry door is considered in this application as a "projecting" sign, as it is attached to the fascia of the awning and not the actual wall of the building.

In light of the above, the applicant seeks approval for the addition and rebranding of the following signage to advertise the name and range of products offered for sale on the subject service station and convenience store site:

Addition of 2x projecting signs (A) attached to awning fascia above entry door along Bulwer Street, each comprising:

- 600 millimetres(height) x 3860 millimetres (width)
- stating "WOOLWORTHS"

Rebranding of 1x projecting sign (existing) (B) attached to awning fascia above entry door along Bulwer Street, comprising:

- 1520 millimetres(height) x 2100 millimetres
- internally illuminated
- stating "WOOLWORTHS"

Rebranding and alterations of 1x monolith sign (existing) (C) on Bulwer Street, comprising:

- reduction of height from 6000 millimetres to 5500 millimetres
- width to remain 1400 millimetres
- internally illuminated
- stating " CALTEX, Caltex star logo, WOOLWORTHS, save 4 cents per litre with your Woolworths fuel discount docket, discounted unleaded and the respective prices and Vortex"

In addition to the signs stated above, there are another three existing monolith signs and a projecting sign on the subject lot, namely:

1x price board (monolith sign) located along Beaufort Street (D)

- 3425 millimetres (height) x 1405 millimetres (width)
- internally illuminated
- stating: Caltex Star logo with three separate panels stating "Unleaded", "Diesel" and "Autogas" and respective prices

1x price board (monolith sign) located along Bulwer Street (E)

- 2700 millimetres (height) x 1220 millimetres (width)
 - internally illuminated
 - stating: Caltex Star logo, "Starcard welcome" and three separate panels stating "Unleaded", "Diesel" and "Autogas" and respective prices
-

1x promo board (monolith sign) located along Bulwer Street (F)

- 2315 millimetres(height) x 1300 millimetres (width)
- internally illuminated
- stating "Star Card welcome" and a blank area available for promotional posters

1x created roof sign (G) (lettering and sign attached to canopy fascia along Beaufort Street) comprising:

- 770 millimetres (height) x 3650 millimetres (width) (logo protrudes some 500 millimetres higher)
- internally illuminated'
- stating "CALTEX" and Caltex Star logo

It is also proposed that a Wall sign, stating "Star Mart" located above the windows along Beaufort Street be removed.

CONSULTATION/ADVERTISING:

The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for its consideration.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage Comments

The subject site is listed on the Town of Vincent Municipal Heritage Inventory (MHI) but the original fabric has been removed and the tin service station awning has been reconstructed. As the value in the listing of the place on the Town's MHI remains mostly in its social significance, the Heritage Officer's recommendation is to support the approval of the application subject to general Town Planning Scheme provision and policies.

Projecting Signage

The rebranding of the existing projecting sign ("STAR MART") located adjacent to the Bulwer frontage is not considered to adversely impact upon the amenity of the surrounding areas and as such, is recommended for approval.

The applicant is also proposing two new projecting signs, which are to be attached to the same fascia of the awning of the abovementioned sign. Whilst this is a deviation from the Town's Policy's limit of one projecting sign per tenancy, this variation can be supported in this particular instance, as the canopy conceals the awning and thus, minimises the impact of the proposed signage from a streetscape perspective.

Monolith signage

Currently, there are no specific provisions for monolith signage in the Town's Policy Relating to Signs and Advertising. The Town however, is in the process of reviewing its Policy, to include provisions for monolith signage.

The applicant proposes to reduce the height and rebrand of the 'larger' monolith sign adjacent to Bulwer Street and to rebrand accordingly to the Caltex/Woolworths venture. This aspect of the application is not considered to adversely impact upon the amenity of the surrounding areas and therefore, recommended for approval.

The Town's record show no record of prior approval for the price board located along Bulwer Street (sign E). However, taking into consideration that there has been no complaints received by the Town of Vincent regarding the signage and that there are no proposed changes to the existing signs, the application for these signs are supported.

Wall Signage

The removal of the wall sign located along Beaufort Street is not considered to have an impact on the amenity of the surrounding areas and therefore, it is recommended that its removal be granted approval.

Summary

The proposal represents a sign strategy for the entire service station site. It is considered however, that the number, scale or nature of the proposed signage as reasonable. The existing service station is a particularly prominent building in terms of its scale and corner location and it is not considered that the signage will have an undue affect on the amenity of the area.

The Signs and Advertising Policy makes provision for 'variation of standards' in instances where a sign strategy for the whole site has been submitted and whereby particular standards or provisions of the policy are considered unreasonable.

In view of the above, it is recommended that the application be approved, subject to standard conditions.

10.1.3 Nos. 596-598 (Lot 116) Newcastle Street, Corner Loftus Street, West Perth - Proposed Signage (Billboards) and Associated Retaining Walls and Landscaping

Ward:	South	Date:	27 February 2004
Precinct:	Cleaver, P5	File Ref:	PRO 0799; 00/33/2090
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

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 WA Billboards on behalf of the landowners G Cerini, for the proposed signage (billboards) and associated retaining walls and landscaping at Nos. 596-598 (Lot 116) Newcastle Street, corner Loftus Street, West Perth, as shown on the plans stamp-dated 28 March 2003 and 24 February 2004, subject to:

- (i) the application is considered a special case and approval should not be considered a precedent for allowing billboards within the Town of Vincent;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian Standards and noise regulations;*
- (iv) a detailed landscaping plan, including a schedule of plant species, shall be submitted and approved prior to the issue of a Building/Sign Licence. The landscaping shall include drought resistant waterwise grass and local Australian plants to be recommended by the Town of Vincent. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) WA Billboards shall remove within 2 working days any sign or message affixed to the signs on receipt of written notice from the Town of Vincent when the Town or Council determines that a message displayed is offensive or not in the best interests of the residents of the Town;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) a road and verge security deposit bond and/or bank guarantee of \$880 shall be lodged prior to the issue of a Building/Sign Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*

- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xiii) *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/Sign Licence;*
- (xiv) *the applicant/owner shall provide adequate setback from the motorists' line of sight through the traffic signals to the nearest edge of the billboards to the satisfaction of Main Roads Western Australia and the Town;*
- (xv) *the billboards shall not display advertising which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs to the satisfaction of Main Roads Western Australia and the Town;*
- (xvi) *advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction to the satisfaction of Main Roads Western Australia and the Town;*
- (xvii) *billboard sizes shall be in keeping with standard industry sizes and are found by Main Roads and the Town to be suitable for this site to the satisfaction of Main Roads Western Australia and the Town;*
- (xviii) *prior to the issue of a Building Licence, details of the access arrangements to and from the subject site for the maintenance of the development and change of signage, shall be submitted to and approved by the Town, and Main Roads Western Australia (if required);*
- (xix) *this approval for billboards (signage) is for a period of 3 years only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of use; and*
- (xx) *the Council write to the Department of Housing and Works outlining the potential of the site and its Government ownership, highlighting Council's recent approval of the Department's development on the corner of Loftus and Vincent Streets, and the Town's potential to consider a similar application favourably;*

to the satisfaction to the Chief Executive Officer.

LANDOWNER(S): G Cerini
APPLICANT(S): WA Billboards
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Commercial
EXISTING LAND USE: Vacant land

COMPLIANCE:

Use Class	Signage
Use Classification	'Unlisted'
Lot Area	641 square metres

SITE HISTORY:

The subject land has been the subject of a dispute between the landowner, and the then Main Roads Western Australia and Ministry for Planning. A portion of the property was resumed by Main Roads Western Australia as part of the Loftus Street Duplication Project.

- 24 February 1997 A Health Notice was served on the subject property declaring the house unfit for human habitation.
- 19 November 2002 Council at its Ordinary Meeting resolved to grant conditional Planning Approval for the demolition of the existing house and refused the Planning Application for signage (billboards) and associated retaining walls and landscaping on the subject property.
- 26 November 2002 The applicant submitted a new application for the proposed retaining walls, landscaping and signage. The proposal was similar to the previous application refused by the Council on 19 November 2002, however, the applicant submitted an addendum to the application.
- 17 December 2002 Council resolved to refuse the abovementioned proposal for the same reasons as the previous application.
- 24 June 2003 Applicant submitted an application for signage (billboards) and associated retaining walls and landscaping. Council resolved to defer the application to investigate alternative access options to the site.
- 26 August 2003 Council resolved to conditionally approve the application for signage and associated retaining walls and landscaping.
- 21 January 2004 The application was considered under delegated authority and the Chief Executive Officer resolved to refer the application to an Ordinary Meeting of Council.
- 10 February 2004 Council resolved to refuse an amended application to increase the size of the previously approved billboard, to include an identification plaque on the billboards and to delete condition (v) of the previous approval.

DETAILS:

The subject proposal is identical to the proposal approved by the Council at its Ordinary Meeting held on 26 August 2003, however, the applicants are requesting a reconsideration of Condition (v) of the previous conditional planning approval, issued on 3 September 2003, which required the applicant to lodge a separate Planning Approval and Sign Licence for the erection of each individual sign on the billboard.

The applicant's justification in support of the proposal, forms part of the attachments to this report.

The applicants wish to replace Condition (v) of planning approval issued on 3 September 2003, with an alternative condition as follows:

"WA Billboards shall remove within 2 working days any sign or message affixed to the signs on receipt of written notice from the Town of Vincent when the Council determines that a message displayed is offensive or not in the best interests of the residents of the Town of Vincent."

CONSULTATION/ADVERTISING:

The application was not advertised to the adjoining landowners or referred to the Western Australian Planning Commission, as a similar proposal had been advertised and considered within the last 12 months, and this application is for minor changes to the previous application and planning approval.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Removal of Condition

The applicant's are proposing to delete condition (v) of the previous planning approval dated 3 September 2003, which requires the applicants to lodge a separate Planning Approval and Sign Licence for the erection of each individual message/ advertising poster on the billboard. The applicants wish to replace condition (v) with the following condition:

"WA Billboards shall remove within 2 working days any sign or message affixed to the signs on receipt of written notice from the Town of Vincent when the Council determines that a message displayed is offensive or not in the best interests of the residents of the Town of Vincent."

In the event that Council's approves the proposed billboards, the removal of condition (v) is considered acceptable, as a separate Sign Licence is not considered necessary every time the applicants intend to place a new message/advertising poster on the billboards.

Furthermore, the above-mentioned alternative condition is considered an appropriate alternative to the submission of a separate Planning Applications for every new sign, as the Town will still have control over the materials being erected, which basically achieves the same result as the previous condition, which stated that:

- (v) *all signage, and subsequent signage, shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage, and shall include details of the contents, colours and finishes of all signage;*
-

Conclusion

In light of the above, conditional approval is recommended, subject to identical conditions from the previous approval granted by Council on 26 August 2003, with the exception of Condition (v), which is to be replaced by the following condition:

"WA Billboards shall remove within 2 working days any sign or message affixed to the signs on receipt of written notice from the Town of Vincent when the Town or Council determines that a message displayed is offensive or not in the best interests of the residents of the Town of Vincent."

**10.1.4 No.14 (Lot 4) Norham Street (Corner of Ruby Street), North Perth-
Single House and Bed and Breakfast-Renewal**

Ward:	North	Date:	26 February 2004
Precinct:	North Perth, P8	File Ref:	PRO2198; 00/33/2054
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant S J Rosetti on behalf of the owners S J and N Rosetti for the proposed renewal of single house and bed and breakfast at No.14 (Lot 4) Norham Street, corner of Ruby Street, North Perth, and as shown on plans stamp-dated 2 February 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of doorways and access for people with disabilities and smoke alarms;*
- (ii) a maximum of two lodgers/guests shall be accommodated on the premises at any one time;*
- (iii) the bed and breakfast use shall be ancillary and incidental to and associated with the single house on-site;*
- (iv) this approval is for the bed and breakfast only. Should the applicant wish to apply for a home occupation such use shall be subject to a separate Planning Approval application being submitted to and approved by the Town prior to first commencement of such use;*
- (v) any new signage shall be subject to a separate Planning Approval and Sign Licence application being submitted to and approved by the Town prior to the erection of the signage; and*
- (vi) this approval for the bed and breakfast shall be for a period of 24 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: S J and N Rosetti
APPLICANT: S J Rosetti
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House / Bed and Breakfast
Use Classification	"P" / "Unlisted Use"
Lot Area	506 square metres

SITE HISTORY:

The subject property accommodates a single house. The surrounding land use is predominantly residential. On 10 February 2003, an application for change of use from single house to single house and bed and breakfast was granted conditional approval under delegated authority from the Council. The Council at its Ordinary Meeting on 16 December 2003 further conditionally approved an application for signage at the above subject property.

DETAILS:

Approval is sought for the renewal of the operation of a bed and breakfast ("B & B"), which is to be carried out from a single house at the above site. The B & B is to be managed by the owners of the property and consists of a single bedroom with en-suite. The maximum number of guests at the B & B at any one time is proposed to be two (2) persons. Parking is provided on-site and therefore, there will be no unreasonable increase in traffic and on-street parking within close proximity. The use of office equipment is required for general administrative duties associated with the operation of the B&B business.

The applicant has provided the following information in support of the application;

"My husband and I wish to continue our small bed and breakfast business from our home in 14 Norham Street, North Perth. We do not employ anyone in order to do this. This is our second year of operation..."

To the best of our knowledge, there is no other Bed and Breakfast operating in our immediate area . . . We are only offering one bedroom of our home as a B & B, so there can only be one or two guests staying at any time . . .

There has been no more traffic or disruption to the street than is normal for a three bedroom home. We have double lock up garaging, with parking for our second vehicle in our off-street driveway in front of one of the garages... When we were asking for our neighbour's approval for the B & B sign, they agreed that there has been a noticeable decrease in traffic to and from 14 Northam Street since we took our place back from the renters and opened the B & B. They don't even see our guests because what few we have quietly make their way (within the high brick walls of the premises...) to their room, which has its own entry..."

CONSULTATION/ADVERTISING:

The proposal was advertised for 14 days and no objections were received during the advertising period.

COMMENTS:

The proposal is considered acceptable given its limited scale, nature and impact on the amenity of the surrounding area. It is also noted that there has been no complaints received by the Town in relation to the proposal in the time that the B& B has been in operation.

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions.

10.1.5 No. 32 (Lot 474) Tasman Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations, Additions, Patio and Carport to Existing Single House

Ward:	North	Date:	2 March 2004
Precinct:	Mount Hawthorn P1	File Ref:	PRO1612; 00/33/2037
Attachments:	001		
Reporting Officer(s):	S Bowman		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner/applicant B Georgiou for partial demolition of and alterations, additions, patio and carport to existing single house on No. 32 (Lot 474) Tasman Street, Mount Hawthorn and as shown on plans stamp dated 22 January 2004, subject to;

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (iii) no part of the roof, including gutters (other than metal beams) shall be setback nearer than 500 millimetres from the western boundary, and any columns within this setback shall be constructed from brick and/or metal not more than 350 millimetres in width or breadth;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*

(ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Tasman Place shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency.*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: B Georgiou
APPLICANT: B Georgiou
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No.1 - Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	'P'
Lot Area	491 square metres

Requirements	Required	Proposed
Setback of carport to front street	4.5 metres	1.5 metres
Side Setback East	1 metre or if boundary wall up to 2/3 the length of the boundary behind the front setback to one side boundary.	Nil however, the setbacks complies with boundary wall requirements.
Patio (west setback)	1.5 metres	1.050 metres

SITE HISTORY:

19 December 2000 Council granted conditional Planning Approval at its Ordinary Meeting for two-storey additions and alterations to the existing dwelling. This approval was not initiated and has since expired.

25 September 2001 Council granted conditional Planning Approval at its Ordinary Meeting for demolition of existing dwelling and construction of a single house. This approval was not initiated and has since expired.

DETAILS:

The applicant seeks to undertake alterations and additions to the existing residence including a carport within the front setback area.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Partial Demolition

The Town's Heritage Officer has advised that the dwelling is not listed on the Town's Municipal Heritage Inventory. Based on the minor nature of the proposed demolition works the proposal can be supported, subject to general provisions of the Town Planning Scheme and Policies.

Side Setbacks

The variations to the side setback requirements are considered supportable given there were no objections received. The setback of the proposed patio maintains the existing western side setback for the dwelling. The patio is open along the western boundary.

The eastern setback of the proposed additions contains no openings and complies with the Residential Design Code (R Codes) requirements for boundary walls. The proposed variations to the side setbacks will not have an undue adverse impact on the adjoining properties.

Carport

Given that Tasman Street contains a number of carports within the front setback area, and there is no alternative vehicular access other than from Tasman Street, it is considered the reduced carport front setback can be supported with appropriate conditions to ensure all sides of the structure remain open.

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.

10.1.6 No. 11 (Lot 3) East Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Addition to Existing Single House

Ward:	North	Date:	3 March 2004
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2655; 00/33/2011
Attachments:	001		
Reporting Officer(s):	S Bowman		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the applicant M Rendell on behalf of the owners SJ and MJM Rendell for partial demolition and alterations and additions to existing single house at No.11 (Lot 3) East Street, Mount Hawthorn and as shown on plans stamp dated 2 January 2004, subject to;

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to issuing the Building Licence, revised plans shall be submitted and approved demonstrating the top of the external wall height being reduced to 6.3 metres.*

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

- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (vi) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

(viii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division; and*

(ix) *no new front fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to East Street, Mount Hawthorn shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: SJ and MJM Rendell
APPLICANT: M Rendell
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No.1 - Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	'P'
Lot Area	627 square metres

Requirements	Required	Proposed
Height	6.0 metres (two storey including loft)	7.0 metres (at highest point)

SITE HISTORY:

The site is occupied by a single two storey house fronting East Street.

DETAILS:

The applicant seeks to undertake alterations and additions to the existing residence. The proposed ground floor additions include an upgraded carport and a living room to the rear of the dwelling. The first floor additions propose the existing bedroom being refitted as an ensuite, walk in robe and stairway with a new bedroom, living area, balcony and study being added. The proposal involves partial demolition of the dwelling and carport to allow the renovations to take place.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received.

The applicant has submitted a letter to the Town providing justification for the proposed variations to the requirements. The salient points are as follows:

- It is difficult to achieve a second storey addition within the 6 metres height limit as the ground floor has a floor to ceiling height of 3.5 metres;

- To achieve quality of design the upper floor to ceiling height should match the ground floor;
- The existing first floor addition is unsightly. The proposed additions would enhance the existing addition and achieve a balanced elevation composition for the front of the house; and
- The current design of the proposal balances the traditional and contemporary elements of the existing residence and will sit harmoniously within the existing streetscape.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Partial Demolition

The Town's Heritage Officer has advised that the dwelling is not listed on the Town's Municipal Heritage Inventory. Based on the minor nature of the proposed demolition works, the proposal can be supported, subject to general provisions of the Town Planning Scheme and Policies.

