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(23 March 2004)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 23 March 2004, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

Mayor Catania advised that Items 10.1.11, 10.1.12 and 10.1.13 have been withdrawn.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell	North Ward
Cr Maddalena Torre	South Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant (Minutes Secretary)
Lisa Calautti	Journalist – Guardian (Until 8.26pm)
Mark Fletcher	Journalist – Voice News (Until 8.26pm)

Approximately 32 Members of the Public

(c) Members on Leave of Absence:

Cr Ian Ker (Deputy Mayor) South Ward

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

1. Mr Dudley Bastian of 3 Baker Avenue, Perth - Item 5.2 - Stated that Birdwood Square is only a small park and it is a heritage item and it needs to be preserved by the Council an irreplaceable asset. Believes the residents living around the park will be disturbed all hours by the bouncing of balls. Also believes that there would be an increase in anti-social behaviour and confrontations between the people crossing the park. Stated that the survey is invalid as it includes people not directly affected by the proposal. Suggests that there are more suitable places for the court such as Robertson Park, Perth Oval, Highgate School or the land at Weld Square and these should be considered.

2. Mr Tom Brooking of Brooking Design Practice - Item 10.1.1 - Referred to the two applications previously submitted by Inspired Developments and their subsequent refusal. Stated that they have met with officers to review the shortcomings of the previous design proposals and to ensure that all of Council's required planning objectives were met. Also stated that they undertook a development study to identify the position of buildings of adjoining neighbours, streetscape issues, sun patterns and a full review of Council's policies. Advised that the density, open space, carparking requirements, scale, bulk and form of the whole development complies and that the overshadowing of the southern sites is only by 9%.

3. Ms Margaritte Hyatt on behalf of Mr Fernando Capone - Item 10.1.13 - Sought confirmation of withdrawal of the Item.

Mayor Catania advised that the Council had accepted the applicant's request for withdrawal of the Item.

4. Ms Jane Wetherall of 16 Warralong Crescent, Coolbinia - Item 10.1.5 - Stated that the lot is zoned R60, the area of the lot is 132m² which is well below the minimum prescribed by the Code. Requested a relaxation of some planning requirements relating to plot ratio, side setback and rear privacy to achieve the proposed alterations and additions. Stated that the neighbour's concerns have been addressed.

5. Mr George Petridis of 30 Riley Road, Kardinya - Item 10.1.9 - Requested Council to consider approving the demolition without seeking building approval as the owner is a pensioner and cannot afford this process. Stated that the property has been damaged by fire.

6. Ms Man Kha of 18 Cavendish Street, Highgate - Item 10.1.2 - Advised that the information sent regarding this matter was sent to the wrong address. Believes that the heritage guidelines are far too restrictive and will devalue the property. Stated to return dwellings to their original state would be very costly. Asked what monetary contribution is the Council making to the owners to encourage them to restore their properties back to its original state. Stated that if the Council not making any monetary contributions, does not see why residents should allow Council to dictate what they do with their properties. Believes if residents allow the Council to do this, will this mean that the Council's next project might be what they can wear out in the street, or the colour of the undies they can wear.

Mayor Catania suggested that Ms Kha restrict her comments to Item and her opinion is on what has been suggested rather than make facetious comments.

Ms Kha restated that her main concern was the financial cost and if the Council would be making any monetary contributions.

7. Mr Tim Price from Planning Solutions - Item 10.1.11 - Stated that they have requested that this Item be deferred to allow more time for them to liaise with Elected Members and Council's staff. Sought clarification that the Item would be deferred.

Mayor Catania advised that the Council has accepted the request for deferral.