Height

The proposed building height of the upper storey does not comply with the acceptable development provisions for element 3.7.1 of the Residential Design Codes (R Codes) relating to height of buildings. The maximum height permitted for a two storey dwelling is 6.0 metres to the top of the external wall (roof above). The proposed upper floor additions includes a skillion roof structure that is 6.5 metres in length with a height of 6.1 metres for the external wall at the lowest point of the roof line and 7 metres at the highest point. The remaining roof line complies with the R Codes. The proposed variation of 1 metre to the requirements is considered to be significant and will detrimentally impact on the streetscape. However, if the height of the proposed wall is restricted to 6 metres with a skillion roof structure on top, the existing flat roofed upper floor structure will only be emphasised and dominate the front elevation. To achieve a balanced elevation that mostly complies with the R Code height requirements, a variation of 6.3 metres in height is considered to be more appropriate in this instance and has been conditioned accordingly.

It is noted the overall height of the dwelling complies with the R-Codes requirement of 9 metres if the roof was a pitched roof. The skillion roof of the proposed addition has a maximum ridge height of 7.36 metres. The skillion roof structure of the proposed additions will minimise the impact of the existing upper floor (box shaped, flat roofed structure) and balance the front and rear elevation of the dwelling.

In light of the above, and given that the proposal complies with the R-Codes requirements relating to overshadowing, overlooking, and the overall 9 metres height requirement to the ridge of the roof, it is therefore considered that a 300 millimetres variation in the height to the top of the wall will not have an undue, adverse impact on the amenity of the streetscape, or the area generally. Conditional approval is therefore recommended.

10.1.7 No. 5 (Lot 9) Bream Cove, Mount Lawley – Proposed Two Storey Single House

Ward:	South	Date:	27 February 2004
Precinct:	Banks, P15	File Ref:	PRO2579 ; 00/33/1927
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the J Corp Pty Ltd on behalf of the owners D V and S I Gonsalves for proposed two-storey single house on No.5 (Lot 9) Bream Cove, Mount Lawley, as shown on the plans stamp dated 20 January 2004, subject to:

- (i) subject to first obtaining the consent of the owners of No. 3 (Lot 10) Bream Cove for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 3(Lot 10) Bream Cove in a good and clean condition;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Bream Cove shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (vi) a road and verge security bond or bank guarantee of \$880 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) the construction of crossovers shall be in accordance with the Town's specifications;*

- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: J Corp Pty Ltd
APPLICANT: D V and S I Gonsalves
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R20
EXISTING LAND USE: Single house

COMPLIANCE:

Requirements	Required	Proposed
Front Setback - First floor	6.0 metres	5.0 metres to balcony and 6.0 metres to main building
Setback -West Ground floor (kitchen and study)	1.0 metre	Nil
Setback -West Ground floor (ensuite and laundry)	1.0 metre	Nil
Bream Cove	House to have maximum finished floor level of 6.6	House and garage has finished floor level of 6.92

Use Class	Single House
Use Classification	"P"
Lot Area	356 square metres

SITE HISTORY:

The subject property fronts Bream Cove and is currently a vacant lot.

DETAILS:

The applicant seeks approval for a two-storey single house with variations to the first floor front setback of the dwelling. The proposed floor setback is at 5.0 metres to the balcony. The proposal does not comply with the first floor front setback requirement of 6.0 metres.

CONSULTATION/ADVERTISING:

There were no objections received during the advertising period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks (West - Ground Floor)

The setback variations for the parapet walls to the western boundaries are considered minor as they are single storey in height (2.7 metres) and have a length of 6.8 metres and 6.7 metres respectively and there were no objections raised from the neighbouring property. As such, the parapet walls are not considered to unduly impact the amenity of the affected neighbours and the surrounding area.

Setbacks (Front - Upper Floor)

The Town's Banks Locality Plan Policy requires the first floor of dwellings to be setback 6.0 metres from the front boundary. The R-Codes however permit the upper storey to have a setback of 4.0 metres. The applicant seeks a variation to the upper floor setback from 6.0 metres to 5.0 metres to the balcony. In this particular instance, it is considered that the design does provide adequate visual relief, as the only incursion into the 6 metres setback area is a 2.5 metres wide open style balcony.

Finished Floor and Ground Levels

Based on the Australian Height Datum (AHD) levels determined by Technical Services, appropriate finished floor and ground levels have been determined for the subject lot and other lots within the "Walters Brook" subdivision. The proposal has been assessed under the Walter Brook Design Guidelines for Lots 229 - 232 Pakenham Street, Mount Lawley. The appropriate maximum finished ground and floor level (FFL) for ground floor of the dwelling have been determined to be 6.60 metres AHD. This level has been determined to be appropriate in terms of the potential effect on streetscape and adjoining properties.

The applicant requests that the Council consider supporting the proposed FFL of the house and the garage at 6.92 metres. The Council has previously supported deletion of conditions relating to AHD in the past and in this instance no objections being received from the neighbours. As such, the variation to the AHD levels is supported. Most of the houses being built in the area have had the FFL's increased. A similar increase in AHD is also being considered for No. 5 (Lot 2) Bream Cove, which is also reported in this Agenda.

Conclusion

In light of the above, it is considered that the proposed first floor, front setback and side setback variations to the Town's Bank's Precinct Policy is supportable. It is recommended that approval be granted for the proposal, subject to standard and appropriate conditions to address the above matters.

10.1.8 No. 1 (Lot 2) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Two-Storey Single House

Ward:	South	Date:	26 February 2004
Precinct:	Banks, P15	File Ref:	PRO1926 00/33/2021
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	R Rasiah, 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 Cornerstone on behalf of the owners G and E R Merenda, for proposed two-storey single house at No. 1 (Lot 2) Bream Cove, corner Joel Terrace, Mount Lawley, as shown on plans stamp dated 10 February 2004, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Bream Cove shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of any new fence and gates over 1.2 metres from the adjacent footpath, adjacent to Joel Terrace shall have a minimum of two design features incorporated into the fence to break up the visual bulk of the fence;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) compliance with all relevant Building, Engineering and Environmental Health requirements;*

- (viii) *a Certified Practising Consulting Engineer’s certification as to the capability of the subject site and adequacy of the proposed foundations, for the development, taking into account the geotechnical and/or hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence; and*
- (ix) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- to the satisfaction of the Chief Executive Officer.*

LANDOWNER: G and E R Merenda
APPLICANT: Cornerstone
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No.1 – Residential R20
EXISTING LAND USE: Vacant

COMPLIANCE:

Requirements	Required	Proposed
Setbacks South western boundary	2 metres	1.9 metres
Bream Cove	House to have maximum finished floor level of 6.4, garage to have finished floor level of 6.97	House and garage has finished floor level of 6.8

Use Class	Single House
Use Classification	'P'
Lot Area	345 square metres

SITE HISTORY:

The subject lot was created as part of the subdivision of Lots 229-232 Pakenham Street, commonly known as the “Walters Brook” subdivision.

26 February 2002 The Council, at its Ordinary Meeting, conditionally approved a development application for a two-storey single house subject to several conditions including the following conditions:

- "(i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the finished ground level of the driveway and the finished floor level of the garage not exceeding 6.97 metres based on Australian Height Datum (AHD) and the finished ground level of the remainder of the lot and the finished floor level of the ground floor of the proposed dwelling not exceeding 6.40 metres AHD;*
 - (b) *the setback of the dwelling to the secondary street (Bream Cove) being increased to a minimum of 1.5 metres; and*

- (c) *a private open space area with a minimum area of 20 square metres and a minimum side dimension of 4 metres being provided.*

25 June 2002 The Council at its Ordinary Meeting conditionally approved a similar application at the subject property, without condition (i) from Council's resolution on 26 February 2002.

This development, however, did not proceed.

DETAILS:

The lot is currently vacant. The proposed dwelling is two-storeys high with no walls proposed on the boundary. Vehicular access is from Bream Cove.

The applicant was advised of the requirements of the Town's Policy regarding the Riverside Locality in relation to front setbacks. On 10 February 2004, the Town received revised plans showing the first floor building setback 6 metres from Joel Terrace and the balcony setback 5 metres from Joel Terrace.

CONSULTATION/ADVERTISING:

No comments were received during the two week advertising period.

COMMENTS:

Finished Floor and Ground Levels,

Based on the AHD levels determined by Technical Services, appropriate finished floor and ground levels have been determined for the subject lot and other lots within the "Walters Brook" subdivision. With regard to the subject lot, it has been determined that the maximum finished floor and ground levels not exceeding 6.97 metres AHD would be appropriate for the proposed garage and driveway due to the existing ground level (6.97 metres AHD) and the short length (6.0 to 11.0 metres length) of the portion of the lot in which the garage and driveway will be located. The appropriate maximum finished ground and floor level (FFL) for the remainder of the lot and the ground floor of the dwelling have been determined to be 6.40 metres AHD. This level has been determined to be appropriate in terms of the potential effect on streetscape and adjoining properties of the bulk and scale of the building and, equate to a maximum of approximately 650 millimetres of fill, either retained or contained within a brick build-up area, above the lowest existing ground level of the lot.

The applicant requests that the Council consider supporting the proposed FFL of the house and the garage at 6.8 metres.

The site constraints of this lot, including dual street frontages and truncations and the narrowness of the lot, no objections being received from the neighbours, and the Council's previous support for the deletion of conditions relating to AHD levels are noted. As the Council previously supported a greater variation to the AHD level on this lot, this variation is supported.

Setbacks

The variation to the south western boundary is considered minor and is supported in this instance.

The Town has previously supported balconies setback 5 metres from the Primary Street. In this instance the revised plans stamp-dated 10 February 2004, showing the balcony setback at 5 metres is supported.

Front Fences

No front fencing details have been provided as a part of the application. As the proposal has two street frontages, the applicant has requested that a portion of the fence adjacent to Joel Terrace have the potential to be solid over a height of 1.2 metres to provide some privacy around their private courtyard area and as Joel Terrace is a relatively busy road.

The Town's Policy relating to Street Walls and Fences states that secondary streets can have a solid portion to a maximum height of 1.8 metres. In this instance, Joel Terrace is considered to be the secondary street. It is recommended that the application be conditioned to provide two design features in any solid fencing above the height of 1.2 metres adjacent to Joel Terrace to break up the visual bulk of a solid wall.

Summary

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

**10.1.9 No. 161 (Lot 66) Egina Street corner Blackford Street, Mount Hawthorn
- Additional Two Storey Single House to Existing Single House**

Ward:	North	Date:	2 March 2004
Precinct:	Mount Hawthorn P1	File Ref:	PRO2558; 00/33/2013
Attachments:	001		
Reporting Officer(s):	S Bowman		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owners J and NA McAteer for an additional two storey single house to an existing single house and alterations and additions to existing single house at No.161 (Lot 66) Egina Street corner Blackford Street, Mount Hawthorn and as shown on plans stamp dated 5 January 2004, subject to;

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (vii) no new front fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Egina Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER J and NA McAteer
APPLICANT: J and NA McAteer
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	'P'
Lot Area	627 square metres

Requirements	Required	Proposed
Garage setback from front boundary	6.0 metres or behind the main building wall	4.0 metres and in line with the main building
Setbacks		
Ground floor - north	1.5 metres	Ranging from 1.0 metre to 1.5 metres for total length of the wall
Upper Floor - north	1.5 metres	Ranging from 1.2 metres to 1.8 metres for total length of the wall.

SITE HISTORY:

The subject site is occupied by a single storey house fronting Egina Street. Alterations and additions to the existing single house were approved on 12 December 2003 under delegated authority. The Western Australian Planning Commission (WAPC ref 123639) approved the subdivision of the subject lot on 9 February 2003. An advice note on the above conditional subdivision approval to the applicant required a development application to be approved by the Town as the lot created was less than 350 square metres.

DETAILS:

The applicant seeks approval for an additional two-storey single house to the rear of the existing single house with frontage onto Blackford Street. The proposed additional dwelling will front Blackford Street.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

The proposal seeks a minor variation to the required side setback from 1.5 metres to 1.0 metre for part of the wall of the ground floor, and 1.5 metres to 1.2 metres for part of the length of the upper floor to the northern boundary. The variations are considered supportable given that there were no objections received and there is no undue negative impact on the adjoining properties from the reduced setbacks.

Garage

The proposal seeks a variation to the setback requirements for the garage, with only 4 metres provided. The garage is however not forward of the building line as the dwelling is setback 4 metres from the front boundary facing Blackford Street and is also behind the main building line of the house facing Blackford Street.

Moreover, the eastern wall of the garage forms part of a boundary wall for the existing dwelling on the site. The proposed setback of the garage at 4.0 metres will match the setback of the boundary wall for the existing dwelling.

The variation is considered supportable as no objections were received and the garage will not detrimentally impact upon the streetscape.

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

10.1.10 No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley - Proposed Construction of Twelve (12) Two-Storey Single Houses

Ward:	South	Date:	2 March 2004
Precinct:	Norfolk, P10	File Ref:	PRO2387; 00/33/1682
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	R Rasiah, 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 Viking Development Pty Ltd on behalf of the owner P Foster for proposed twelve (12) two-storey single houses at No. 57, (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, as shown on plans stamp-dated 18 February 2004 (first floor plan) and 27 February 2004 (Site plan and existing survey plan, elevations), subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (iii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS 2890.1 - "Off Street Parking". ;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$1650 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (viii) *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;*
- (ix) *subject to first obtaining the consent of the owners of proposed Lot 13 for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing the public open space at proposed Lot 13 in a good and clean condition; and*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates 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 subdivide the subject land as generally shown on the approved plans 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);*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Monmouth Street, Burt Street and the proposed new road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Monmouth Street, Burt Street and proposed new road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xiv) *compliance with the Draft Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, adopted at the Ordinary Meeting of Council on 24 February 2004, including the use of non-reflective roof materials;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	P Foster
APPLICANT:	Viking Development Pty Ltd
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE:	Vacant Land

COMPLIANCE:

Requirements	Required	Proposed
Town's Policy relating to the Alma Locality	General height limit of two-storeys considered appropriate provided the first floor is setback a minimum of 6 metres.	Unit 12, balcony setback 5 metres from new internal road.
Town's Policy relating to the Alma Locality	Within areas coded R40, a maximum of two dwellings will be permitted per lot.	12 residential lots and 1 lot of public open space proposed on existing single lot. Subdivision approval has been granted although lots have not yet been created.

Use Class	Single House
Use Classification	'P'
Lot Area	3442 square metres

SITE HISTORY:

- 16 June 2003 The Town received a planning application for the demolition of the existing nursing home and the construction of thirteen two-storey single houses.
- 8 July 2003 The Council at its Ordinary Meeting recommended refusal to the Western Australian Planning Approval for the subdivision of the subject site into thirteen (13) lots. Six (6) of the proposed lots front Monmouth Street and the remaining seven (7) lots are serviced by a new dedicated public road off Burt Street.
- 10 September 2003 The Town received a planning application for the demolition of the existing buildings only.
- 4 November 2003 Conditional Planning Approval was granted under delegated authority for the demolition of the existing institutional building (nursing home). The buildings were considered to have little cultural heritage significance.
- 12 November 2003 The Western Australian Planning Commission conditionally approved the subdivision of the land, including proposed lot 13 being vested in the Crown as a "Reserve for Recreation" free of cost, and the requirement for Detailed Residential Design Guidelines being prepared and approved prior to clearance of the subdivision.
- 25 November 2003 The Town received revised plans in relation to the development application received 16 June 2003. The revised plans indicated the deletion of one of the residential lots, for public open space.
- 19 December 2003 Conditional Planning Approval was granted for three single houses on the subject site, to satisfy a condition of Planning Approval issued on 4 November 2003, for the Demolition Licence, therefore allowing the applicant to commence demolition works.

- 13 February 2004 Revised plans were received by the Town, showing compliance with the requirements of the Residential Design Codes and general compliance with the Town's Policies.
- 24 February 2004 Council at its Ordinary Meeting of Council resolved to receive, adopt and advertise a Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley.

DETAILS:

The nursing home on site has been recently demolished and the site is currently vacant.

The proposal involves the construction of twelve (12) two-storey single houses, with six (6) dwellings fronting Monmouth Street, one (1) dwelling with frontage to Burt Street and five (5) dwellings fronting a newly created internal public road.

Proposed Lot 13 has been provided as public open space as a part of the subdivision application (Western Australian Planning Commission reference 122233.)

CONSULTATION/ADVERTISING:

Clause 2.5.1 of the R Codes state that

"In the case of a proposed development that:

- i requires the exercise of a discretion by the Council under the Codes or under an adopted Local Planning Policy; and*
- ii may, in the opinion of the Council, adversely affect the amenity of an adjoining property,*

the provisions of 2.5.2 and 2.5.3 apply to provide for affected property owners to view and comment on the proposal.

In any other case the Council, may, at its discretion inform adjoining owners and occupiers of the nature of proposals received."

The revised plans stamp-dated 18 February 2004 and 27 February 2004, comply with the Residential Design Codes (R Codes), the proposed design guidelines for No. 57 Monmouth Street and the Town's Policies. In this instance, it was considered appropriate to advise the adjoining landowners of the proposal for their information. They were also advised that the proposal complies with the Residential Design Codes and therefore no comments were being sought.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposal complies with density, streetscape, open space, setbacks, car parking, site works, privacy, design for climate and Incidental Development requirements of the R-Codes. Plot Ratio is not relevant in properties zoned R40.

Town's Policy relating to the Alma Locality

The proposal generally complies with the Town's Policy relating to the Alma Locality. Given that the subdivision of the land into 13 lots has been granted conditional approval by the Western Australian Planning Commission, it is not considered appropriate to refuse the application on the grounds that the subject site is currently three (3) lots and more than two dwellings are proposed per lot.

The Alma Locality also states that a general height limit of two-storeys is considered appropriate, provided that the first floor is setback a minimum of 6 metres. The proposed first floor balcony of unit 12 is setback 5 metres from the new internal road. This variation has been consistently supported at Council in recent meetings, as a balcony setback at 5 metres is not considered to unduly affect the amenity of the streetscape. Therefore, this variation is considered minor and is supported.

Draft Monmouth Street Guidelines

The proposed development complies with the Draft Guidelines prepared for No. 57 Monmouth Street, Mount Lawley.

Walls on Boundary

The proposal does involve two-storey parapet walls between ten of the proposed dwellings. Clause 3.3.2 A2 v of the R-Codes states that walls can be built up to a boundary behind the front setback line:

"where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension".

In this instance, there is considered to be adequate separation distance and difference in setbacks between the different pairs of dwellings, which is considered unlikely to be detrimental to the streetscape, and on the above basis, the two storey parapet walls are supported.