8. Ms Amanda King of 16/2 Wylie Place, Leederville - Item 10.1.1 - Stated that she still has concerns with overshadowing and privacy. Believes most of her outdoor area will have the shadow of Unit 8. Requested that Council look at aerial photos take a couple of years ago to see the overshadowing.
9. Mr John Alfred of 3/1 Bennelong Place, Leederville - Item 10.1.1 - Stated that he has concerns with the parking arrangements. Believes that there will be an increase in noise from volume of vehicles that will be using the Right of Way. Stated that the laneway is surrounded by fairly high walls and the sound from vehicles will reverberate. Suggested that the parking should be divided between Oxford Street and the Right of Way.
10. Ms Jomay Verrier of 20/311 Oxford Street, Leederville - Item 10.1.1 - Stated that the overshadowing is still an issue for her as it will affect the whole of her balcony area. Believes that more work still needs to be done on the proposal to overcome their concerns.
11. Ms Jill Henderson of 14/311 Oxford Street, Leederville - Item 10.1.1 - Stated that her concerns overshadowing and noise. Advised that she has spent a lot of time developing her garden and it will be compromised by the shadow, she will lose her outlook and will be looking out at a rendered wall. Believes that the parking at the rear of her property will be intrusive.
12. Mr Maurice Ryan of 7 Baker Avenue, Perth - Item 5.2 - Stated that he does not believe that the proposal will serve a purpose and believes there is plenty of room at the Equity Stadium near the tennis courts for a basketball court. Believes a barbeque facility would be a better option.
13. Mr Dudley Maier of 51 Chatsworth Road, Highgate - Items 10.3.1 and 10.4.10. Referred to the report on the Financial Statements and in particular the financial position for Beatty Park. Believes that the statement regarding the stock figures is incorrect. Stated that Beatty Park lost \$120,000 in February and believes that the Centre is heading for another \$600,000 or 700,000 worse than budgeted and this is the third year in a row. Stated that it is not about whether the Centre should make a profit or a loss it is about management and accurate budget.

Item 10.4.10. Thanked the CEO for providing information recently about what is going on with Members Equity Stadium. Stated that he is concerned about the mortgage guarantee that is supposed to be in place to protect the ratepayers and that Bankwest have a prior mortgage on the property that had been offered. Concerned that the contract has not been finalised. Referred to proposed concerts at Members Equity and believes that it is shame that the Town is not going to benefit from these as it all goes to Allia.

Commented on two recent articles in the "Voice News" titled "The Mayor Rebukes Staff" - stated the Mayor should apologise to Mr Lotznicher and Mr van den Bok for his comments. Believes these contravene the Council Standing Orders. Also, "Catania against Footy Club", apologising to the Leederville Gardens Retirement Village. Referred to a decision where Cr Lake moved that all options be presented to the public and that the Mayor voted against it, indicating the Mayor wanted Option C to be the only one presented to the public. Believes that the Mayor should apologise to Councillors.

14. Mr Roy Liversage of 6 Hammond Street, West Perth - Item 10.1.12 - Sought clarification if the application was deferred or withdrawn.

Mayor Catania advised that the Item had been withdrawn.

15. Mr Eddie (indecipherable) 3/28 Robinson Avenue - Item 10.1.12 - Requested that the Item be deferred not withdrawn.

16. Ms Sarah Arnell of 12 Brookman Street - Item 10.1.2 - Stated that she was under the impression that the main purpose of the guidelines is to protect the facades of these unique heritage homes, if this is the case, the Council is taking it too far by trying to restrict what is going on internally. Stated that her house has been restored on the outside to its original state but the inside is open plan and very modern and that it is unrealistic for Council to think that they can control and have a say of what goes on internally. Stated that the issue is what is happening in the public space in the public domain. Referred to No 4 Brookman Street which is boarded up and believes that the guidelines will do nothing to prevent other homes in the area and the precinct ending up in the same state. Requested Council to do more in enforcing and protecting the facades and repairs could be made to the cobblestones perhaps street lighting that matches the period.

17. Mr Danny Forte of 49 Ord Street, West Perth - Item 10.1.1 - Addressed concerns made in the previous report. Referred to the misrepresentation of the buildings. Advised that an aerial photograph and onsite plan proves that there is no overshadowing in the extent that claiming. Stated that the development is well within the 50% allowed by the Codes and that the part of the site referred to has an overshadowing of 9%. Advised that there is no possibility of overlooking from Unit 8 to the adjoining properties as it is entirely screened by way of 1800mm wall and the windows in the bathroom are placed at a high level. Stated that the Right of Way has been used for the past 24 years so they will not be using something that has not been used before. Believes the development is up-market and will increase the value of the area.

There being no further questions from the public, the Mayor closed Public Question Time at 6.37pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 Mr Paul Royce (President) on behalf of members, visitors and friends of Loton Park Tennis Club, cnr Bulwer and Lord Streets, Perth along with 118 signatures, requesting that the Town provide all financial members of the Loton Park Tennis Club with specific permits to park on Bulwer Street, Perth to use the Tennis Club, without prosecution.

- 5.2 Mr Dudley Bastian of Baker Avenue, Perth along with 15 signatories objecting to the proposal to construct a half basketball court within Birdwood Square.

Moved Cr Lake, Seconded Cr Chester

That the petitions be received and referred to the relevant Executive Manager for investigation and report.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 24 February 2004.

Moved Cr Lake, Seconded Cr Doran-Wu

That the Minutes of the Ordinary Meeting of Council held on 9 March 2004 be confirmed as a true and correct record subject to the reason for Item 10.1.15 being amended as follows:

"Existence of lesser setbacks ~~in the immediate area~~ immediately adjacent"

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

CEO's Note: The amendment to the Minutes of 9 March 2004 as requested by Cr Chester for Item 10.1.15 cannot be made as this was not what was recorded at the meeting.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Statutory Announcement Under Section 3.12(2) of the Local Government Act 1995 to Amend a Local Law

It is advised that the Town of Vincent hereby gives public notice that it intends to amend the Town of Vincent Local Law Relating to Standing Orders, as published in the Government Gazette on 11 September 2001, to:

- Permit the Council to alter the Order of Business to consider dealing with items which are the subject of a question or comment by members of the public prior to considering other items;
- permit Council to move items "en bloc" where there is no objection;
- provide for guidelines and procedures for Public Question Time to be implemented;

- provide for guidelines and procedures for Committees and Forums to be implemented;
- make various minor changes which include procedural matters relating to clarify that motions and amendments cannot be moved by the Presiding Member and also to clarify the validity of Council decisions.

The proposed amendments will improve the meeting process and remove any ambiguity in the Standing Orders.

7.2 Opening of Subiaco Football Club - Clubrooms

I was most pleased to officially open the new \$2 million Subiaco Club clubrooms at Leederville Oval on Friday 19 March.

These clubrooms provide up to date facilities for the Club's members and administration and will be the home for Subiaco Football Club for many years to come.

These clubrooms are part of the overall \$4 million redevelopment project.

7.3 Leederville Oval - First Night Game

I was also pleased to be able to attend the first night game under the new lights at Leederville Oval on Saturday night, when Subiaco Football Club and co-tenants East Perth Football Club met in the first WAFL game.

The new lights are a major improvement on the previous training lights and will enable night games to be held in the future.

A crowd of approximately 4,000 spectators also attended to watch Subiaco beat the mighty Royals!

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a Proximity Interest in Item 10.2.1 - Traffic Management Request for Forrest Street, North Perth - Fitzgerald Street to William Street, North Perth. The nature of his interest being that he resides in Forrest Street.

8.2 Cr Franchina declared a proximity interest in the following Items:

- 10.1.1 - Further Report 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 Dwelling, Two (2) Single Bedroom Dwellings and Associated Undercroft Carparking. The nature of his interest being that he owns property in close proximity.
- 10.4.6 - Progress Report No 7 - Redevelopment of Perth Oval (Members Equity Stadium), 310 Pier Street, Perth and Loton Park, Lord Street, Perth. The nature of his interest being that his daughter owns property in close proximity.

- 10.4.10 - Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report. The nature of his interest being that his daughter owns property in close proximity.