Summary

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

10.1.11 Nos. 313 and 315 (Lots 1 and 2) Oxford Street, Leederville – Proposed Demolition of Two (2) Existing Single Houses and Construction of Six (6) Two - Storey Grouped Dwellings , Two (2) Single Bedroom Dwellings, and Associated Undercroft Carparking

Ward:	South	Date:	2 March 2004
Precinct:	Leederville, P3	File Ref:	PRO2111; 00/33/1959
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	R Rasiah, 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 Brooking Design Practice Australia Pty Ltd for the demolition of two existing single houses, and the construction of six two-storey grouped dwellings, two single bedroom dwellings and associated undercroft carparking at Nos. 313 and 315 (Lots 1 & 2) Oxford Street, Leederville, and as shown on plans stamp-dated 21 November 2003, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved detailing design features incorporated into the garage doors, to reduce the visual impact on the adjoining neighbours.*

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

- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) prior to the first occupation of the development, the full length and width of the right of way from the existing asphalt seal to the southern 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 the remainder of the right of way is to be resealed to the Town's specifications at Applicant/Owner's expense.*
- (iv) a bond and/or bank guarantee for \$3750 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$2900 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) the construction of crossovers shall be in accordance with the Town's specifications;*

- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (x) *subject to first obtaining the consent of the owners of Lot 43 (southern neighbouring property) and Lot 3 (northern neighbouring property) Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the store rooms boundary (parapet) walls facing Lot 43 and Lot 3 Oxford Street in a good and clean condition; and*
- (xi) *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 to and approved by the Town prior to the issue of a Demolition Licence;*
- (xii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (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) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Oxford 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);*
- (xv) *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; and*
- (xvi) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS 2890.1 - "Off Street Parking";*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Inspired Development Group Pty Ltd
APPLICANT: Brooking Design Practice Australia Pty Ltd
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R60
EXISTING LAND USE: Two Single Houses

COMPLIANCE:

Requirements	Required	Proposed
Setbacks All setbacks comply with R-Code requirements except for: Rear Units 7 & 8 Town's Policy relating to the Oxford Locality	5.2 metres Two storeys can be considered provided that the second storey is generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk.	3.049 metres (including 2.0 metres of the right of way width) Unit 1 and Unit 2 have 5.5 metres length of wall setback 4.605 metres from Oxford Street.

Use Class	Grouped Dwellings, Single Bedroom Multiple Dwellings
Use Classification	"P"
Lot Area	1264 square metres

SITE HISTORY:

3 December 2002 The Council at its Ordinary Meeting held on 3 December 2002 resolved to refuse an application for the demolition of two (2) existing single houses and construction of eight (8) two-storey multiple dwellings, including two (2) single bedroom dwellings and associated semi-basement carparking. This application was refused on the basis that the bulk and scale was considered excessive, loss of amenity and in consideration of the objections received.

22 July 2003 The Council at its Ordinary Meeting held on the 22 July 2003 resolved to refuse an application for the demolition of two (2) existing single houses and the construction of a three-storey mixed use development comprising four (4) offices, ten (10) multiple dwellings (including four (4) single bedroom dwellings) and associated undercroft carparking. This application was refused on the basis of housing density, privacy, streetscape, boundary setbacks, building heights, balcony for multiple dwellings and single bedroom dwellings height and street setback requirements.

21 November 2003 A new development application was received by the Town of Vincent for the demolition of two (2) existing single houses and the construction of six (6) two-storey grouped dwellings, two (2) single bedroom dwellings and associated undercroft carparking.

The lots are serviced by a sealed rear right of way, which is 5.0 metres wide.

DETAILS:

The applicant seeks to demolish the two (2) existing single houses and construction of six (6) two-storey grouped dwellings, two (2) single bedroom dwellings and associated undercroft carparking. The current proposal has addressed the previous concerns raised by the Council in that the new application now complies with density, open space, plot ratio, setbacks for privacy, building height, and car parking.

CONSULTATION/ADVERTISING:

The proposal was advertised to the adjoining property owners for a period of fourteen days and one (1) submission was received. The following summarises the comments of this submission;

- access from the right of way for all the dwellings is considered inappropriate. Four units should have parking accessed from Oxford Street and only four units should use the lane from Bennelong Place.
- the garage doors and cars are likely to cause noise disturbance;
- overshadowing concerns. The new development will overshadow Units 13, 14, 16 and 19 within the neighbouring existing development at No. 321 Oxford Street; and
- The proposed development appears to be attractive and much more in keeping with the scale of surrounding properties, than the previous proposals for the site.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes.

COMMENTS:

Demolition

Heritage Assessments of both places have been attached to this Agenda Report.

The Heritage Assessments of the two dwellings on the site were undertaken by Considine and Griffiths Architects in June 2002 on behalf of the applicant. The Heritage Assessments contain very little historical evidence and as such, the assessments are based primarily on the physical fabric and setting of the two dwellings. Some historical research has subsequently been undertaken by the Town to fulfil this part of the assessment process.

The two dwellings are situated on Lots 1 and 2 of Perthshire Location Ac. Perthshire Location Ac was one of the land grants that was taken up by William Leeder during the early years of the colony. Perthshire Location Ac and the other four land grants that made up the Leeder Estate were sold during the prosperous years of the Gold Rush to make way for suburban development. In 1892, three subdivisions were opened in the area that was aptly named 'Leederville'. The No.3 Leederville subdivision of Locations 1, Ay and Ac offered large garden lots of around two acres to ten acres between Bourke Street and Anzac Road.

As the population of Perth continued to increase, the large garden lots of Leederville were further subdivided into smaller suburban lots. Lot 16 fronting Oxford Street, which was owned by butcher, William Allen and clerk, Albert Henry Allen was subdivided in 1921 and Lots 1 and 2 that are the subject of this assessment were subsequently created. In 1925, Lot 1 was purchased by Alexander Bruce Campbell and Lots 2 and 3 were purchased by Charles Worthy Johnson. The two dwellings were constructed on the lots soon after this. No links of historical importance have been made with either of the places.

Considine and Griffiths Architects determined through their assessment that the two places are representative of Inter-War California and Inter-war Functionalist style bungalows. In all other respects, the places are not rare and exhibit little cultural heritage value. The two dwellings are flanked on both sides by post 1970s two-storey medium density developments. Although being generally representative of their era, the places are not exemplars of their type and furthermore, their original context and setting has been significantly eroded by the surrounding medium density developments. As such, it is considered that the places are not of sufficient value to warrant their retention and inclusion on the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that the proposal to demolish the two dwellings be approved, subject to standard conditions.

Setbacks

Upper floor front setback

The Town's Policy relating to the Oxford Locality requires that the second storey be setback a minimum of 6 metres from Oxford Street, in lieu of the proposed 4.605 metres front setback. The proposal involves unit 1 and unit 2 having 5.5 metres of the dwelling wall length within this setback area. The majority of the front dwellings is behind the 6 metre setback requirement.

The predominant intent of this part of the policy is to break up the bulk of dwellings from the street and add visual interest to the streetscape. The contemporary design of this proposal is not considered to be bulky or of unreasonable scale in relation to the Oxford Street streetscape. The large entrance statement and central courtyard provides visual relief and interest to the development and streetscape. The proposed design is not considered to compromise the adjoining neighbours' privacy.

In this instance, the variation is supported.

Rear

The R Codes require this elevation to have a 5.2 metres setback to the rear boundary. In accommodating the proposal, and specifically the residential apartments located in proximity to this boundary, the applicant seeks a reduced setback of 1.049 metres. Utilising Clause 3.3.1 A1(v) of the R Codes allows the setback distances to be reduced by half the width of an adjoining right of way to a maximum reduction of 2.0 metres where suitable. Utilising this provision would result in a permissible rear setback of 3.049 metres. The resultant variation being 2.15 metres.

Taking into account that the site falls away to the west (to the rear), the proposed development will be elevated in comparison to the neighbouring properties. The side setbacks of the single bedroom dwelling, situated above the car parking, comply with the setback requirements of the Residential Design Codes. Although the building will be two-storeys in height it is not considered to create a dominating elevation, given the reduced setback is to a right of way. The rear dwellings have been designed to prevent overlooking into adjoining properties and the reduced setback is considered supportable as it is not considered to reduce the general amenity of the area.

Density

The Residential Design Codes permits consideration of the Residential R60 density code under the terms of the previous Residential Planning Codes. As such, this results in a requirement of 166.66 square metres per grouped dwelling, and 111.10 square metres for the single bedroom units based on two thirds the requirements for grouped dwellings with 2 or more bedrooms under the provisions of the Residential Design Codes. The applicant seeks six (6) grouped dwellings and two (2) single bedroom dwellings within the proposal. This number of dwellings equates to the requirement for 1223 square metres in land area, thus the proposed density complies as the entire land area of the site is 1264 square metres

Carparking

Residential Carparking Requirements

Requirement	Provided
2 carbays per unit (2x 6 units = 12)	12 carbays
1 carbay per single bedroom unit (1x2 units = 2)	4 carbays
2 visitor carbays	2 carbays
Total	18 carbays

The proposed carparking complies with the requirements of the Residential Design Codes. All carbays have direct access off of the right of way, in compliance with the Town's Policy - Vehicular Access to Dwellings Via a Right of Way. The two visitor bays are open bays, whereas the bays allocated to individual dwellings are within undercroft garages. The garage doors are not thought to create undue associated noise, as the machinery associated with the automated doors is located within the building and setback 3.0 metres from the side boundaries. However, the total width of the garage doors to the right of way may be considered aesthetically detrimental to the potential future streetscape of the right of way. It is recommended that design features be incorporated into the garage doors, to improve the visual attractiveness of this part of the design fronting the right of way.

Overshadowing

Although there may be direct overshadowing of Units 13, 14, 16 and 19 on the adjoining properties to the south, the proposal complies with the acceptable development standards for the 'Solar Access for Adjoining Sites' provisions of the Residential Design Codes, such that no adjoining lot will be in more than 50 percent shadow at noon on June 21 as a result of the development. The R-Codes also state that a development that complies with the acceptable development standards is deemed to comply with the performance criteria. The performance criteria does take into account overshadowing of neighbouring properties outdoor living areas, major openings to habitable rooms, solar heating devices and balconies or verandahs.

Conclusion

The proposed development is considered to be complimentary to the existing built form of the area. The design provides vehicle access and parking from the rear right-of-way in accordance with the Town's Policy - Vehicular Access to Dwellings Via a Right of Way. The proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.12 No. 410 (Lot 62) William Street, North Perth - Proposed Demolition of Eating House and Construction of Three (3) Two Storey Shops/Warehouses

Ward:	South	Date:	3 March 2004
Precinct:	Beaufort P13	File Ref:	PRO0869; 00/33/2014
Attachments:	001		
Reporting Officer(s):	S Bowman		
Checked/Endorsed by:	R Rasiah, 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 John Hodgins on behalf of the owner J Huynh for demolition of eating house and construction of three two storey shops/warehouses at No. 410 (Lot 62) William Street, Perth and as shown on plans stamp dated 5 January 2004, subject to;

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$19,150 for shortfall of 7.66 carbays based on the cost of \$2500 per bay as set out in the Town's 2003/2004 Budget. Alternatively, if the carparking shortfall is reduced as a result of a greater number of carbays being provided or the carparking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in carparking requirements;*
- (iii) prior to the issue of a Building Licence, where vehicular access to the property at No. 410 (Lot 62) William Street is via right of carriage across Lots 37, 210 and 211 William Street, 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 at No. 410 (Lot 62) William Street have a legal right of carriage across Lots 37, 210 and 211 William Street, to the satisfaction of the Town;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) 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)/occupiers(s) to the satisfaction of the Town;*

- (vii) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy 3.1.78 Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (x) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xi) *the maximum floor space for the uses shall be limited as follows:*
- *retail - 197 square metres of public area; and*
 - *warehouse – 494 square metres of gross floor area;*
- unless adequate carparking is provided for the changes in floor area use or floor space area;*
- (xii) *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;*
- (xiii) *doors and windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (xiv) *subject to first obtaining the consent of the owners of Lot 37 and Lot 63 William Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Lot 37 and Lot 63 William Street in a good and clean condition; and*
- (xv) *prior to the first occupation of the development, one (1) class one, or two and one (1) class three, bicycle parking rail(s) shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER	J Huynh
APPLICANT:	J Hodgins
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No.1 - Commercial
EXISTING LAND USE:	Eating House

COMPLIANCE:

Use Class	Warehouse/Shop
Use Classification	'P' and 'P'
Lot Area	524 square metres

Requirements	Required	Proposed
Car Parking	11.66 bays (after an adjustment has been applied)	4 bays including disabled bay

SITE HISTORY:

The subject site is currently occupied by a disused single storey eating house which fronts William Street.

DETAILS:

Approval is sought for the demolition of the existing eating house and the construction of three two storey shops/warehouses. The buildings have 'nil' setback from the front and side boundaries with parking provided to the rear. The parking area is proposed to be accessed via a right of carriage across Lots 210, 211 and 37 William Street. The proposed floor area is as follows:

- Warehouse - 493.47 square metres; and
- Retail - 196.3 square metres

The information provided by the applicant in support of the proposal which is summarised and attached, is as follows:

- The site is presently occupied by a rundown disused single storey brick and iron roof restaurant, with a variety of "add ons" to the rear. The owner would like to develop the site to enhance the area generally;
- The façade works and general street presentation is of a style consistent with the area. The development is visually clean and simple, cogniscent of the area, and contributing to the ongoing upgrading of this part of the street;
- Designated signage areas on the building will help control ad hoc styles of signage;
- At the ground floor level three retail units fronting William Street are proposed with small warehousing space behind the units. The upper floor consists of warehousing including a loading landing to accommodate the storage goods;
- Concrete tilt panels are to be used for the building as construction time will be minimal hence less disruption to adjoining properties and traffic along William Street; and
- Parking layout has been designed to allow ingress and egress in forward gear. There will be no disruption to traffic or compromising of pedestrian safety with the proposed car parking.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

A detailed heritage assessment is contained in the Appendix.

The single storey brick and iron commercial building at No. 410 William Street, Northbridge appears to have been constructed circa 1901. The floor plan of the existing building demonstrates a front room with two rear kitchens and storage space.

Due to the nature of its use as a commercial building, numerous additions and alterations have occurred to the original floor plan over the years, including a block of toilets to the rear of the building. Although the original form and style of the building appears to remain unchanged, the original roof has been replaced with new corrugated iron, and extensive internal additions and alterations have occurred including the removal and addition of walls. Many of the original features have been removed, such as the windows, which have all been replaced with aluminium frames.

Although the subject dwelling contributes to the streetscape in terms of traditional setbacks, building style and proportion, little significance remains in terms of original building fabric to warrant retention of the building. The subject place is not rare, has little historic, scientific, aesthetic or social value. It is not considered that the place warrants consideration for listing on the Municipal Heritage Inventory and as such it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Car Parking

The site is within the Beaufort Precinct. Extensive on-street parking is currently provided along William Street. The proposal will provide parking to the rear of the building which is consistent with the Beaufort Precinct Policy.

Requirements as per Parking and Access Policy	Required No. of Carbays
Retail: 1 carbay per 15 square metres gross floor area (196.43 square metres)	13.09 carbays
Warehouse: 3 carbays for the first 200 square metres of GFA and thereafter 1 space per 100 square metres GFA or part thereof (493.47 square metres)	5.93 carbays = 19.02
Total carparking required before adjustment factor (nearest whole number)	19 carbays
Apply the parking adjustment factors.	(0.6141)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) ▪ 0.85 (within 800 metres of a rail station) 	11.66 carbays
Carparking provided on site	4 carbays
Resultant shortfall	7.66 carbays

Commercial Car Parking Requirements

Cash-in-lieu of carparking is to be considered where non-residential uses have a shortfall in carparking as required by the Town. The applicant is prepared to pay cash in lieu for the 7.66 carbays shortfall. The cash in lieu payment is considered appropriate in this instance due to the developments close proximity to public transport and a large public car park.

Bicycle Parking Facilities:

Requirements	Required	Provided
Retail/ shop 1 space per 300 (proposed 196) square metres public area for employees (class 1 or 2).	1 space	3 spaces - class 2
1 space per 200 (proposed 196) square metres for visitors (class 3).	1 space	1 space - class 3
Warehouse No requirements		

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed development requires the provision of one (1) class 1 or 2 and one (1) class 3 bicycle parking facilities. As such, an appropriate condition should be applied accordingly. The applicant/owners are providing end of trip facilities for staff.

Reciprocal Rights of Access

The applicant submitted a copy of deposited plan (DP36626) which has been lodged with Department Land Information (DLI) but to date has not been registered on each individual title. A Deed of Easement relating to the legal right of carriage across Lots 37, 211 and 210 William Street is currently being prepared on behalf of the affected landowners and will be lodged with DLI for registration on the affected titles.

The issue of access rights has been conditioned accordingly.

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

10.1.13 No. 24 (Lot 55) Harley Street, Highgate–Proposed Garage and Decking Additions to Existing Single House

Ward:	South	Date:	2 March 2004
Precinct:	Hyde Park, P12	File Ref:	PRO2636; 00/33/1987
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant and owner C Sharpe for proposed decking additions to existing single house at No. 24 (Lot 55) Harley Street, Highgate, and as shown on the plans stamp dated 12 December 2003, subject to:

(a) compliance with all relevant Environmental Health, Engineering and Building requirements; and

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

- (i) the deck being 100 percent open on at least two sides at all times; and*
- (ii) the pergola being an unroofed open-framed structure.*

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

to the satisfaction of the Chief Executive Officer; and

(ii) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the applicant and owner C Sharpe for proposed garage additions to existing single house at No. 24 (Lot 55) Harley Street, Highgate, and as shown on the plans stamp dated 12 December 2003, for the following reasons:

(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and

(b) the non-compliance with the design of parking spaces requirements of the Residential Design Codes.

LANDOWNERS: C Sharpe
APPLICANT: C Sharpe
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 – Residential R80
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Manoeuvring depth	6 metres	3 metres
On-site parking provision	2 spaces	1 space

Use Class	Single House
Use Classification	"P"
Lot Area	347 square metres

SITE HISTORY:

The site is occupied by a single storey single house. A right of way (ROW) exists to the rear of the lot. The ROW is unsealed and has a width of 3 metres.

DETAILS:

The applicant seeks approval for the additions of a garage and decking to an existing single house. The proposed decking abuts the rear of the existing house and the proposed garage is situated at the rear of the site, abutting the ROW.

The proposal is non-compliant with the Residential Design Codes (R Codes) design of parking spaces requirements, which requires a 6 metres manoeuvring depth from the garage to the nearest impediment. The applicant has requested that the proposal be referred to Council and has submitted the following information in support for the application.

"I wish to apply to have the 1 metre setback provision waived.

My application is based on the garage design utilising the existing parapet wall which directly abuts the ROW and which is in line with other existing structures and buildings that also directly abut the ROW throughout its length, and the design being similar to the garage constructed at the rear of 25 Harley Street in 2002/3 which also abuts the ROW."

CONSULTATION/ADVERTISING:

No advertising was required as all adjoining neighbours have signed the plans stating they have no objections.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed decking is not considered to have an undue impact upon the preservation of amenity and the privacy of adjoining neighbours and as such, is recommended for approval.

The R-Codes require 2 on-site parking spaces to be provided per single house. In this instance, the proposed number of on-site parking is one. Whilst this is a deviation from the requirements of the R-Codes, this variation can be supported due to the limited area available for a second parking space on-site. It is also noted that vehicle parking is available for residents on street.

With regard to the proposed garage, it is noted that there appears to be adequate area for the proposed garage to be setback 3 metres from the right of way and orientated so that vehicles can exit and enter from both directions of the ROW. While the proposed design of the garage is supportable, the above option is preferable as the proposed design is parallel to the ROW.