8.3 Cr Lake declared an interest affecting impartiality in Item 10.4.1 - Town of Vincent Local Law Relating to Parks and Reserves. Advised that her partner had made a submission on this Item.

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

Nil.

10. REPORTS

Mayor Catania advised that requests have been made for Item 10.1.13 - No 225 (Lot 32) Charles Street corner Emmerson Street, North Perth to be withdrawn and Item 10.1.12 - No 2 (Lot 104) Hammond Street corner Charles Street, West Perth to be deferred at the request of the applicants.

Moved Cr Lake, Seconded Cr Doran-Wu

That Item 10.1.13 - No 225 (Lot 32) Charles Street corner Emmerson Street, North Perth be withdrawn and Item 10.1.12 - No 2 (Lot 104) Hammond Street corner Charles Street, West Perth be deferred.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

The Agenda Items were categorised as follows:

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

Items 10.1.1, 10.1.5, 10.1.9, 10.1.2, 10.1.11, 10.3.1, 10.4.10, and 10.1.12

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

Items 10.4.1 and 10.4.2

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

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

Cr Lake	10.1.4, 10.1.15 and 10.2.2
Cr Chester	10.2.6, 10.3.3, 10.4.3, 10.4.7 and 10.4.8
Cr Doran-Wu	Nil
Cr Cohen	10.1.8
Cr Franchina	Nil
Mayor Catania	Nil

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

- 10.4 **Items which members/officers have declared a financial or proximity interest but which have not been subject to a public question/comment, require an absolute special majority or have been identified by elected members for discussion and the following was advised:**

Items 10.1.1, 10.2.1, 10.4.6 and 10.4.10

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

Items 10.1.3, 10.1.6, 10.1.7, 10.1.10, 10.1.14, 10.1.16, 10.2.3, 10.2.4, 10.2.5, 10.3.2, 10.3.4, 10.3.5, 10.4.4, 10.4.5, 10.4.9 and 10.4.11

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

Nil.

The Chief Executive Officer advised the meeting of the **New Order** of which items will be considered, as follows:

- (a) **Unopposed items moved en bloc;**

Items 10.1.3, 10.1.6, 10.1.7, 10.1.10, 10.1.14, 10.1.16, 10.2.3, 10.2.4, 10.2.5, 10.3.2, 10.3.4, 10.3.5, 10.4.4, 10.4.5, 10.4.9 and 10.4.11

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

Items 10.1.1, 10.1.5, 10.1.9, 10.1.2, 10.1.11, 10.3.1, 10.4.10, and 10.1.12

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

Moved Cr Chester, Seconded Cr Cohen

That the following unopposed items be moved en bloc;

Items 10.1.3, 10.1.6, 10.1.7, 10.1.10, 10.1.14, 10.1.16, 10.2.3, 10.2.4, 10.2.5, 10.3.2, 10.3.4, 10.3.5, 10.4.4, 10.4.5, 10.4.9 and 10.4.11

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

10.1.3 No. 73 (Lot 500, Strata Lot 3) Lindsay Street, Perth- Alterations and Additions to Existing Single House (Retrospective Planning Approval)

Ward:	South	Date:	12 March 2004
Precinct:	Beaufort; P13	File Ref:	PRO2709; 00/33/2085
Attachments:	001		
Reporting Officer(s):	J Barton		
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 M D Barton-Johnson on behalf of the landowners M D & A D Barton-Johnson for the alterations and additions to existing single house (retrospective planning approval) at No. 73 (Lot 500 Strata Lot 3) Lindsay Street, Perth, as shown on the plans stamp dated 16 February 2004, subject to:

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

LANDOWNER: M D & A D Barton-Johnson
APPLICANT: M D Barton-Johnson
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential-Commercial R80
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks: <u>Southern Side</u> Upper Floor	2.8 metres	Nil
Visual Privacy Setbacks: Study	7.5 metres	Nil

Use Class	Single House
Use Classification	"P"
Lot Area	573 square metres

DETAILS:

The proposal is for retrospective planning approval for an existing balcony to the existing single house.

The owners are the third property owners of the subject land, and they were not aware that the balcony was not approved by the Council. The landowners are planning to move to the eastern states, and they wish to replace the deck materials to ensure that it is safe for the new owners. However, the external appearance will remain unchanged.

CONSULTATION/ADVERTISING:

The proposal was not advertised, as the applicant provided letters of consent from all the adjoining, affected neighbours, whom all form part of the strata group.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The subject property is not included on the Town's Interim Heritage Database or the Municipal Heritage Inventory. Given the nature of the existing structure, there are no heritage concerns.

Setbacks

The required setback to the balcony is 2.8 metres, and a nil setback has been provided on the southern side. However, the proposal does not unduly restrict natural light and ventilation to the existing building, or the adjoining property, and the proposed setback variations do not result in undue overshadowing of the adjoining neighbour.

In light of the above, and given that the neighbours do not object to the proposed structure, approval is recommended, subject to compliance with the Building Code of Australia requirements.

Privacy

A 7.5 metres visual privacy setback is required for balconies in residential areas, however, no visual privacy setbacks have been provided (as per the current R-Codes requirements, which were gazetted on 4 October 2002). Therefore, the balcony significantly overlooks the adjoining properties. The above privacy requirement would not have been applicable as the structure was built prior to the R-Code implementation.

Notwithstanding the above, all of the affected neighbours within the strata body raise no objections to the existing balcony, and the balcony has been in existence for many years. The exact time of construction is not possible to determine. Additionally, the locality is characterised by a mixture of residential and commercial uses, with differing land uses, heights, setbacks, bulk and scale.

In light of the above, the existing constructed balcony is not considered to significantly impact on the amenity of the adjoining properties, or the area generally, and conditional approval is recommended, subject to compliance with the Building Codes of Australia.

10.1.6 No. 36 (Lot 155) Eton Street, North Perth- Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	North	Date:	17 March 2004
Precinct:	North Perth; P8	File Ref:	PRO2705; 00/33/2080
Attachments:	001		
Reporting Officer(s):	J Barton		
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 Tipping on behalf of the owners S J Tipping and A S Falco for the proposed partial demolition of and alterations and additions to existing single house at No.36 (Lot 155) Eton Street, North Perth, and as shown on plans dated 2 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 Eton Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a Road and Verge security bond or bank guarantee of \$550.00 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iv) 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*
- (v) compliance will all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

LANDOWNER: S J Tipping and A S Falco
APPLICANT: S Tipping
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R20
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks: Ground Floor Northern Side	1.5 metres	700 millimetres
Car Parking	2 bays	1 bay

Use Class	Single House
Use Classification	'P'
Lot Area	529 square metres

SITE HISTORY:

The subject site is occupied by a single storey, single house with its primary street frontage to Eton Street.

DETAILS:

The applicant seeks approval for alterations and additions to the existing single storey dwelling.

CONSULTATION/ADVERTISING:

The application was advertised for 14 days from 2 March 2004 to 16 March 2004.

No submissions were received at the end of the advertising period on 16 March 2004.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The property is not listed on the Town's Municipal Heritage Inventory therefore, this application is subject to general provisions of the Town Planning Scheme and associated Policies.

Setbacks

A side setback variation of 700 millimetres is proposed to the ground floor on the northern side, in lieu of 1.5 metres. Given that the setback of the proposed addition follows the existing line of the house, and that the adjoining neighbours did not object to the proposed additions, the proposal is not considered to unduly affect the amenity of the adjoining property.

Furthermore, the proposal does not unduly restrict natural light and ventilation to the existing building, or the adjoining property, and the proposed setback variation does not result in undue overshadowing of the adjoining neighbour.

In light of the above, and given that the setback of the existing dwelling is 700 millimetres to the side boundary, the proposal is considered to address the relevant performance criteria under Clause 3.3.1 of the Residential Design Codes (R-Codes), and approval is therefore recommended.