In relation to the setback of the garage, the R-codes require 6 metres manoeuvring depth for car parking spaces and therefore, requiring the garage to be setback 3 metres as opposed to the 'nil' setback proposed. The Town's Technical Services however, have advised that they will support a 1.0 metre setback as it will comply with a draft policy that the Town is currently preparing in relation to right of ways. Setting back the garage 1.0 metre will potentially allow the widening of the right of way for upgrading in the future, as similar widening will be sought on the other side of the ROW, making the total width greater than 5 metres.

In light of the above, it is recommended that the proposal for the garage addition be refused.

10.1.14 Proposed Demolition of Nos. 378-390 (Lots 1, 15, 1 and 2) Beaufort Street and No.1 (Lot 14) McCarthy Street - Civic Theatre Restaurant and Two Single Houses

Ward:	South	Date:	27 February 2004
Precinct:	Forrest Precinct, P14	File Ref:	PRO0083; 00/33/2063
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	R. Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bollig Design/Civic Rise Pty Ltd on behalf of the owners Civic Rise Pty Ltd, for the proposed demolition of Civic Theatre Restaurant and single house at Nos. 378-390 (Lots 1, 15, 1 and 2) Beaufort Street, Perth and as shown on the plans stamp dated 26 February 2004, subject to:*

- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated policies for the retention of existing dwellings valued by the community; and*
- (f) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer; and

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the applicant Bollig Design Group/Civic Rise Pty Ltd on behalf of the owner Civic Rise Pty Ltd, for the proposed demolition of the existing single house at No. 1 (Lot 14) McCarthy Street, Perth, and as shown on the plans stamp-dated 26 February 2004, for the following reasons ;*

- (a) *is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing dwelling at No. 1 (Lot 14) McCarthy Street; and*
- (b) *the existing place has cultural heritage significance in terms of its streetscape value.*

LANDOWNER: Civic Rise Pty Ltd.
APPLICANT: Bollig Design Group / Civic Rise Pty Ltd.
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Commercial and Residential R80
EXISTING LAND USE: Civic Theatre Restaurant and vacant residential dwellings

BACKGROUND:

The applicant is seeking approval to demolish three buildings at Nos. 378-390 (Lots 1, 15, 1 and 2) Beaufort Street (former Civic Theatre Restaurant and single house) and No. 1 (Lot 14) McCarthy Street (single house), Perth.

The applicant has previously submitted a Development Application for the proposed demolition of the subject dwellings and construction of mixed use development, however in light of heritage concerns, a separate application has subsequently been lodged to determine the demolition of the existing buildings on-site.

SITE HISTORY:

The site is occupied by a commercial building previously known as the Civic Theatre Restaurant and two single dwellings.

DETAILS:

In accordance with Policy 3.6.1 - Heritage Assessment, the applicant has lodged an Independent Heritage Assessment. The Assessment is considered to meet the Town's requirements and contains physical and documentary evidence for the subject properties. A copy of the Assessments is contained as an Appendix.

The proposed demolition of the commercial building, which is the former Civic Theatre Restaurant, is considered acceptable. It has some social significance as a place well known to the Perth community and dates back to the 1930s as a local business. Interpretive material to form part of the redevelopment proposal is considered an acceptable means of recognising this place.

The proposed demolition of the single dwelling at No.386 Beaufort Street is also considered acceptable. It has undergone a number of alterations to the fabric over the year which has reduced its authenticity and integrity. There is no evidence of historical significance.

The proposed demolition of the existing dwelling at No.1 McCarthy Street is not considered acceptable on the basis of streetscape significance (criteria identified in Policy 3.6.1 - Heritage Assessment). There are five original dwellings along the north-west side of McCarthy Street which are extant. McCarthy Street was developed only on this north western side, as infill development occurring in the 1920s, in an area which had began development primarily in the Gold-rush years of the 1890s. Historically, the streetscape of McCarthy is restricted to the development of only the north western side of the street, and until recently the south eastern side remained undeveloped land to the rear of lots facing Stirling Street. These

rear lots are now beginning to be developed with contemporary two storey grouped dwelling. The contrast of this aspect of the street's development is not considered to undermine the streetscape value of the intact 1920s development and highlights key shifts within inner city land use and infill without interrupting the original 1920s sequential development.

The streetscape has been somewhat compromised by the addition of a second storey addition to one of the original McCarthy Street dwellings, however this is not considered to have lowered the significance of the overall streetscape to warrant consideration of the removal of No.1 McCarthy Street. As such, it is recommended that the application for the proposed demolition of the existing dwelling at No.1 (Lot 14) McCarthy Street, Perth be refused.

CONSULTATION/ADVERTISING:

Proposed demolition of existing buildings are not required to be advertised.

LEGAL/POLICY:

In accordance with Policy 3.6.1 - Heritage Assessment, the applicant has submitted an Independent Heritage Assessment.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the demolition of the buildings forming the former Civic Theatre and house, at Nos.378-390 Beaufort Street be approved subject to standard conditions. The proposed demolition of the dwelling at No.1 McCarthy Street is not supported, and it is recommended that the demolition of this property be refused, based on the strong contribution that this dwelling has to an intact inner city 1920s streetscape.

10.1.15 No. 102 (Lot 258) (Strata Lot Pt 2) Alma Road, North Perth – Proposed Partial Demolition of and Alterations and Two Storey Addition to Existing Single House

Ward:	South	Date:	26 February 2004
Precinct:	Norfolk, P10	File Ref:	PRO2598 ; 00/33/1952
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	R Rasiah, 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 Matthews Architecture on behalf of the owners S G Fountain and R G Lampard, for proposed partial demolition and alterations and two storey additions to existing single house at No.102 (Lot 258) (Strata Lot Pt 2) Alma Road, North Perth, and as shown on the plans stamp-dated 21 November 2003, 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 front setback requirements of the Town's Policy relating to the "Alma" Locality Plan.*

LANDOWNER: S G Fountain and R G Lampard
APPLICANT: Matthews Architecture
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Single house

COMPLIANCE:

Requirements	Required	Proposed
Front Setback - First floor	6.0 metres	1.8 metres to balcony and 3.0 - 4.0 metres to main building

Use Class	Single House
Use Classification	"P"
Lot Area - Strata Lot Pt 2	320 square metres

SITE HISTORY:

The subject property fronts Alma Road and is the rear of an original parent lot, which fronts Norfolk Street.

DETAILS:

The applicant seeks approval for alterations and two storey additions to an existing single house with variations to the first floor front setback of the dwelling. The proposed main dwelling first floor front setback is at 3.0 metres to 4.0 metres, with the balcony setback to 1.8 metres. The proposal does not comply with the first floor front setback requirement of 6 metres.

Submission by Applicant

In support of their proposal the applicant has submitted the following information in relation to the reduced front setbacks of existing single houses along Alma Road.

"the front balconies do extend over the existing front boundary setback. The streetscape currently comprises of new houses sitting forward on their blocks due to previous subdivisions..."

"The property is on a small subdivided block on Alma Rd, second in from the corner of Norfolk St. The existing house sits at 3m from the front boundary. Our proposal shows a second storey to the same envelope as the existing house with a timber verandah. The townhouse next door (three in from Norfolk St) currently sits approximately 1m forward again from the front boundary (i.e. 2m setback). The plans have been shown to the neighbours on either side and they have signed them off."

CONSULTATION/ADVERTISING:

The proposal has not been formally advertised to neighbouring property owners as the applicant submitted written consent from the affected adjoining property owners at the time of application.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks (Front - Upper Floor)

The Town's Alma Locality Plan Policy requires the upper floor of dwellings to be setback 6.0 metres from the front boundary. The R-Codes however, permit the upper storey to have a setback of 4.0 metres. The applicant seeks a variation to the upper floor setback from 6.0 metres to between 3.0 metres to 4.0 metres for the main building and 1.8 metres to the balcony. The variation is not considered supportable as the application of the Alma Locality Plan Policy has been consistently applied to upper floor setbacks within the above area.

In this particular instance, it is considered that the design does not provide adequate visual relief, which is directly resultant from the proposed reduced upper floor front setbacks, thus creating a two-storey building that negatively impacts on the streetscape in terms of building bulk. A relaxation of the Policy would set an undesirable precedent that may result in building forms that negatively impact on the streetscape.

In response to the submission by the Applicant, it is noted that there are other properties located along Alma Road that have previously been approved with reduced front setbacks. The existence of reduced front setbacks does not necessarily set a desirable precedent for a streetscape where there is still a considerable number of properties that have not redeveloped.

Conclusion

In light of the above, it is considered that the proposed first floor front setback variation to the Town's Alma Locality Policy is not supportable as it will negatively impact upon the streetscape and locality. Therefore, the proposed two-storey additions are recommended for refusal.

10.1.16 Planning and Building Policies - Amendment No. 17 Relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan

Ward:	Both Wards	Date:	26 February 2004
Precinct:	Leederville P3, Smith's Lake P6, Banks P15	File Ref:	PLA0148
Attachments:	Appendices a b c and d		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, as shown in Appendices 10.1.16 (a), (b) (c) and (d), respectively;*
- (ii) *ADOPTS the amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, to be applied immediately;*
- (iii) *ADVERTISES the amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject amended Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject amended Policies; and*
 - (c) *forwarding a copy of the subject amended Policies to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, having regard to any written submissions; and*
 - (b) *DETERMINES the amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, with or without amendment, to or not to proceed; and*
- (v) *NOTES that clause 20 (4)(g) (ii), relating to the Banks Precinct P15, in the Town's Town Planning Scheme No. 1 - Scheme Text will be amended to reflect Scheme Amendment No. 15, as part of the review of Town Planning Scheme No.1.*

BACKGROUND:

Amendment No. 10 to Town Planning Scheme No. 1

Amendment No. 10 reflect the rezoning of portion of Nos. 22A, 22B, 22C and 22D (Lot 200) Kadina Street, North Perth from "unzoned land" to "Residential/Commercial R80, and the rezoning of portion of No. 73 (Lot 58) Angove Street, North Perth from "unzoned land" to "Commercial".

Council at its Ordinary Meeting held on 4 November 2003, resolved the following in relation to the finalisation of Amendment No. 10 to the Town' Town Planning Scheme No. 1 :

- "(i) resolves pursuant to Town Planning Regulation 17(1), to RECEIVE nil submissions for Amendment No.10, and further resolve pursuant to Town Planning Regulation 17(2), that modified Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 be ADOPTED FOR FINAL APPROVAL, without any further modification;*
- (ii) AUTHORIZES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to modified Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
- (iii) ADVISES the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission, and Environmental Protection Authority, of (i) above, and forwards the relevant executed documents to and REQUESTS the Hon. Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, without any further modification, modified Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1."*

Amendment No. 20 to Town Planning Scheme No. 1

Amendment 20 reflects the rezoning of No.16, (Lot 28) Brentham Street, Leederville from "Public Purpose - Institute for the Deaf Society" to "Residential R60".

Council at its Ordinary Meeting held on 26 August 2003, resolved the following in relation to the finalisation of Amendment No. 20 to the Town's Town Planning Scheme No. 1:

- "(i) Resolves pursuant to Town Planning Regulation 17(1), to RECEIVE the three submissions of no objection, one submission of non-support and four submissions of objection;*
 - (ii) Resolves pursuant to Town Planning Regulation 17(2), that Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1 be ADOPTED FOR FINAL APPROVAL, without modification;*
 - (iii) AUTHORIZES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval;*
 - (iv) ADVISES the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission, Environmental Protection Authority, and those who made submissions of (i), (ii) and (iii)above;*
 - (v) FORWARDS the relevant executed documents to and REQUESTS the Hon. Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and Gazettal, without modification, Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1;*
-

- (vi) *REQUESTS the Hon. Minister for Planning and Infrastructure for an extension of the 42 day period under Town Planning Regulations 17(1) and 25(fb) for consideration and determination of the submissions received during the submission period; and*
- (vii) *ADVISES the applicant and Western Australian Planning Commission that in the event of subdivision of No. 16 (Lot 28) Brentham Street, any required public open space, if provided as a land component, should be located adjacent to the existing adjoining public open space"*

In accordance with the Town's finalisation requests, the Hon. Minister for Planning and Infrastructure approved Amendments Nos. 10 and 20 on 16 December 2003 which were subsequently gazetted on 23 December 2003.

Amendment No. 15 to Town Planning Scheme No. 1

Amendment 15 reflects the rezoning of part of the Riverside Locality from "Residential R20/40 to "Residential R20"

Council at its Ordinary Meeting held on 17 December 2002, resolved the following in relation to the finalisation of Amendment No. 15 to the Town's Town Planning Scheme No. 1:

- "(i) resolves pursuant to Town Planning Regulation 17(1), to receive the two submissions of support, four submissions of non-objection/no comment and one submission of non-support, one late submission of support and one late submission of non support and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 15 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification- Rezoning of part of the Riverside Locality from "Residential R20/40 to "Residential R20"";*
- (ii) authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 15 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
- (iii) advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions of (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, without modification, Amendment No. 15 to the Town of Vincent Town Planning Scheme No. 1."*

In accordance with the Town's finalisation requests, the Hon. Minister for Planning and Infrastructure approved Amendment No. 15 on 28 May 2003, which was subsequently gazetted on 3 June 2003.

DETAILS:

Policy relating to Leederville Precinct - Scheme Map 3

The deletion of the Institute for the Deaf is required, due to the gazettal of the Town's Town Planning Scheme Amendment No. 20.

The draft amended Policy reflects the deletion of the words relating to the Institute for the Deaf, as appropriate.

Policy relating to Smiths Lake Precinct - Scheme Map 6

The addition of clauses relating to both Residential/Commercial R80 and Commercial were required to be placed in the text to acknowledge the gazettal of Amendment No. 10 to the Town's Town Planning Scheme No.1.

The draft amended Policy reflects the above addition using relevant text from the relevant adjacent precincts, that being; Charles Centre Precinct - Scheme Map 7 to reflect the rezoning of portion of Nos. 22A, 22B, 22C and 22D (Lot 200) Kadina Street, North Perth from "unzoned land" to "Residential/Commercial R80, and North Perth Centre Precinct to reflect the rezoning of portion of No. 73 (Lot 58) Angove Street, North Perth from "unzoned land" to "Commercial", to achieve uniformity.

Policy relating to Brentham - Locality Plan 9

The locality plan map requires augmentation to reflect the gazettal of the Town's Town Planning Scheme Amendment No. 20.

Locality Statements Plan

The locality plan map requires augmentation to reflect the gazettal of the Town's Town Planning Scheme Amendment No. 20.

Town Planning Scheme No. 1 - Scheme Text, Clause 20. (4) (g) (ii), relating to the Banks Precinct P15

The text requires the removal of clause 20 (4) (g) (ii), due to the gazettal of Amendment No. 15. Due to the lengthy time period of approximately one year for the Town Planning Scheme amendment process, and the non-urgency of removing the clause, this text amendment will be appropriately amended as part of the Town's Town Planning Scheme Review.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Result Areas: 1.3 *"Develop, implement and promote sustainable urban design."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2003/2004 Budget allocates \$130,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council approves and advertises the amended versions of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9 and the Locality Statements Plan to reflect the Scheme Amendments Nos. 10 and 20 respectively, and additionally notes that clause 20 (4) (g) (ii), relating to the Banks Precinct P15 will be amended as part of the Town Planning Scheme Review.

10.1.17 The Western Australian Greenhouse Strategy - Consultation Draft

Ward:	Both	Date:	26 February 2004
Precinct:	All Precincts	File Ref:	ORG0039
Attachments:	-		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the document "*Greenhouse Strategy - Consultation Draft 2003*", dated December 2003, as '*Laid on the Table*'; and
- (ii) **ADVISES** the Government of Western Australia and the Western Australian Greenhouse Task Force that the Town **SUPPORTS, IN PRINCIPLE**, the content and intent of the "*Greenhouse Strategy - Consultation Draft 2003*", dated December 2003, as outlined in this Report.

BACKGROUND:

The State Government has released a document entitled "*The Western Australian Greenhouse Strategy*" Consultation Draft, dated December 2003, prepared by the Western Australian Greenhouse Task Force. In August 2001 the Premier announced the Government's intention to develop a State "Greenhouse Strategy" (GS). The "Greenhouse Task Force" was established in March 2002, to develop the draft GS, building on prior work undertaken by various individuals and groups since the 1980's. The strategy was developed through extensive public consultation and reflects the many comments received. The GS is additionally an action plan required by the recently adopted "*The Western Australian State Sustainability Strategy*" to develop innovative contributions towards global greenhouse issues in response to global climate changes, greenhouse gas emissions, adaptation, sequestration and towards the development of new industries, and any opportunities and challenges generated by the greenhouse effect.

Comments and views are being sought from interested parties on the content of the draft GS with particular consideration given to the actions identified within the document, the closing date for submissions being 31 March 2004.

The above document is "*Laid on the Table*" for public viewing.

DETAILS:

The draft GS directly relates to the reduction of Greenhouse Gas Emissions (GHGE), outlines the State's objectives with regard to providing State bound initiatives to reduce greenhouse gas emissions within the context of community, all levels of government and private enterprise and having regard for the State Sustainability Strategy (SSS) and the ongoing pursuit of economic, social and environmental objectives.

As Western Australia's economic dependence has focused primarily on energy intensive industries, due to this economic dependence the strategy is aimed at short term actions within the strategy framework to increase the states' contribution to reducing emissions, of which Western Australia emits 12 per cent of Australia's emission, and this figure has been increasing at approximately 2.9 per cent each year since 1990. Additionally it is acknowledged that there are many global market and economic opportunities that have also arisen from the greenhouse effect for Western Australia.

The GS is divided into two major parts including a preamble, and executive summary. Part A focuses on the scientific response and policy context requirements, while part B of the document focuses on strategy and actions. The State Government aims through this strategy to provide a framework for reducing greenhouse gas emissions and addresses the impacts of global climate change within Western Australia.

The strategy framework is divided into eight parts which are generally summarised as follows:

Government Leadership

The objective of government leadership is *"To define and demonstrate diverse initiatives necessary to reduce Western Australia's contribution to climate change and to ensure the State is prepared for unavoidable climate shifts"*.

This part primarily focus's upon the State Government's role in demonstrating practical ways to overcome the impacts and causes of climate change, through such means as the State Government's purchasing power of which the government can actively demonstrate emission reduction options.

The strategic directions include; developing and implementing a comprehensive Greenhouse Strategy and reducing greenhouse gas emissions from government operations. The directions primarily look at the purchasing policies of all State Government Departments committing to efficient resource use, recycling programs and attaining sustainability including energy efficiency.

Reducing Greenhouse Emissions

There are four key sections within this main element, with the main objectives for each section listed as follows;

- Industry And Electricity Generation Emission: *"To create institutions and encourage the development of market-based mechanisms that will deliver least cost greenhouse gas abatement and protect Western Australia's economic and environmental interests in any nationally developed emission framework."* and *"Encourage use of and development of renewable energy technologies."*
- Waste management: *"To reduce greenhouse gas emissions resulting from waste management practices in Western Australia."*
- Energy use in households and commercial operation: *"To reduce greenhouse gas emissions arising from energy use in households and commercial operations."*
- Land use planning and transport: *"To minimise greenhouse gas emissions from urban forms by integrating transport systems and landuse. To limit greenhouse gas emissions from cars and urban freight transport. To reduce per capita transport greenhouse gas emissions by 20 per cent by 2020."*

As, industry including electricity generation are responsible for producing about 55 per cent of the state's greenhouse gas emissions, the strategy proposes that market mechanisms based on informed action by major emitters should be employed to achieve low cost emission. Nevertheless, the reduction of GHGE from industry is seen to be a difficult issue that is faced by nearly all industrial developed nations. As Western Australia has vast energy supplies, the above matter is a particular challenge as Western Australia produces 12 per cent of Australia's greenhouse gases, and is juxtaposed as having the fastest growing energy intensive and producing industries.

The strategic directions look at establishing the following:

- A Western Australian Greenhouse Gas Inventory, which advocates an annual and mandatory reporting of the six greenhouse gases by major emitters; defining an emissions framework for reduction.
- Establishing a Western Australian greenhouse abatement fund to hold and deal with emission rights and sequestration credits generated by government initiatives.
- A greenhouse registry which provides a quality assurance process to any trading market and encourages the development of an emission trading market.
- Development and support of renewable energy use.
- Waste management programs to be strengthened and aligned with relevant recycling initiatives, including research on waste separation and community education programmes.
- Establishing proposals to support and encourage energy efficient building, appliances and equipment, and awareness of energy efficiency and renewable energy,
- Reducing transport energy GHGE by 20 per cent by 2020 through travel demand management programs, traffic management strategies, investment and promotion of energy efficient transport infrastructure including fuel efficiency and low greenhouse gas emissions fuel.

Carbon Sequestration

There are two key sections within this main element and the main objectives for each section are listed as follows;

- Organic Carbon sequestration: *"To encourage plant based carbon sinks especially where the environment or other values will benefit."*
- Geological Sequestration of Carbon Dioxide: *"To ensure Western Australia has the required knowledge, the appropriate policy settings and effective regulatory frameworks to enable informed decisions about geological sequestration proposals."*

Carbon Sequestration can be seen to offset GHGE from fossil fuel through establishment of plantations, revegetation or increase soil carbon or revegetation, the value of which promotes revegetation. Geological Sequestration of carbon dioxide occurs when gas from a waste stream is compressed and therefore acts like a liquid, and is then injected into a geological structure, enabling reduction in the net GHGE from an industrial operation.

The strategy direction and actions aim to, promote nationally consistent carbon rights legislation, provide more accurate carbon sequestration and accounting standards for Western Australia, develop information awareness programs on plant based carbon sequestration rights, planning should be integrated with natural resource management, expansion and investment in plant based carbon sinks, to establish strong research links on the cost benefits of carbon credits, and to develop clear policies and legislation relating to geo-sequestration, investigation into technical, regulatory and risk management issues associated with geo-sequestration.

New Opportunities Emerging from Greenhouse Issues

The objective is *"To encourage Western Australia's managers and technology developers to embrace the opportunities offered by climate change"*

The State Government is of the view that there are new opportunities that can emerge from the promotion of greenhouse innovation, through applied research and development, and further through both greenhouse friendly technology and business models within major industrial sectors in the state. Strategic actions also look at greenhouse management through auditing and managing greenhouse emissions, and carbon sequestration which could generate new cost effective goods, services and technologies as well as regional industries which can generate greenhouse emission credits, including the development of new fuels and industries that combat land issues such as salinity.

Adaptation - Responding to Climate Change

The objective is *"To prepare WA for unavoidable climate changes, generate information needed to form realistic and useful projections of future climate conditions and impacts and to inform all community sectors"*

The Strategy proposes a set of projects to generate and communicate information that will enable Western Australia to prepare for unavoidable changes to the States climate conditions, as well as integrate strategies to ease unavoidable adverse impacts of climate change into strategic planning and decision making.

The strategy directions looks at and aims to improve knowledge and awareness of climate change projections and recommends that the Western Australian Government should support Stage Two of the Indian Ocean Climate Initiative (IOCI) program, which is a five year research partnership with the CSIRO and the Bureau of Meteorology. Stage two of the IOCI program should extend climate research communication to all affected sectors of the Western Australian community via more frequent publications and regular website updates.

Community and Local Government Involvement

The objective is to *"... support the actions of local government and the community to deliver and implement effective greenhouse gas emission abatement programs and adaptation strategies."*

The State Government is of the view that the role of Local Government within the context of the strategy is that effective local initiatives can have a fundamental impact in reducing greenhouse gas emissions. Many Local Governments have joined international and national greenhouse reduction and sustainability initiatives, such as Local Agenda 21, and the Cities for Climate Protection program. This strategy aims to *"strengthen the capacity of Local Government to respond to climate change."* The State Government aims for regional and rural Local Authorities to participate in such greenhouse initiatives and also aims at establishing a fund to promote cost-effective emission reduction initiatives by both Local Authorities and community groups.

Additionally with the release of the SSS, the State Government has endorsed the establishment of a State - Local Government Sustainability Roundtable to work through the strategy and develop relevant partnership agreements.

Research

The objective is *"To ensure Government, the community and industry have the information necessary to support effective actions to reduce Western Australia's contribution to Global Climate Change and address opportunities and threats arising from it."*

The strategy directions for research include the following, climate change monitoring, analysis and modelling within Western Australia, responding to climate change based on informed adaptation toward management of research findings and issues; increased research into carbon sequestration both organic and geological and their related activities which raise important questions in terms of issues and risks associated with carbon sequestration, developing and promoting good agricultural practice guidelines for which informed development of cost-effective emission reduction actions are aimed to improve and establish a baseline greenhouse emission reduction date for agricultural areas, and develop further research activities and information sharing. The strategy action is primarily based on informed action aids for the reduction of GHGE. Additionally, the Greenhouse Unit is proposed to monitor international, national and local climate research and through this recommend additional research activities aimed at enhancing the state's capacity to effectively respond to climate change.

National and International Representation

The objective is "*to ensure that Western Australia's circumstances are recognised when international and national strategies are formed and implemented*".

The strategy recommends various actions to address the states position when Australia negotiate internationally and/or develops Commonwealth polices regarding greenhouse issues and related matters associated with global climate change, of which are to be coordinated by the Greenhouse Unit in consultation with Government, industry and the community

STRATEGIC IMPLICATIONS:

Strategic Plan 2003 - 2008

Key Results Area 1:

1.1 Protect and enhance the environment and biodiversity.

Develop and implement best practice programs to achieve:

- a) Implementation of a clean air program.*
- b) Introduce measures to reduce greenhouse gases.*
- j) Further investigate the use of alternative fuels for major plant, fleet and equipment.*
- k) Public awareness through education programs on environmental issues.*
- m) Continued participation in Cities for Climate Protection and Local Agenda 21 issues.*

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

- a) Continually review new materials and technologies to achieve better accessibility, affordability and aesthetics for all infrastructure programs.*

FINANCIAL IMPLICATIONS:

The 2003/2004 Budget has allocated \$50, 000 for the Sustainability Management System. The majority of the funds have already been allocated to the programme and various tasks required for implementation.

It is considered appropriate that any future 'greenhouse' and related environmental projects be funded as part of the 2004/2005 Budget and thereafter on an annual basis as part of the annual budget process.

COMMENTS:

The Town supports proactive action toward reduction of greenhouse gas emissions - climate change and other greenhouse initiatives, and the State Government in the promotion of such principles. The Town additionally supports the incentives and resources, as well as the establishment of strong links between the State and Local Government, including the local community

The Town has been involved with environmentally sustainable projects over the past few years, and once the GS is formally adopted by the State Government there may be a need for further local projects to be developed by the Town that are linked to the state based strategy, while taking into account both international and national agreements and actions. This will provide the Town further opportunity to provide an integrated approach to 'greenhouse' management.

In light of the above, it is recommended that the Council receives the "*Greenhouse Strategy*" - Consultation Draft, dated December 2003 and advises the Government of Western Australia and the Western Australian Greenhouse Task Force, that the Town generally supports, in principle, the content and intent of the above document.

(Source: "Greenhouse Strategy - Consultation Draft, December 2003", Government of Western Australia.)

10.1.18 Use of a Portion of Loftus Centre Car Park by East Perth and Subiaco Football Clubs for Games at Leederville Oval

Ward:	South	Date:	3 March 2004
Precinct:	Oxford Centre - P4	File Ref:	PKG0118
Attachments:	001		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the use of 173 parking bays in Loftus Centre Car Park, by East Perth and Subiaco Football Clubs, as shown in the attached plan A4-2259-CP-1, subject to the following conditions:

- (i) the use is for scheduled Western Australian Football League games played at Leederville Oval only;*
- (ii) the carbays being available to Club members only;*
- (iii) the use is for 1.5 hours prior to the official start and 1.5 hours after the completion of a game;*
- (iv) the Clubs being responsible for all set-up costs, signage, materials and persons associated with the use;*
- (v) the Town reserves the right in its absolute discretion to vary the number and location of the bays, in the event of necessary repairs, building works or other requirements associated with the car park or Loftus Centre buildings;*
- (vi) the Clubs indemnifying the Town and keeping the Town indemnified from and against all costs, claims, demands and expenses suffered by the Town arising from any damage caused to any Motor Vehicle or any injury to or death of any person caused by the Club or any person authorised by the Club parking any Motor Vehicle in any of the car parking areas;*
- (vii) the Clubs not assigning or transferring the rights of the Club without the prior written consent of the Town;*
- (viii) the Clubs ensuring that the public risk insurance policy to be effected by the Club pursuant to the Clubs' Covenants is extended to cover public risk to third parties resulting from the use by the Club of the licensed bays and car parking areas;*
- (ix) the Clubs shall comply with any lawful direction from the Town or Town's authorised person;*
- (x) the use of the car bays being reviewed at the end of the current 2004 WAFL Season; and*
- (xi) the Town's Chief Executive Officer being authorised to vary or amend the arrangements if necessary.*

DETAILS:

Leederville Oval has been redeveloped to accommodate the on-going and shared use of the facilities by East Perth Football Club and Subiaco Football Club. When the negotiations between the Town of Vincent, Department for Sport and Recreation, East Perth Football Club, Subiaco Football Club and the Western Australian Football League, were commenced, it was identified that, because of the construction of the new buildings, there would be a shortfall in VIP parking facilities in the new venue. One of the original negotiating points was that both East Perth and Subiaco Football Clubs would have exclusive use of 173 parking bays in the Loftus Centre Car Park, when their teams were playing at home, in Leederville Oval. The initial redevelopment work is almost completed and, with the approach of the 2004 football season, it is now appropriate to seek the Council's formal approval for the clubs to make use of the portion of Loftus Centre Car Park, shown on the attached plan, for their VIP members.

When Leederville Oval was upgraded to accommodate the two clubs, the addition of the building, now used by Subiaco Football Club and the redevelopment of the turnstiles area into the new Department for Sport and Recreation building, has resulted in a substantial loss of available on-site parking bays, within the Leederville Oval. To offset this and to accommodate the Clubs' shortfall in VIP parking facilities, the Town, as part of the negotiations, has recommended to set aside the exclusive use of 173 parking bays in Loftus Centre Car Park for each football game, as shown in the attached plan.

Both East Perth and Subiaco Football Clubs anticipate an average attendance at any of their games of around 2,000 patrons. The occasional feature match is likely to attract approximately 5,000-6,000 persons. This average number of spectators would be likely to attract a total of around 800 to 1,000 vehicles, with up to 500 being accommodated in Frame Court and The Avenue Car Parks, with the remaining 300 to 500 being accommodated in the VIP area in the Loftus Centre Car Park and the various unrestricted streets in the vicinity. Even with an attendance of 6,000 spectators, it could be anticipated that only a further 300 to 400 vehicles would require parking and this total would be substantially less than the number of vehicles being accommodated in the Leederville area on almost every day of the working week.

It has been established that there will be minimal disruption to existing Loftus Centre Car Park users and that, even with 173 bays set aside, there will continue to be sufficient bays, (170 bays) for use by the other organisations that rely on the availability of parking in Loftus Centre Car Park.

The majority of local streets, in the immediate vicinity of Leederville Oval, are already time restricted during the football season, resulting in them being unavailable for football parking, so there should be limited congestion caused by the football games at Leederville Oval

CONSULTATION/ADVERTISING:

The setting aside of 173 bays has always been a part of the lease negotiations and has formed part of all discussions. Since there will be little or no impact on the other users of the facility or the general public, it is not considered necessary to enter into a formal consultation process.

LEGAL/POLICY:

There is no legal impediment to the above proposal. This parking proposal will be included as part of the Clubs' leases, which will be reported to Council once negotiations are complete.

STRATEGIC IMPLICATIONS:

The above recommendation would be in keeping with the Town's Strategic Plan 2003 – 2008, at Key Result Area 1.4 (p) *“Develop a strategy for parking management in business, residential and mixed use precincts”*.

FINANCIAL/BUDGET IMPLICATIONS:

Since the football clubs will arrange their own signage, indicating that parking is restricted to VIP members only, there are no financial or budget implications associated with this recommendation.

COMMENTS:

There is a need to promote the use of existing parking facilities throughout the Leederville area, to ensure that the impact on local residents, of parking for large events in Leederville Oval, is minimised. This proposal assists with this premise and the report is recommended for approval.

10.2 TECHNICAL SERVICES

10.2.1 Proposed Swan River Regional Recreational Path – Banks Reserve to Mitchell Street, Mt Lawley

Ward:	North Perth	Date:	27 February 2004
Precinct:	Banks P15	File Ref:	TES0172 & RES0008
Attachments:	001:		
Reporting Officer(s):	R Lotznicher, C Wilson		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed Swan River Regional Recreational Path – Banks Reserve to Mitchell Street, Mt Lawley;*
- (ii) *reiterates its support for the extension of the Swan River Regional Recreational Path from Banks Reserve to Mitchell Street and informs the Department for Planning and Infrastructure that the route closest to the river, Option 7 as outlined on attachment 10.2.1(a), is still the Town's preferred option but acknowledges that this route will not be approved by the Swan River Trust on environmental grounds;*
- (iii) *in the event that Option 6 as outlined on attachments 10.2.1(b), (c) and (d) is approved by the Swan River Trust and the Department for Environmental Protection, further requests that the Department for Planning and Infrastructure:*
 - (a) *liaises closely with all affected residents;*
 - (b) *liaises closely with the Town's officers with regard to the built form of the proposed board walks and associated infrastructure to ensure that materials used are sympathetic to the surrounding landscape and to ensure that the visual, environmental and construction impact of the project is kept to an absolute minimum;*
 - (c) *prepares a detailed management plan addressing residents concerns in respect of security and privacy;*
 - (d) *carries out a full environmental impact study and ethnographic study in accordance with the relevant state and federal acts and approval; and*
 - (e) *upon completion of the project carries out a full environmental rehabilitation program in liaison with and to the satisfaction of the Town prior to the new infrastructure being handed over to the Town;*
- (iv) *receives further reports as detailed design plans for the boardwalk and associated works are developed to the 15%, 85% and 100% design; and*
- (v) *advises the Banks Precinct Action Group of its resolution.*

BACKGROUND:

Since 1998, a number of reports on the Swan River Regional Recreational Path (RRP), Banks Reserve to Bardon Park in Maylands have been considered by the Council.

In addition, the Banks Precinct Action Group (BPAG) on several occasions met with the Town's officers, officers from the Department of Planning and Infrastructure (DPI) and Elected Members.

The following background outlines a brief chronological order of events with regard to progress on the RRP to date.

Ordinary Meeting 16 November 1998:

The Council approved, in principle, for the construction of the Swan River Regional Recreational Path from Banks Reserve to Bardon Park, Maylands (in the City of Bayswater).

It was also reported that Bikewest wanted to establish a working group that would liaise closely with the Banks Precinct Group. The Council nominated Cr Ker as its representative on the working group. The Manager Engineering Design subsequently also formed part of the working group.

Ordinary Meeting 8 March 1999:

The Council approved the extension of the Swan River Foreshore Regional Recreational Path from the Summers Street foreshore carpark to the Banks Reserve carpark subject to consultation with the local community.

Ordinary Meeting 28 September 1999:

The Council received a report on the extension of the Swan River Foreshore Regional Recreational Path through Banks Reserve where it was advised that commencement of the works was dependent upon receiving all the necessary approvals from the various statutory authorities.

Ordinary Meeting 19 December 2000:

The Council received a report on a petition from the 'Over 55' Cycling Club with regards the extension of the Swan River Regional Recreational Path and associated park lighting from Summers Street carpark to Walter's Brook and from Walter's Brook to the Banks Reserve carpark. At the meeting the Council approved the construction of a new bridge over Walter's Brook.

February/March 2001:

The Town constructed a portion of the RRP from its then terminus, near Summer Street, to Walters Brook, whereupon the DPI constructed a new bridge in late 2001.

February 2002:

On 16 February 2002 a public meeting/Elected Members briefing session was held on-site at Banks Reserve to illustrate what was considered a compromise route for the path.

June 2002:

DPI and a majority of the BPAG Bike Committee agreed on a route based upon the outcome of the meeting held on 16 February 2002.

Special Meeting of Council 16 July 2002:

At its special meeting held on 16 July 2002, representatives from the DPI made a presentation to Council, based upon the new route alignment (option 6) seeking an indication of Council's support. As there was still opposition from some residents to the proposed alignment at the Banks Reserve end, it was requested that the alignment in this vicinity (near the former 'clay pits') be moved further away from the properties.

DPI acknowledged the residents' ongoing concerns and indicated a willingness to reconsider the proposed alignment.

Ordinary Meeting of Council 13 August 2002:

Following the briefing by officers from the DPI (OMC 16 July 2002) a further report was presented to Council where the following resolution was adopted in part.

"That the Council;

- (ii) (a) supports the extension of the Swan River Regional Recreational Path from Banks Reserve to Mitchell Street subject to the Department for Planning and Infrastructure agreeing to pursue with the Swan River Trust and Department for Environmental Protection an alternate alignment that either traverses or skirts the 'old clay pits' on the river (or eastern side further away from the residences) as shown on attached Plan A (option 6);*
- (b) advises the Department of Planning and Infrastructure that the Council reaffirms its preference for a foreshore boardwalk;"*

August - November 2002:

The DPI was advised of the Council's resolution and in line with clause *(ii)b* (OMC 13 August 2002) proceeded to investigate the alternative alignment nearer to the river.

DPI made a commitment to undertake further consultation towards achieving the option as requested by the Council, and carried out a detailed feature survey of the area to enable further environmental assessment of an alignment closer to the foreshore.

In November 2002 the new alignment, Option 7, (refer attached plan) was developed and a full feasibility study undertaken.

December 2002:

A Development Application for Option 7 was subsequently submitted to the Swan River Trust (SRT) for approval to commence works. The Signatories to this application were the Ministry of Planning, the former Department of Land Administration (DOLA), and the Town.