Car Parking Provisions

The proposal represents a variation to the R-Code's car parking requirements for single dwellings, as one (1) bay is proposed on the open driveway, in lieu two (2) bays. However, the existing dwelling currently does not provide any formal on-site parking provisions.

Additionally, Clause 3.5.1 (Access and Car Parking Requirements) of the R-Codes permits variations to the acceptable development requirements if the following performance criteria is met:

"Adequate car parking provided on-site in accordance with projected need related to:

- *the type, number and size of dwellings;*
- *the availability of on-street and other off-street parking;*
- *the location of the proposed development in relation to public transport and other facilities."*

Given that the subject land is within 400 metres of a bus stop along Charles Street, and given the inner city area and size of the dwelling, the proposal is considered to address the above mentioned performance criteria.

In light of the above, and the current parking situation, the provision of two bays is considered unreasonable. Therefore, the provision of one bay is considered to be sufficient in this instance.

Conclusion

The proposed variations to the R-Codes and the Town's Policies are considered supportable in this instance, and it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 17 (Lot 14) Edinboro Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Storey Single House

Ward:	North	Date:	16 March 2004
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2679; 00/33/2038
Attachments:	001 002		
Reporting Officer(s):	S Bowman, N Edgecombe		
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 Daniel Cassetari Design on behalf of the owner M & B Trajkovski for demolition of existing house and construction of two storey single house at No. 17 (Lot 14) Edinboro Street, Mount Hawthorn and as shown on plans stamp dated 23 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 \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (iv) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*

- (vi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the window to the living room on the north elevation and the south and north sides of the balcony on the south and north elevations, 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;*
- (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;*
- (xiii) *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 Edinboro Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (x) *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; and*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

LANDOWNER	M & B Trajkovski
APPLICANT:	Daniel Cassettari Design
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	933 square metres

Setbacks	Required	Proposed
Garage (south)	1.5 metres	Nil setback, however the garage complies with boundary wall setback requirements
Upper Floor		
Side (North)	1.8 metres	1.5 metres
Side (South)	2.0 metres	1.5 metres
Privacy - Cone of Vision Encroachment		
Balcony (south)	7.5 metres	2.0 metres to boundary

SITE HISTORY:

The subject site is occupied by a single storey house fronting Edinboro Street. The Western Australian Planning Commission (WAPC ref 122324) conditionally approved the subdivision of the subject lot on 28 July 2003. The lot has been subdivided into two lots with areas of 458 square metres and 476 square metres respectively. The existing house straddles the proposed new lot boundaries.

DETAILS:

The applicant seeks approval for demolition of the existing single storey house and construction of a two storey residence fronting Edinboro Street. The sealed Right of Way along the western boundary of the lot is approximately 4.5 metres in width and owned by the Town. Vehicle access and parking for the dwelling is proposed from the Right of Way at the rear of the property.

CONSULTATION/ADVERTISING:

The proposal was advertised for a two week period in accordance with the requirements of the Residential Design Codes (R Codes) and the Town's Policy relating to Community Consultation. One objection was received and the concerns raised are summarised below:

- (1) Can the Town confirm that the windows marked as glazed on the plans will remain glazed?
- (2) How far is the north facing kitchen window from the rear boundary? With regard to privacy issues, what is the size and degree of angle of the window?

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 subject dwelling at No. 17 Edinboro Street, Mount Hawthorn is a single storey brick and tile dwelling located on the elevated western portion of the lot. The original floor plan of the dwelling remains intact despite a circa 1970 fit-out, which include imitation wood laminate for the kitchen and plain wooden low skirting boards. The laundry and bathroom have also been refitted. Decorative cornices remain in the lounge room, dining and bedroom areas. Although some internal cosmetic changes have occurred, the overall form and style of the exterior of the dwelling appears unchanged. The chimney remains in situ on the hipped roof, and the window fenestration consisting of two sets of wooden three-paned sash windows addressing Edinboro Street appears intact. Wooden French doors open from the lounge room onto the front verandah.

Although the subject dwelling contributes to the streetscape in terms of traditional setbacks, building style and proportion, the dwelling 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.

Side Setbacks

The variations to the side setback requirements are considered supportable, given the only submission received did not object to the proposed setback. The nil setback of the garage along the southern boundary complies with the Residential Design Code (R-Codes) requirements for boundary walls.

The required setbacks, as detailed in the above Table, are difficult to achieve as the lot has a frontage of only 10.63 metres. The variations to the setbacks are considered to be minor, ranging from 0.3 metre to 0.5 metre and as such, are not considered to unduly impact the amenity of the affected neighbours.

Privacy

In order to protect the amenity of the adjoining properties, it is recommended that the southern and northern sides of the balcony be screened to a minimum height of 1.6 metres from the first floor level. This should be incorporated as a condition of the approval.

The west facing living room window is more than 0.5 metre above natural ground level. Permanent 1.8 metres screening has been provided along the lot boundary, which prevents overlooking into the neighbouring property and complies with R-Code requirements.

Response to Objections

To comply with the privacy requirements of the R-Codes, obscured fixed glazing to a height of 1.65 metres has been proposed for the living room window. To ensure the glazing remains fixed and not removed at a later stage, an appropriate condition has been included in the Officer Recommendation.

The northern kitchen window complies with the privacy provisions of the R-Codes. The kitchen is contained within the single storey portion of the dwelling and as such, does not overlook the adjoining lot. In accordance with the Dividing Fences Act, the standard 1.8 metres dividing fence must be erected between the two lots which will prevent overlooking from the kitchen window into the adjoining property. The window is 4.5 metres from the side (northern) boundary and 19.5 metres from the rear boundary.

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. 209 (Lot 142) Beaufort Street, Perth- Proposed Change of Use from Office to Single House and Consulting Room

Ward:	South	Date:	16 March 2004
Precinct:	Beaufort, P13	File Ref:	PRO2640; 00/33/1992
Attachments:	001		
Reporting Officer(s):	J Barton		
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 Lijun Gu on behalf of the owner N J Bellitto, for the proposed change of use from office to single house and consulting rooms at No.209 (Lot 142) Beaufort Street, Perth, as shown on amended plans stamp-dated 25 February 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirement;;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a maximum of (1) consulting room and one (1) consultant/ practitioner shall be used and operate, respectively, at the premises at any one time;*
- (v) no more than two (1) client is permitted to visit the premises at any one time;*
- (vi) no more than one (1) employee is permitted to work on the premises at any one time;*
- (vii) the hours of operation shall be restricted to 9am to 5pm Monday to Saturday, inclusive;*
- (viii) the car parking area(s) at the rear being deleted from the proposed plans;*
- (ix) this approval for a consulting room is for a period of 12 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;*
- (x) the use of the consulting room shall be restricted to use by qualified medical consultants/practitioners only;*
- (xi) no massage activity of a commercial nature shall occur at the premises, unless it is directly related to the treatment of ailments;*
- (xii) 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*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.10

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

LANDOWNER: N J Bellitto
APPLICANT: Lijun Gu
ZONING: Metropolitan Region Scheme: Urban/ Other Regional Road
Town Planning Scheme No.1: Commercial
EXISTING LAND USE: Office

COMPLIANCE:

Requirements	Required	Provided
Car Parking	5 Bays (2 bays for residential component and 3 bays for the consulting room)	2 Bays (as there is no access to the 3 bays at the rear, as the driveway is not part of the subject land).

Use Class	Single House, Consulting Rooms
Use Classification	"A", "AA"
Lot Area	498 square metres

DETAILS:

The subject proposal involves a change of use from office to single house and consulting rooms.

The applicant submitted an application on 17 December 2003 for a change of use from office to shop. However, following discussions with the applicant, the Town discovered that the application was in fact for a change of use from the previous approved office use, to a single house and consulting rooms. Given this, the Town requested amended plans to address the correct proposed use and car parking layout.