March/April 2003:

The SRT officers completed an assessment of the application and recommended refusal of the application. DPI requested the item be deferred from the SRT Board meeting of 4 March 2003.

5 May 2003:

Following the completion of the second formal independent assessment by a consultant commissioned by the SRT, the item was again formally submitted to the SRT Board at their meeting held on 5 May 2003.

The SRT officers' recommendation was as follows:

That the Trust advise the Minister for the Environment and heritage that it recommends refusal of the proposed Dual Use path, between Banks Reserve and Mercy Hospital in Mount Lawley WA, as described in plans received by the Trust dated 24 December 2002, be refused for the following reasons:

- 1. The proposed path in option 7 is contrary to Trust policies SRT/E1 (conservation, environment and landscape protection), SRT/D2 (assess pathways and cycle access) and SRT/D25 (board walks).*
- 2. Works associated with the proposed path impact on an area of high environmental value on the s/e part of the transect.*

Advice to applicant: The SRT would be prepared to reconsider this application should option 6 be proposed as the alignment for the path.

The Mayor and the Executive Manager Technical Services represented the Town at the SRT Board meeting held on 5 May 2003. The Mayor had voting rights at the meeting.

The Mayor outlined various reasons why he considered the SRT should seriously reconsider the matter and further investigate the board walk option (Option 7) in terms of safety, security and reduced impact on the environment during construction.

The SRT board subsequently resolved that the matter be *deferred* for further investigation to consider the social and security concerns of the community including revaluation of the environmental issues.

Ordinary Meeting of Council 13 May 2003:

Following the SRT Board meeting, a further report was presented to Council where the following resolution was adopted, in part.

That the Council;

- (ii) acknowledges the Mayor's and the Executive Manager Technical Services actions with regards the Swan River Trust Board's decision to defer the matter for further investigation to consider the social and security concerns of the community including revaluation of the environmental issues;*
- (iii) advises the Banks Precinct Action Group and the City of Bayswater of the Council's resolution; and*
- (iv) receives a further report on the matter once further progress has been made.*

Banks Precinct Action Group meeting 4 February 2004

BPAG invited representatives from DPI, the Swan River Trust, Elected Members and Officers of the Town to attend a public meeting of the group to specifically discuss the status of the proposed extension of the Swan River Recreational Path from Banks Reserve to Mitchell Street.

The meeting, chaired by the BGAP President, Mr John Hockley, opened with a presentation by DPI outlining the history of the path, pertinent background information and its efforts to pursue a viable Option 7 as requested by Council at its Ordinary Meeting of 13 August 2002.

DPI contended that it had vigorously pursued Option 7, but that all professional advice received indicated that it would not be approved by the Swan River Trust on environmental grounds. This position was confirmed by the Swan River Trust's Manager of Strategic Planning, Mr Darryl Millar, at the meeting, who indicated that the Trust's Officers would recommend refusal.

When the chair opened the floor to questions, a lively debate ensued between those residents who felt that their security and amenity would be compromised if DPI's preferred option 6 proceeded and those residents who felt all the issues had been addressed and that option 6 should proceed.

DETAILS

Further Investigations by DPI

As resolved by the SRT Board, the matter was further investigated and representatives from the SRT met with the Town's officers and other affected parties.

On 12 November 2003, the Town received a letter from DPI advising as follows:

The DPI is currently progressing the development of a foreshore Recreation Path to overcome the existing missing link in the cycleway from Banks Reserve to Bardon Park. This project is the highest priority on the Perth Bicycle Network Stage 2 Program, and is included in the Government's Funding Commitment towards this Program.

The Department for Planning and Infrastructure (DPI) has worked in consultation with the Town of Vincent, the Swan River Trust, the Environmental Protection Authority, the Department of Indigenous Affairs, and local residents, to assess the feasibility of several alignment options through the project area.

A concept design (Option 6) was submitted to the Town of Vincent in June 2002 for endorsement in order to obtain a Development Approval. This concept was rejected by the Town of Vincent who requested that the feasibility of an alignment closer to the foreshore be tested.

This was undertaken and DPI's consultant, Connell Wagner Pty Ltd, developed an Option 7 alignment close to the foreshore. This alignment was assessed by Ecoscape Australia Pty Ltd, to have an extreme risk of environmental impact to the area. Therefore DPI and Ecoscape developed a detailed impact management strategy outlining mitigation and rehabilitation measures that would be undertaken during construction to protect and repair any of the significant impacts caused by the project.

This Option 7 alignment plan was submitted to the Swan River Trust together with the detailed impact management strategy. The Swan River Trust did not endorse this proposal due to the potentially destructive impact to the environmental values of the area.

Justification for this decision was confirmed by an external consultant, Syrinx Environmental Pty Ltd, which established that "the proposed boardwalk location is inappropriate given the scale of its immediate vegetation clearance, impact, and a number of potential risks to hydrology, vegetation, and possibly fauna that may result from the proposed construction or usage of the boardwalk. It is strongly recommended that the boardwalk be relocated above the natural vegetation line, or at least upland of the clay pit pools.

In this instance, construction activities can provide a positive benefit through the clearance and eradication of exotic vegetation, and rehabilitation of the freshwater groundwater interface zone with native species”.

The DPI has made every effort to align the path closer to the foreshore, however accepts that this is not feasible due to the environmental impacts identified by Ecoscape Australia Pty Ltd, Syrinx Environmental Pty Ltd, and the Swan River Trust.

Therefore, the DPI has developed the Option 6 Concept into more detail and produced a Preliminary Design for this project, which balances the need to protect the existing environmental values of the project area, and the need to resolve personal security concerns of local residents.

Although the public currently have free and unhindered access to the nearby residences from the reserve, to minimise any additional access resulting from the project, a retaining wall and vegetation have been designed into the project to restrict access from the path to the properties of nearby residents.

The DPI has comprehensively tested the feasibility of the alternate Option 7, and proven it to be unfeasible, therefore the Option 6 alignment presented, is the only achievable option for the project to proceed.

I enclose two copies of the plan and seek the endorsement of the Town of Vincent in order for the DPI to obtain a Development Approval from the Swan River Trust.

Officer's Comments

The foreshore alignment (option 7) requested by the Town was assessed by Ecoscape Australia Pty Ltd. They reported that this alignment had an extreme risk of environmental impact to the area. With this information, DPI and Ecoscape developed a detailed impact management strategy to protect and repair any of the significant impacts caused by the project.

Following a deferment of the decision on Option 7 by the SRT for further investigation, DPI's environmental consultant, Syrinx, strongly recommended that the boardwalk be relocated above the natural vegetation line, or a least upland of the clay pit pools.

The DPI comprehensively tested the feasibility of the alternate Option 7 and, as this proved to be unfeasible, they have further developed the previous Option 6 concept in more detail and produced a preliminary design which has taken into account the need to protect the existing environmental values of the project area, and the need to resolve personal security concerns of local residences.

Modified Option 6 Proposal as presented by DPI - refer attachment 10.2.1(a), (b) & (c)

The significant detail of this option comprises a proposed 80 metre section of boardwalk which will skirt the western edges and the two former clay pits. The proposed deck level of the boardwalk at this location, as interpolated from the plans provided, will be some 3 to 4m below the existing ground level at the existing houses at the nearest point. In addition, some form of retaining will be provided to the west of the proposed boardwalk.

DPI have commissioned a 15% design to date. This comprises a longitudinal section along the proposed path centreline and identifies cut and fill and drainage requirements. The cross section outlining the proposed boardwalk and associated retaining wall is conceptual only and will be further refined and detailed when the 'route' has been given the 'green light'.

A further section of board walk is proposed further north of the former 'clay pits' however this area is not in contention with regard to proximity to residents etc. and there are no environmental constraints at this location.

Officer's Comments

The modified Option 6 alignment, although relatively close (17m) to a small number of residences, will comprise an 80m boardwalk section at this location. The boardwalk section will be located approximately 3.50m below the existing ground level near the residences.

It is considered that should this option be progressed, the DPI will be requested to liaise very closely with the Town's officers with regard to the built form of the proposed boardwalks and associated infrastructure to ensure that materials used are sympathetic to the surrounding landscape and to ensure that the visual, environmental and construction impact of the project is kept to an absolute minimum.

Swan River Trust Approval

A new Development Application for Option 6 would need to be submitted to the Swan River Trust for approval to commence works. The Signatories to this application would need to be the Ministry of Planning, Department of Land Information, and the Town.

The SRT officers would assess the application and make a recommendation to the board. The SRT Board would then meet and make a determination on the matter.

The SRT Board recommendation will then be advertised on the SRT website for a 14 days public comment period and the Town, as land owner, would be requested to approve the project as a development on its land. At the conclusion of this period, the SRT Board recommendations, in addition to any public comments received, would be forwarded to the Environment and Heritage Minister, Dr Judy Edwards, for consideration and decision.

Should Ministerial approval be provided, DPI would instruct the Ministry for Planning to finalise property negotiations, while DPI would proceed with the detailed design.

Design / Implementation Process

To further ensure that the interests and expectations of the community are addressed in the design and construction process, DPI would maintain direct involvement with the Town's staff and the Banks Precinct Action Group Bike Committee.

The design phase would involve design reviews at the 15%, 85% and 100% design stages and the designs would be referred to both the Town and the Banks Precinct Action Group Bike Committee at these stages.

Additionally, to facilitate a broader understanding of the design within the community, DPI's design consultant would engage a Surveyor to mark the route alignment on site at the 15% and 85% design stage.

The design would be developed in conjunction with an environmental management plan including a rehabilitation works tender.

Once the approved design was completed to the satisfaction of all parties, DPI would call construction tenders.

Discussion

It is considered the wider community and the majority of the Banks Precinct community are in favour of the recreational path and want it to proceed, however, they do not have the proximity concerns of a few residents and are generally supportive of either route.

It is further considered that as this is the Town's only piece of river foreshore and is relatively intact and close to the City, it is important that the best outcome is achieved and that no cost is spared to achieve this outcome. To achieve this, a balance must be found between the environmental, security, function and aesthetics of the proposal.

Concerns have been expressed regarding the impact parts of the project, which will comprise significant engineered structures made of concrete and metal, could have on the sensitive wetland environment. It is considered these concerns will be taken on board and addressed during the detailed design implementation phase of the project.

It is also important that the designation of the proposed path is acknowledged. The cycle path that was recently constructed along East Parade from the Graham Farmer Freeway to Caledonian Avenue, Maylands (and which is currently under construction to Bayswater) is a high speed/ rapid transit path for the use of cycle commuters.

The proposed foreshore path is proposed to be for recreational use and high speed cyclists should be discouraged by a narrower path. Currently some conflict exists between fast moving cyclists and other recreational users on the existing section of the recreational regional path through banks reserve. The potential for additional high speed path users is a matter that will need to be addressed.

The Swan River has little unspoilt original wetland remaining. This has been recognized in the environmental reports compiled by Ecoscape and Syrinx. This small wetland has remnant original vegetation including some melaleucas, sedges and rushes and what is termed 'saltmarsh heath'. It is agreed that damage to this ecosystem must be minimized and although the former clay pits are a man-made feature, they have become part of the ecosystem and now support a thriving community of aquatic and birdlife.

Consideration in the design would also need to be given to the hydrology of the area as existing freshwater springs are a feature of the Banks Precinct draining to the river.

Finally the project within the Town requires land purchase/resumption of two parcels of land which are currently in private ownership. DPI have advised that these negotiations are proceeding. Issues with land along the proposed path route outside of the Town (between Mitchell Street and Bardon Park) have previously been resolved.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Plan 2002-2007 - 1.4 Maintain and Enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.
"c) Continue to design and implement infrastructure improvements for public open space."

FINANCIAL IMPLICATIONS

The Council had, for a number of years (approved at the Ordinary Meeting of Council held on 16 November 1998), set aside a budget allocation of \$38,500 as the Town's contribution for the project. However in light of the fact the project had not progressed, this item was deleted from the 2001/02 budget.

To date discussions with the DPI have centred on obtaining community support for the project and therefore the financial implications, if any, are yet to be addressed.

COMMENTS:

As previously reported to the Council, there is considerable expectation and support in the wider community for the Swan River RRP Banks Reserve to Bardon Park to progress. The Swan River is one of the City's greatest assets and there is ever increasing pressure for people to have unfettered access to the river.

The section of the RRP is a strategic missing 'link' in the path, forcing recreational cyclists, pedestrians and indeed residents to use Guildford Road to travel between Banks Reserve and the Maylands peninsular.

With the representation made by the Mayor at the SRT Board meeting held on 5 May 2003, the Board acknowledged that there is a need to satisfy community concerns regarding safety and security and not only focus on the environmental factors.

DPI commissioned Syrinx Environmental to reassess the proposal which concluded that the boardwalk be relocated above the natural vegetation line, or a least upland of the clay pit pools. DPI then proceeded to redevelop Option 6 to satisfy community concerns regarding safety and security. The modified Option 6 has attempted to address these matters.

It is therefore recommended that the Council, on the basis that Option 6 is approved by the SRT and the Department for Environmental Protection, further requests that the DPI: *liaises closely* with all affected residents, liaises closely with the Town's officers with regard to the built form of the proposed boardwalks and associated infrastructure to ensure that materials used are sympathetic to the surrounding landscape and to ensure that the visual, environmental and construction impact of the project is kept to an absolute minimum, prepares a detailed management plan addressing residents' concerns in respect of security and privacy, carries out a full environmental impact and ethnographic study in accordance with the relevant State and Federal Acts and approvals, and upon completion of the project carries out a full environmental rehabilitation program in liaison with and to the satisfaction of the Town prior to the new infrastructure being handed over to the Town.

It is further recommended that the Council receives a further report/s once detailed design plans for the boardwalk and associated works have been developed to the 15%, 85% and 100% design and advises the Banks Precinct Action Group of its resolution

10.2.2 Tender No. 289/04 for Construction of Dual Use Paths - Robertson Park, Perth

Ward:	Both	Date:	2 March 2004
Precinct:	All	File Ref:	TEN0297
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council awards the Tender for the construction of Dual Use Paths - Robertson Park to Industrial Road Pavers for the sum of \$129,335 (excl. GST) in accordance with the specification outlined in Tender No. 289/04.

BACKGROUND:

At the Ordinary Meeting of Council held on 4 November 2003, the Council approved of the upgrade of Robertson Park, Perth. As part of the upgrade, new paths will be constructed. Tenders were called for construction of dual use paths. Tenders closed at 2.00pm on Wednesday, 3 March 2004 for the construction of Dual Use Paths at Robertson Park, Perth, and five (5) tenders were received.

DETAILS:

Details of the submissions received for Tender 289/04 are as follows:

	Industrial Road Pavers	Ron J Baker & Co.	Mako Civil Pty Ltd	ATT Civil Engineering	Pavement Technology
Total (excl. GST)	\$ 129,335.00	\$ 131,540.00	\$ 171,484.80	\$ 205,560.00	\$ 213,890.04

Evaluation Criteria

The following evaluation criteria applied in the assessment of tenders:

The prime consideration in the evaluation of Tenders received was that the Tender needed to clearly demonstrate an understanding of the task and represented the best value for money in the Town's opinion.

Tender submissions received were assessed based on the following evaluation criteria. The table indicates the relevant factors and weighting that were applied for each factor.

<i>Selection Criteria</i>	<i>Weighting</i>
Contract Price	50%
Past Experience in similar projects/works	20%
Organisational structure/ capacity/resources	15%
Financial capacity	5%
References	5%
Compliance with Tender Specification	5%
TOTAL	100%

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

Tenderer	Contract Price	Past Performance	Resources	Financial	References	Compliance	Total
Industrial Road Pavers	50.00	20	15	5	5	5	100
Ron J Baker & Co	49.48	20	14	5	4	4	96.48
Mako Civil Pty Ltd	40.15	20	15	5	5	5	90.15
ATT Civil Engineering	32.18	20	14	5	5	4	80.18
Pavement Technology	30.23	20	15	5	5	5	80.23

The lowest tender received was from Industrial Road Pavers for the sum of \$129,335.00 (GST exclusive). The highest tender price received was \$213,890.04.

It was decided to tender out the Dual Use Path construction component of the Robertson Park works as the Town's day labour force are unable to carry out the works due to current work programmes, annual leave commitments and sick leave.

Industrial Road Pavers have carried out works for the Town previously, including the Carr Place (Lot 11) subdivision and Elven on the Park.

They completed all works on time and within budget.

FINANCIAL/BUDGET IMPLICATIONS:

Adequate funds have been included in the 2003/2004 budget to implement the works.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“h) Continue to design and implement infrastructure improvements for public open space.”*

COMMENTS:

The Dual Use Path construction works at Robertson Park include approximately 1,000 metres of 2.50 metres wide asphalt paths (red asphalt) with flush kerbing edges.

It is recommended that the Council award the tender to Industrial Road Pavers for the sum of \$127,335, excluding GST.

10.2.3 Street Verge Trees - Venn Street, North Perth

Ward:	North	Date:	16 February 2004
Precinct:	Norfolk P10	File Ref:	TES0234
Attachments:	001;		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report in relation to the street verge trees in Venn Street, North Perth;*
- (ii) *whilst it acknowledges the resident's request for the staged removal of the trees in Venn Street, due to the intact streetscape and the excellent health and condition of the existing trees, APPROVES the retention of all existing street verge trees in Venn Street for these reasons and the further reasons outlined in the report;*
- (iii) *NOTES that should a staged tree removal be approved in Venn Street, that this would create a precedent with significant cost and environmental implications; and*
- (iv) *advises the petitioners of Council's resolution.*

BACKGROUND:

At the Ordinary Meeting of Council held on 24 June 2003, a report was presented in relation to a street tree survey undertaken in Venn Street, North Perth, where it was resolved: -

"That;

- (i) *the Council receives the report on the Street Verge Tree Survey undertaken in Venn Street, North Perth;*
- (ii) *APPROVES the retention of all existing street verge trees in Venn Street for the reasons outlined in the report;*
- (iii) *advises residents in Venn Street of Council's resolution; and*
- (iv) *the Council hold a public meeting with Venn Street residents, to discuss the matter of the Street Verge Trees and Survey."*

Subsequently, a public meeting was held at the Town of Vincent Administration and Civic Centre on Monday 4 August 2003 to discuss the matter. In attendance were the Mayor, Executive Manager Technical Services, Manager Parks Services and eleven (11) owner/occupiers of Venn Street, North Perth.

Almost all of the owner/occupiers in attendance were in favour of a replacement program being initiated in Venn Street, North Perth. Attendees at the meeting were advised that the Council resolution of Ordinary Meeting of Council 24 June 2003 approved the retention of all existing street trees in Venn Street. Therefore, a rescission of this resolution was required, signed by at least three (3) Elected Members for the decision to be changed.

It was decided by those residents present that a street meeting would be convened to discuss the matter. This meeting subsequently took place at 10.30 am on Sunday 24 August 2003 outside 32 Venn Street, North Perth.

DETAILS:

On the 9 October 2003 a petition was received with 44 signatories on behalf of residents & owners of properties in Venn Street, North Perth requesting the Town initiate immediate action to ensure a sustainable outcome for trees in their street for the following reasons: -

- *The Brush Box tree is a subtropical rainforest species not suited to Perth's Mediterranean climate and therefore not sustainable.*
- *The Brush Box Trees are in stress and drop large quantities of small sharp nuts which are very dangerous.*
- *Venn Street residents seek to ensure that a well presented tree lined street with an appropriate species is established to provide shade and amenity for the long term.*
- *Town of Vincent's Key Result Area. One of the Draft 2002-07 states "1.4 maintain and enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment.*

Officers Comments

Discontinuation of the Annual Street Verge Tree Enhancement Program

At the Ordinary Meeting of Council held on 11 May 1998, the Council resolved to create an Annual Street Verge Tree Enhancement Program.

It was resolved that each year, approximately five (5) streets with inappropriate species would be listed from each ward to create the Annual Street Verge Tree Enhancement Program.

In addition, it was agreed that consideration, if warranted, would be given to streets where residents have requested planting of trees or a change of species due to the existing trees being unsuitable.

However, due to the overall negative response from residents to the program a report was presented to the Council at its ordinary meeting held on 10 April 2001 where the following resolution was adopted (in part).

"That the Council;

- (iv) agrees to discontinue the Street Tree Enhancement Program for reasons outlined in the Report; and*
- (v) approves the creation of a Street Tree Management and Enhancement Program and allocates \$50,000 in the 2001/2002 draft budget for this purpose.*

The above resolution resulted from many residents venting their frustration at the Council endorsing the removal of mature trees. Even where existing species had previously been deemed inappropriate due to health or excess leaf/fruit drop, there were numerous owner/occupiers who flatly refused to have the tree adjacent to their property removed.

It was therefore considered that as the removal of trees had been on an 'ad hoc' basis and the program was not achieving the desired outcome and was causing unnecessary aggravation that the program be discontinued.

It was considered more appropriate that the existing tree stock be "managed" and that requests for removal/replacement of species be dealt with on a case by case basis. It was also considered that the Town's officers assess the health and vigour of street trees on an ongoing basis and proactively replace trees to maintain the visual amenity of the streetscape.

Queensland Box Trees in the Town

There are approximately 3310 Queensland Box Street Verge Trees remaining within the Town. Should the Council approve the removal of healthy trees as is the case in Venn Street, ultimately all remaining Queensland Box trees are likely to be removed over time as a precedent will be set.

The cost to remove and replant 3310 trees at \$400.00 (average removal cost in 2004) would be approximately \$1.3m.

Queensland Box Trees in Venn Street

Beside the negative response likely to be received from the wider community, it is considered the main concerns with implementing a removal/replacement program in Venn Street are as follows:

- The Venn Street trees are in excellent health and condition at this present point in time. They represent the best example of a streetscape of mature, healthy Queensland Box trees within the Town.
- Implementation of a removal/replacement program of healthy trees in Venn Street would set an undesirable precedent with significant financial and environmental implications for the Town.

Environmental Implications

Removal and mature trees will destroy nesting sites for birds and create a very hot environment.

It will take up to 20 years for the new trees to attain a mature canopy/shade and provide similar benefits.

Visual Impact

Generally it is considered that the Venn Street residents do not realise the benefit an intact streetscape of mature trees has and how barren the area would look when one mature tree is removed let alone every second or third tree in such a significant and intact streetscape.

CONSULTATION/ADVERTISING:

Petitioners will be advised of Council's resolution. Should the Council resolve to implement a removal/replacement program, extensive consultation with owner/occupiers would be required in relation to the staging of the removal program and the new tree species to be planted.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2003-2008 - Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"e) Continue to develop and implement streetscape enhancements.*

FINANCIAL/BUDGET IMPLICATIONS:

If every second tree was removed in Venn Street, the estimated removal/replacement cost would be approximately \$25,000 as follows:

Tree removal	28 trees @ \$400	\$11,000
Tree replacement	28 trees @ \$350	\$10,000
Annual maintenance	watering/fertilising/mulching (per annum)	\$4,000

The above funds could be sourced from the 2004/2005 street tree enhancement budget.

COMMENTS:

Whilst there is no doubt that the Queensland Box trees in some areas in the Town and the metropolitan area are water stressed, the existing trees in Venn Street are in excellent health and condition and a removal/replacement program is not warranted at this time.

Should the Council be concerned regarding long term sustainability of street trees, there are numerous streets where a removal/replacement program should be implemented before Venn Street is considered.

Currently when street verge trees are removed, in most cases they are replaced, thus ensuring that the avenue of trees is maintained albeit not necessarily the same species type.

Where an existing streetscape species is considered suitable, is adapting to the planting location favourably and is the predominant species planted within a street, this theme is continued.

Whilst the concerns of the residents in Venn Street are noted, it is considered they are somewhat exaggerated. This species of tree cannot be considered dangerous but more so a nuisance similar to a number of different species of street tree currently planted in the Town.

In addition the trees in Venn Street are not visibly stressed and are one of the better examples of Queensland Box Tree within the Town.

It is therefore recommended that the Council approves the retention of all Queensland Box trees in Venn Street and advises the petitioners of its resolution.

10.2.4 Landscaping With Local Plants Project

Ward:	Both	Date:	2 March 2004
Precinct:	All	File Ref:	CMS0096
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the landscaping with local plants project; and*
- (ii) *APPROVES an amount of \$5,000 being included in the 2004/05 operating budget for the development of localised native plant brochures and other relevant promotional material.*

BACKGROUND:

The Town of Vincent in association with the Claisebrook Catchment Group have successfully undertaken various projects over the years involving local residents. In addition to on-ground works, valuable information concerning our environment has been provided to the local community through various events and activities such as: -

- Great Gardens Workshops
- Town of Vincent Garden Competition
- National Tree Day
- Active Vincent Day
- Yellow Fish Road Drain Marking

DETAILS:

The landscaping with local plants project will develop information and activity programs to assist local government to promote gardening with local native plants in order to reduce water and fertiliser use. Information developed will include localised brochures, newsletters, advertisements, web-based information and posters to be used in a Local Government campaign. Targeting information to specific regions will increase adoption rates which can then be monitored for effectiveness.

The project will be financially managed by the North-East Catchment Committee (NECC) and overseen by a steering committee comprising of representatives from the following groups: -

- North-East Catchment Committee
- Claisebrook Catchment Group
- Eastern Metropolitan Regional Council
- Swan Catchment Council
- Armadale-Gosnells Landcare Group

A project officer will be engaged and supervised by the Co-ordinator of the NECC on a day to day basis, with the steering committee providing direction. The project officer will ensure milestones of the project are met and will provide progress reports to the steering committee.

Project Outputs

The following outputs are expected over the lifetime of the project:

- Development and printing of a range of brochures about local plants based on soil type.
- Provision of information to Councils for websites, displays and newsletters.
- Development of a range of activities which Councils can use to inform their community.
- Identification of resourcing and sponsorship opportunities.
- Establishment of demonstration gardens within local Councils.
- Development and staging of Great Gardens planning workshops.
- Evaluation report of project effectiveness.

Proposed Timeframes

Project Milestone	Timeline
Liaise with LGAs to ensure budgeting for participation in program	February 2004
Develop Education Kit	February to June 2004
Establish demonstration sites with LGA's	February to June 2004
Trial Education kit	July to December 2004
Great Gardens planning workshop	May 2004
Evaluation of project	January to February 2005

CONSULTATION/ADVERTISING:

Consultation and advertising of the various activities and distribution of the various promotional material will be undertaken through the Town of Vincent and the Claisebrook Catchment Group.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003-2008 - 1.1 Protect and enhance the environment and biodiversity. Develop and implement best practice programs to achieve, "*c) increased use of local native vegetation by Council and residents.*"

FINANCIAL/BUDGET IMPLICATIONS:

Funding for the overall project is being provided by the State Water Strategy. Payment for the project will be in two stages. The first payment of \$21,100 will be made at the commencement of the project in January 2004. The completion of the Education Kit in June 2004 will trigger payment of the second half of the funding (\$21,100).

The Town's contribution of \$5,000 will be utilised for a pilot project involving the production of brochures and various activities such as promotion, competitions, displays etc.

COMMENTS:

Promoting the use of local native plants provides many benefits such as water savings and conservation of biological diversity. Their use is likely to become more and more prevalent with the current water restrictions and ever changing climate.

It is therefore recommended that the Town includes an amount of \$5,000 in the 2004/05 operating budget for the development of localised native plant brochures as part of the landscaping with local plants project.

10.3 CORPORATE SERVICES

10.3.1 Investment Report

Ward:	-	Date:	02 March 2004
Precinct:	-	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Russell	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 29 February 2004 as detailed in Appendix 10.3.1.

BACKGROUND:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date. Details are attached in Appendix 10.3.1. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 29 February 2004 were \$9,951,125 compared with \$9,951,125 at 31 January 2004. At 28 February 2003, \$12,816,197 was invested.

Total accrued interest earned on Investments as at 31 January 2004:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	162,753	54.25
Reserve	342,000	247,931	72.49

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

10.3.2 Authorisation of Expenditure for the Period 01 - 29 February 2004

Ward:	-	Date:	03 March 2004
Precinct:	-	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Orchard		
Checked/Endorsed by:	N Russell	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) Schedule of Accounts for the period 1 February – 29 February 2004 and the list of payments;*
- (ii) direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) direct lodgement of Child Support to the Australian Taxation Office;*
- (v) direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.2

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$88,278.06
	EFT	\$1,000,000.00
	EFT	\$814,972.13
Total Municipal Account		\$1,903,250.19
Advance Account		
Automatic Cheques	46417-46519, 46521-46708, 46711-46715	\$570,560.98
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 205, 207, 209-211, 213-214, 216		\$808,252.28
Transfer of PAYG Tax by EFT	February 2004	\$137,748.62
Transfer of GST by EFT	February 2004	0
Transfer of Child Support by EFT	February 2004	\$491.54
Transfer of Superannuation by EFT City of Perth		\$51,563.01
Local Government		\$125,961.47
Total Advance Account		\$1,694,577.90
Transfer of Payroll by EFT	February 2004	\$462,149.26
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,319.85
Lease Fees		\$1,540.10
Corporate MasterCards		\$8,382.09
Australia Post Lease Equipment		0
2 Way Rental		0
Loan Repayment		\$7,805.02
Total Bank Charges & Other Direct Debits		\$22,047.06
Less GST effect on Advance Account		\$2.50
Total Payments		\$4,082,026.91

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.3 Early Lease Termination – Kyilla Pre-Primary

Ward:	North Ward	Date:	16 February 2004
Precinct:	Mount Hawthorn	File Ref:	CMS0024
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the early termination on the 30 September 2004 of the existing lease between the Town of Vincent and the Education Department for the facility located at 13 Haynes Street, North Perth.

BACKGROUND:

The facility at 13 Haynes Street has been leased by the Education Department since 25 September 2000 and is due to expire on 24 September 2005. The Education Department has sub-leased the facility to Kidz Galore Pty Ltd since December 2002 and have expressed a desire to relinquish its lease on the premises as they no longer have any requirement for the property and have proposed that Kidz Galore Pty Ltd become the lessee.

Correspondence was received from the Education Department in December 2003 in which they requested to terminate their lease agreement and proposed that the Town lease the premises directly to Kidz Galore Pty Ltd.

The Town advised the Education Department that this was not possible as the Local Government Act requires Council to invite Expressions of Interest or initiate a tender process for properties available for lease.

Further correspondence was received from the Education Department in which they requested that the lease be terminated on 1 March 2004.

DETAILS:

The Council will agree to an early lease termination date of 30 September 2004 which will allow the Expression of Interest process to be completed. The early lease termination requires mutual agreement between lessee and lessor.

CONSULTATION/ADVERTISING:

Expressions of Interest will be advertised in the West Australian and letters will be sent to interested community groups in the local area.

LEGAL/POLICY:

Section 3.58 of the *Local Government Act 1995* which requires Local Government to advertise land disposal (including leased premises) in Western Australia wide newspapers.

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The Town currently receives \$2,304 per annum in lease payments.

COMMENTS:

It is recommended the Education Department lease continue until 30 September 2004 so as to allow sufficient time for the Expression of Interest and tendering processes to occur. The Education Department has shown goodwill by offering to transfer the lease directly to Kidz Galore. However the Town is unable to support this as it contravenes the Local Government Act, and the due process must be followed before any lease details are negotiated.

10.3.4 Vincent Improved Access Awards

Ward:	Both	Date:	2 March 04
Precinct:	All	File Ref:	CMS 0074
Attachments:	-		
Reporting Officer(s):	S Jarman		
Checked/Endorsed by:	J Anthony/ M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES, the addition of the two following new categories to the Vincent Improved Access awards.

- *Individual with a disability (significant achievement or contribution)*
- *Service, agency, local business (nominated by a resident with a disability)*

BACKGROUND:

The Vincent Improved Access (VIA) Awards commenced in 1997. Since 2000, twenty three (23) disability agencies, recreation groups and local businesses have been recognised for their improvements in access for people with disabilities to facilities and services. The awards are held annually on the 3rd December, to assist in celebrating the International Day of People with a Disability. Other local governments have recently started running similar awards schemes.

The rewards provide a visible recognition of changes made and encourage other agencies and local businesses to also make necessary changes. At the same time the awards promote policies of accessibility. The promotion of the awards also assist in making people with disabilities in the Town aware of the positive changes that have occurred, encouraging them to increase their participation with the community.

The Vincent Improved Access Awards currently have a low profile within the community. In 2003 there were difficulties in encouraging people to make nominations and consequently a dramatic decrease in the amount of nominations received. The awards were publicised in the local media, on the website, through direct mail-out and contact to local businesses, individuals and disability agencies. Despite the widespread of nomination materials being distributed, only two nominations were received. These two nominations will be acknowledged at the up-coming Carer's Recognition lunch.

DETAILS:

It is essential that the awards continue, as they assist with promoting the rights of people with disabilities to access facilities and services. To maintain the positive outcome that the awards have had in the past, the Universal Access Advisory Group proposed that the following categories be added to the award:

- 1) For an individual with a disability that has accomplished a significant achievement or made a contribution to the Town of Vincent;
- 2) Nominations of services, agencies or local businesses from residents of the Town of Vincent with a disability that have accessed their service.

Subsequently with all the categories together they would read as follows:

Category of Entry:

- 1) Buildings – new developments (within the past two years);
- 2) Buildings – upgrade or renovation to existing building (within the past two years);
- 3) Services (changes made within the past two years);
- 4) Provision of Information (changes made within the past two years);
- 5) Individual/Community Group (supporting access and inclusion in the community);
- 6) *Individual with a disability (significant achievement or contribution);*
- 7) *Service, agency, local business (nominated by a resident with a disability).*

CONSULTATION/ADVERTISING:

The Vincent Improved Access awards are advertised in the Voice News, The Guardian Express and a range of disability publications and newsletters of local service providers. A mail-out of the nomination form to individuals and agencies also occurs.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Adding two new categories to the Vincent Improved Access Awards is in keeping with the Town of Vincent Strategic Plan 2003 - 2008.

Key Result Area 2.6: Ensure that issues affecting access and equity for all community members are addressed in all strategies.

(c) Develop creative solutions to access and equity issues, relevant to the Town's diverse community.

FINANCIAL/BUDGET IMPLICATIONS:

\$3,500 is allocated to the Vincent Improved Access Awards from the Disability Services budget.

COMMENTS:

The Town of Vincent continues to lead the way in improving access and advocating for the rights of people with disabilities within the Town. The Vincent Improved Access Awards acknowledges the efforts that local businesses and agencies, encouraging them to further improve the quality of life for people with disabilities.

By continuing and by having the additions categories, the scheme also meets a number of the objectives to the Disability Services Plan. The awards are a community based event, relying on community nominations, as a consequence there becomes an increase in awareness of the issues that are constantly face people with disabilities and the importance to adapt services for universal access.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Use of Common Seal

Ward:	-	Date:	3 March 2004
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

DETAILS:

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

Date	Document	No of copies	Details
23/01/04	Deed of Covenant	1	Town of Vincent and Allia Holdings Pty Ltd, North East Equity Pty Ltd, Nicola Tana and David George Rodwell for Catering Equipment at Members Equity Stadium, 310 Pier Street, Perth
05/02/04	Interim Licensing Agreement	2	Town of Vincent and Allia Holdings Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 31 January 2004
19/02/04	Deed	1	Town of Vincent and Brisbane Hotel, 292 Beaufort Street, cnr Brisbane Street, Perth re: cash in lieu contribution for parking shortfall requirements
19/02/04	Legal Agreement/Deed of Covenant for Amalgamation	4	Town of Vincent and Allwise Investments Pty Ltd, Netway Holdings Pty and Devana Corporation Pty re: Nos. (Lot N91 & 1), Beaufort Street (cnr Brisbane Street), Perth - Alteration and Additions to existing Hotel and change of use from Hotel to Tavern
19/02/04	Restrictive Covenant	2	Town of Vincent and C.G. Mullaney of London Street, Mount Hawthorn re: No. 132 (4025) London Street, Mt Hawthorn
19/02/04	Interim Licensing Agreement	2	Town of Vincent and Allia Holdings Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 7 February 2004
19/02/04	Interim Licensing Agreement	2	Town of Vincent and Allia Holdings Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 14 February 2004
19/02/04	Interim Licensing Agreement	2	Town of Vincent and Allia Holdings Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 18 February 2004

Date	Document	No of copies	Details
02/03/04	Deed of Variation	9	Towns of Vincent, Cambridge, Victoria Park and Cities of Joondalup, Perth, Stirling and Wanneroo re: Deed of Variation of Constitution Agreement of Mindarie Regional Council
03/03/04	Interim Licensing Agreement	2	Town of Vincent and Perth Glory Soccer Club Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth on 28 February 2004
03/03/04	Interim Licensing Agreement	2	Town of Vincent and Perth Glory Soccer Club Pty Ltd for use of Members Equity Stadium, 310 Pier Street, Perth for: <ul style="list-style-type: none"> - Glory Annual Breakfast - 29 February 2004 - Training Sundowner - 4 March 2004

10.4.2 Review of Policies - Adoption

Ward:	-	Date:	3 March 2004
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	A Smith, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of the following Policies to be amended as shown in Appendix 10.4.2;

- (i) 1.2.10 - Percent for Art Scheme;*
- (ii) 4.1.11 - Purchase of Items and Equipment by Retiring Elected Members; and*
- (iii) 4.1.13 - Conferences and Training - Attendance, Representation, Travel and Accommodation Expenses and Related Matters.*

BACKGROUND:

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

Policies have been reviewed over the previous six months. The vast majority have been amended and re-adopted and a number have been deleted. Only several general policies remain to be reviewed. A large number of policies relating to Human Resource/Employee issues are currently being reviewed and it is proposed to submit a report to Council in the next few months.

Policies 4.1.11 and 4.1.13 were considered at the Ordinary Meeting of Council held on 4 November 2003 and Policy 1.2.10 was considered at the Ordinary Meeting of Council held on 26 August 2003. Copies of these policies were advertised for public comment and sent to all community and precinct groups. The following submissions were received:

1. Dudley Maier of Chatsworth Road, Highgate

Mr Maier comments pertaining to the following policies:

- (a) Policy 1.2.10 - Percent for Art Scheme**

"This policy should be critically reviewed. Reference should be made to work done by the former Cultural Development Advisory Group in late 2000.