On 25 February 2004, the applicant submitted amended plans, and a covering letter, which included the following information to further explain the nature of the proposed use and qualifications:

- *"the nature of the activities are residential and one consulting room."*
- *'the proposed hours of operation is 9.00am-5.00pm, Monday to Saturday".*
- *"the expected number of employees, customers at the premises at one time will be approximately 3-4. Only one consulting room and one consultant".*
- *"equipment to be used include desks and shelves".*

The applicant wishes to reside at the property, and operate one consulting room for treatment using herbal medicines.

CONSULTATION/ADVERTISING:

The application was advertised for 14 days and no submissions were received.

The proposal abuts an Other Regional Road (Fitzgerald Street), however, referral to the Department for Planning and Infrastructure is not necessary as the crossover is existing, and no new crossovers are proposed.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Structural Component

The proposed use is to be conducted within the existing building, and no structural modifications are proposed. Given that the proposed consulting room does not occupy more than 10 per cent of the area of the dwelling, there are no building requirements.

Parking

The Town's Policy relating to parking requires that three car parking bays per consulting room be provided on-site, and two bays are required for the residential component.

One consulting room is proposed, and a single dwelling, therefore the proposal requires five parking bays. The applicant has depicted five (5) bays on the plans, however, the north-eastern crossover appears to belong to the adjoining property and not the subject land. Therefore, the bays at the rear can not be accessed via the subject land. Engineering Services have advised that the proposed bays at the rear do not comply with Australian Standards, as the dimensions are incorrect. Given the above, only two (2) on-site car parking bays have been provided.

However, given that the site is within close proximity to public transport, and Council car parks, the car parking variation can be justified, using the following adjustment factors:

Car parking Requirement (nearest whole number) for the commercial component	Total = 3 bays for consulting room and single dwelling
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.825 (within 600 metres of a railway station) ▪ 0.80 (45 per cent of the proposal is residential) ▪ 0.85 (within 400 metres of car park with over 75 bays- corner of Beaufort, Greenway and Brisbane Streets) 	0.476

Car parking requirement with adjustment factor applied (3 car bays X 0.47)	1.43 car bays
Minus the car parking provided on site	2 bays
Minus the most recently approved on-site car parking shortfall (4 bays required for previous use as an office and only 2 bays provided)	2 car bays
Resultant surplus	Surplus 2.57

In light of the above adjustment factor, the 2 car parking bays provided on-site are considered sufficient in this instance, for both the consulting room and single house.

The Town's Engineering Services have also advised that the two front bays do not comply with the Town's engineering requirements, or the Australian Standards. However, given that the bays are existing the Town's Engineering Services have advised that the dimensions of the car bays are therefore considered acceptable in this instance.

In light of the above, the variation is considered supportable, subject to the car parking bays being deleted from the rear. Accordingly, a condition has been recommended to delete the rear parking bays from the above proposal.

Consulting Rooms Use

The proposed consulting rooms use is classified 'AA' in the commercial zone as per the Town's Town Planning Scheme No.1.

The proposed change of use is considered appropriate in this location, as the subject land is within close proximity to major transport routes, which will provide easy access for clients. Additionally, the intensity of the proposed use is considered minor, as a maximum of one consultant and one employee will be operating on-site at any one time, and only one client is permitted at any one time. The proposal will therefore not significantly alter the existing traffic levels in the street, or create an undue impact on the area generally.

Additionally, the proposed hours of operation are from 9am to 5pm, Monday to Saturday, which is considered appropriate in an inner city area.

No external changes are proposed to the building therefore, the character of the existing streetscape will be maintained.

In light of the above, the proposal is considered supportable, subject to conditions to address the hours and days of operation, and to restrict the number of employees, use, clients and consultants.

Landscaping

The frontage of the subject land contains two car bays, and is paved to the street verge. Given this existing situation, a landscaping condition is not considered necessary in this instance.

Conclusion

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

10.1.14 Planning Institute of Australia National Conference