The clause dealing with private development states that developers "will be encourage (sic) to set aside 1% of the total project cost". This should be rephrased as "will be required to set aside a minimum of 1% of the total project cost".

Reference should also be made to the two guidelines that were reviewed by the Cultural Development Advisory Group in 2000."

CEO's Comment

The suggestions are supported and have been included into the Policy.

(b) Policy 4.1.11 - Purchase of Items and Equipment by Retiring Elected Members

"The 'discount' should depend on the age of the item and not on how long a member has served. In theory a member who has served 4 years could buy an item the day before they retired and pay only 25% of the purchase price. Consideration should be given to basing the price on just the written down value of the item rather than the purchase price and length of service.

Also the wording should make it clear that the Town has in fact purchased the equipment on their behalf, albeit by means of a reimbursement.

Retiring Members are eligible to purchase items and equipment purchased ~~by them~~ on their behalf in accordance with Policy 4.1.16 – "Elected Members' Allowances, Fees and Reimbursement of Expenses" and also ~~their~~ the fax machines and mobile telephones, car kit and accessories used by them during their term of office along the following lines:"

CEO's Comment

The suggestions are supported and have been included into the Policy. The matter relating to the purchase price or items purchased in the twelve (12) months preceding retirement/cessation of an Elected Member has been reworded to refer to the "written down value of the item or 50% of the items purchase price, whichever is the higher."

The items covered by this policy generally have a value of several hundred dollars. (eg fax machine, mobile phone, chair etc).

(c) Policy 4.1.13 Conferences and Training - Attendance, Representation, Travel and Accommodation Expenses and Related Matters

"1.1 Consideration should be given to allowing two officers to attend in lieu of one elected member and one officer if it is thought that the conference is of a technical nature and the breadth of the sessions offered at the conference are too great for one officer to cover. Such a decision must be justified in writing.

3.3 (v) I do not believe that we should differentiate based on status. Officers, Executive Managers, the CEO and Elected Members should be treated equally. They should all travel economy class unless a justification can be made for an upgrade. The same applies to accommodation.

Rather than have a fixed maximum rate for accommodation the Town should base the maximum rate on the rate determined in the WA Public Service Award as amended. This rate varies between locations in recognition that accommodation in some cities (eg Sydney and Melbourne) is more expensive than other cities. The advantage of being linked to the Public Service Award is that the rates are revised regularly.

Clauses 3.5 (i) and 3.5 (viii) should also be amended/deleted to reflect the use of the Public Service Award."

CEO's Comment

The matter of attendances at conferences by two employees, in lieu of the Elected Member is supported in special circumstances. A new clause has been added 1.1(ii) which allows for the CEO to recommend to the Council in these circumstances.

The comments suggesting that all travel shall be economy class is not supported. The Local Government Act 1995 refers to the status of the Mayor and CEO and accordingly the option to travel business class should be at their discretion. This is a common practice in most local governments. It should be noted that the current Mayor and CEO have never travelled business class.

The matter relating to prescribing maximum rates for accommodation and expense allowances in accordance with the WA Public Service Award is supported and new clauses have been inserted at 2.4. To ensure that the Town maintains parity, it is recommended that the rates be reviewed and updated by the CEO on 1 July each year.

By way of comparison,

Town's proposal

Daily Allowance

was \$75

WA Public Service Amount

\$73.15 comprising:

(Breakfast \$13.30

Lunch \$13.30

Dinner \$35.80

Incidentals \$10.75)

Accommodation

Mayor & CEO \$250

Councillors & Exec Mgers \$200

Other Staff \$175

Melbourne \$226.45

Sydney \$220.45

Other Capital Cities \$185.00

Interstate other than Capital Cities \$154.25

The claimable items specified in the daily allowance has been reworded to remove any ambiguity and to encourage the use of public transport.

CONSULTATION/ADVERTISING:

The policies were advertised in the community papers, on the Town's noticeboard and the internet. Letters were also sent to the Town's Precinct/Business Groups for comment.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policy Manual Review is well advanced and almost completed.

10.4.3 Audit Committee - Unconfirmed Minutes February 2004

Ward:	-	Date:	3 March 2004
Precinct:	-	File Ref:	FIN0106
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Minutes (unconfirmed) dated 19 February 2004 of the Town's Audit Committee, as shown in Appendix 10.4.3.

BACKGROUND:

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

"That the Council;

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

FINANCIAL IMPLICATIONS:

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

LEGAL/POLICY IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

COMMENT:

The reporting of the Town's internal Audit Committee minutes to the Council Meeting is considered "best practice" and in keeping with the Audit Charter. It is pleasing to note that no issues were identified at this meeting.

10.4.4 Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report

Ward:	South	Date:	3 March 2004
Precinct:	Beaufort, P13	File Ref:	RES0051
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 3 March 2004; and
- (ii) **NOTES** that a further report will be provided at the meeting of 9 March 2004.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 February 2004, the Council considered this matter and resolved as follows;

"That the Council;

- (i) **RECEIVES** the Members Equity Stadium - Legal Documentation - Progress Report as at 18 February 2004 and further report dated 24 February 2004;
- (ii) **RECEIVES** the legal advice provided by the Town's solicitors relating to Members Equity Stadium dated 24 February 2004 and that this advice remains confidential;
- (iii) **WRITES** to Allia Holdings Pty Ltd;
 - (a) *expressing its concern that the outstanding guarantee/mortgage documentation as required by the Heads of Agreement have not been finalised to the Town's satisfaction and that outstanding monies have not been paid;*
 - (b) *to advise that it has a legal opinion that considers the Heads of Agreement is legally enforceable;*
 - (c) *that it considers Allia Holdings Pty Ltd to be the Stadium Manager and that it should start managing the Stadium at 310 Pier Street, Perth forthwith and fulfil its obligations and responsibilities as prescribed in the Heads of Agreement; and*
 - (d) *advising that a further report will be considered by the Council on 9 March 2004;*
- (iv) **AUTHORISES** the Chief Executive Officer and Mayor to meet with Allia Holdings Pty Ltd and Perth Glory Soccer Club Pty Ltd to progress the matters identified in the further report dated 24 February 2004 with the view to negotiating a prompt resolution of all outstanding matters to the Town's satisfaction;

- (v) *AUTHORISES the Chief Executive Officer to;*
- (a) *instruct the Town's solicitors to lodge a caveat against the title of the land that is to be the subject of the mortgage security (Lot 41 Beermullah Road West, Wanerie) and this caveat be lodged as soon as practicable or no later than close of business on 25 February 2004 in order to protect the Town's equitable interest;*
 - (b) *instruct the Town's solicitors to advise Allia Holdings Pty Ltd in writing to signal that proceedings for enforcement of the Heads of Agreement will be commenced in the Supreme Court unless the mortgage security is promptly provided;*
 - (c) *instruct the Town's solicitors to require a "first ranking mortgage" as specified in the Heads of Agreement against the subject land (Lot 41 Beermullah Road West, Wanerie);*
 - (d) *take necessary action to recover outstanding monies from Allia Holdings Pty Ltd, Perth Glory Soccer Club Pty Ltd and Total Corporation Pty Ltd as detailed in the report dated 24 February 2004;*
- (vi) *REQUESTS the Chief Executive Officer to submit a further report to the Ordinary Meeting of Council to be held on 9 March 2004 or sooner if required detailing the progress of the negotiations;*
- (vii) *AUTHORISES the Chief Executive Officer to make public the report or any part of it at the conclusion of this legal process; and*
- (viii) *WRITES to the Minister for Sport and Recreation and the Department of Sport and Recreation advising of the progress to date and expressing the Town's concerns as detailed."*

The following action was taken, following the Ordinary Meeting of Council held on 24 February 2004.

On 27 February 2004, the Town's solicitors sent a letter to Allia, advising of the following;

"On 24 February 2004, Council met in a closed session to discuss outstanding matters pertaining to Members Equity Stadium.

High on Council's agenda was the fact that the Mortgage Security as required by the Heads of Agreement has yet to be provided to the Town.

During the course of meeting, legal advice from this firm was tabled confirming our view that the Heads of Agreement is binding on the parties to it - contrary to claims made by Allia Holdings Pty Ltd in recent correspondence to the Town and verbal statements made by Jeff Dennis and Tony Di Francesco.

In light of the information conveyed to Council at the meeting, Council resolved, amongst other things, to authorise the Town's Chief Executive Officer and Mayor to meet with your clients to progress all outstanding matters. Council desires an amicable resolution of the parties' differences and the finalisation of the outstanding documentation.

It remains the case, however, that the prompt provision of the Mortgage Security to the Town remains absolutely essential to it. Despite your clients' desire to complete all outstanding documentation as a 'package', the Heads of Agreement clearly shows that provision of the

Mortgage Security is not an obligation that is contingent upon the completion of ancillary documents. On the contrary, it is an unqualified obligation undertaken by the Guarantors which is confirmed by them and North East Equity Pty Ltd in the Deed of Covenant dated 17 December 2003.

Our client will continue to negotiate with your clients in good faith for the purpose of settling agreed forms for the standard licence, the Perth Glory Soccer Club licence, and the Perth Glory Soccer Club lease.

However, your clients would be mistaken if they assumed that the Town is not prepared to take all appropriate steps to obtain the necessary security that it requires to cover the Town's loan. To that end, we have been instructed to:

- (a) lodge a caveat over the land that is to be subject to the Town's first ranking registered mortgage;*
- (b) inform you that the Town is not prepared to see the 2003/2004 soccer season end without the Mortgage Security having been provided; and*
- (c) inform you, further, that proceedings for the enforcement of the Heads of Agreement will be commenced in the Supreme Court unless the Mortgage Security is promptly provided.*

The Council was unanimous in making all resolutions concerning this matter, and will further consider its progress at the Ordinary Meeting of Council on 9 March 2004.

As Allia Holdings Pty Ltd is bound to provide management services to the Town under the Heads of Agreement, we are instructed to inform you that, from the date of this letter, Allia Holdings Pty Ltd is required to carry out all of its obligations to manage Members Equity Stadium in accordance with the Heads of Agreement. The company will need to liaise with the Town to effect a smooth transition of responsibilities.

Finally, we have been instructed that Allia Holdings Pty Ltd has not paid various outstanding moneys that are due to the Town under the Heads of Agreement. Our client is writing to your client about this, and, if the payments are not made, you should expect that action will be taken by it to recover the debts in the ordinary course.

We will be in contact with you shortly for the purpose of progressing the completion of all the outstanding documents."

Legal Agreements

The progress of these negotiations is as follows;

1(a) Heads of Agreement (HOA)

On 2 March 2004, Ilberys Lawyers, acting on behalf of Allia Holdings Pty Ltd and Perth Glory Soccer Club Pty Ltd, advised the Town's Solicitors that they had received the Town's letter dated 27 February 2004 and would be responding by the end of the week (i.e. by 5 March 2004) in a letter that would "bring matters to a head". They also indicated that he would like to meet the Town's solicitors next week (i.e. week beginning 8 March 2004) "to go through the issues".

1(b) Deed of Covenant

No further action is required with this Deed of Covenant. The outstanding monies for legal costs of approximately \$2,061 are yet to be paid by Allia.

1(c) Right of Entry Document

No further action is required with this document.

1(d) Licence to Use - Interim

In view of matters not being finalised, the Town issued interim "Licences to Use" to PGSC to play National Soccer League (NSL) games at the Stadium for 29 February 2004.

1(e) Licence Agreement - Standard Document

The comments received from Allia at the meeting held on 23 February 2004 have been referred to the Town's Solicitors, together with the CEO's comments. This amended draft document has been completed and it was agreed between the lawyers for both parties that it will be provided to Allia by Friday 5 March 2004.

1(f) PGSC Licence Agreement

The Town's solicitors have prepared a draft document. It was agreed between the lawyers for both parties that it will be provided to Allia by Friday 5 March 2004.

1(g) PGSC Lease

Comments were received from Allia at the meeting held on 23 February 2004 concerning draft document 4. As agreed at the meeting, Ilberys Lawyers provided an amended further document to the Town Solicitors on Thursday 26 February 2004. In view of the significant changes made, an updated document is being progressed and it was agreed between the lawyers for both parties that it will be provided to Allia by Friday 5 March 2004.

1(h) Mortgage/Guarantee Documents

Amended documents relating to Lot 41 Beermullah Road West, Wanerie, were received from Ilberys Lawyers at the meeting held on 23 February 2004. These have been referred to the Town's solicitors for consideration and it was agreed between the lawyers for both parties that these will be provided to Allia by Friday 5 March 2004.

1(i) Charge over Water Licences

Draft documentation relating to charge over water licences for Lot 41 Beermullah Road West, Wanerie, was received from Ilberys Lawyers. This was referred to the Town's solicitors for consideration.

2. Caveat

As directed by the Council on 25 February 2003, the Town's solicitors lodged a caveat on land registered in the name of North East Equity Pty Ltd of 257 Balcatta Road, Balcatta. The land is Lot 41 Beermullah Road West, Wanerie - which is the property nominated by North East Equity Pty Ltd in its own right and as trustee for the Nicola Tana Family Trust No. 20. The Town's solicitors have also written to Bankwest, who currently have a mortgage on the subject land, advising that the Town requires a "first ranking" mortgage.

3. First Semi-Final - 20 March 2004

At 1.50pm on Tuesday 2 March 2004, an e-mail was received from Jeff Dennis on behalf of Perth Glory Soccer Club. In his e-mail he requested confirmation by 5pm whether the Town would make available Members Equity Stadium to Perth Glory Soccer Club. The matter was discussed between the Mayor and CEO and after taking advice and discussing it with senior officers of the Department of Sport and Recreation, the following letter was sent to Ilberys Lawyers;

"We refer to Jeff Dennis' email to the Town dated 2 February 2004 concerning the above matter, a copy of which was also sent directly to us.

As we indicated in our letter of 27 February 2004, the Heads of Agreement is legally binding.

Members Equity Stadium will be made available to Perth Glory Soccer Club Pty Limited on 20 March 2004 in accordance with the provisions of the Heads of Agreement.

In his email, Jeff Dennis made express reference to paragraph (b) of our letter of 27 February 2004. That paragraph, in which the Town stated that it is 'not prepared to see the 2003/2004 soccer season end without the Mortgage Security having been provided', should be read together with paragraph (c). The Town's intention is that the Mortgage Security be finalised no later than the first week of April which will coincide with the end of the 2003.2004 season.

We look forward to receiving confirmation from Allia Holdings Pty Limited that is now acting as the manager of the Stadium."

4. Outstanding Monies

Allia Holdings Pty Ltd

<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
1. 50% contribution to CCTV as per HOA Clause 6.9(d) and works requested during Stadium construction	\$29,481.00
<u>Action Taken:</u> Original letter sent on 4 February 2004. Invoice sent on 11 February 2004. Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement - advising that failure to pay the full debt will result in default of the Heads of Agreement and legal proceedings being commenced.	
2. Recoup of legal costs for preparation of Deed of Covenant - Catering Equipment	\$2,061.00
<u>Action Taken:</u> Invoice sent on 13 February 2004. Money due 27 February 2004.	

3. **Contribution to Stadium Capital Reserve Fund - January contribution as per HOA Clause 4.9 - money due 19 February 2004.** **\$25,000.00**

Action Taken:

Invoice sent on 12 February 2004.

Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement - advising that failure to pay the full debt will result in default of the Heads of Agreement and legal proceedings being commenced.

4. **Reimbursement of building insurance - as per HOA Clause 6.12 - for period 27 December 2003 - 30 June 2004 - money due 12 February 2004.** **\$11,506.63**

Action Taken:

Invoice sent on 30 January 2004.

Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement - advising that failure to pay the full debt will result in default of the Heads of Agreement and legal proceedings being commenced.

5. **Reimbursement of Public Indemnity Insurance - as per HOA Clause 6.11 - for period 27 December 2003 - 30 June 2004 - money due on 5 March 2004.** **\$4,497.20**

Action Taken:

Invoice sent on 20 February 2004.

Awaiting payment.

6. **Monthly Payment for Use of Stadium - due on first of each month.**
March payment of \$36,666 due 19 February 2004 **\$36,666.00**

Action Taken:

Invoice sent on 5 February 2004.

The Town has not received this payment in accordance with Clause 4.2 of the Heads of Agreement.

Subtotal **\$109,211.83**

Perth Glory Soccer Club Pty Ltd (PGSC)

1. **Stadium office fitout and other works - money due 18 February 2004.** **\$18,823.00**

Action Taken:

Invoice sent on 4 February 2004.

Letter of demand sent on 25 February 2004 requesting immediate payment.

2. **Payment of Perth Oval lease costs 2002/03 Season - well overdue.** **\$24,927.95**

Action Taken:

Invoices sent in late 2003.

Letter of demand sent on 2 March 2004 requesting immediate payment. It should be noted that this money is the subject of dispute between Perth Glory Soccer Club and the Town as detailed in PGSC's letter dated 13 February 2004.

Subtotal **\$43,750.95**

Total Corporation Pty Ltd (Caterer)

1. **Works requested during Stadium construction (as per Purchase Order No. 6036 - 19 December 2003) - money due 25 February 2004** **\$57,554.00**

Action Taken:

Invoice sent on 11 February 2004.

Letter of demand sent on 25 February 2004 requiring immediate payment. Total Corporation have been advised that they will not be granted use of the Stadium kitchens, unless it is for an approved PGSC or Allia event, until outstanding monies have been paid.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Several meetings have been held with the Project Architect and Quantity Survey. At the time of writing this report, the project costs are being finalised. One final progress payment to the builder is yet to be made, totalling approximately \$1,537,332.

COMMENT:

The finalisation of outstanding matters is considered essential, in order to safeguard the Town's position in this facility.

10.4.5 Information Bulletin

Ward:	-	Date:	3 March 2004
Precinct:	-	File Ref:	
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

DETAILS:

The items included in the Information Bulletin dated 9 March 2004 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Minister for Planning and Infrastructure - Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1
IB02	Register of Heritage Places - Heritage Council of Western Australia - 452-460 William Street, Perth
IB03	Letter from Local Health Authorities Analytical Committee - Analytical Sampling Usage 2002/2003
IB04	Letter of Thanks from Sacred Heart Primary School Highgate for the Donation Towards the Redevelopment of the School
IB05	Letter from Department of Planning and Infrastructure re TravelSmart Progress
IB06	Letter from Hon Colin Barnett, Leader of the Opposition re Official Opening of Redeveloped Perth Oval
IB07	Letter of Thanks from Leederville Gardens Residents Association
IB08	Register of Petitions - Progress Report - March 2004
IB09	Register of Notices of Motion - Progress Report - March 2004
IB10	Register of Reports to be Actioned - Progress Report - March 2004
IB11	Response to Questions on Notice - Ordinary Meeting of Council Held on 24 February 2004 - Mr G Budrikis
IB12	Elected Members Briefing Session - 19 February 2004

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE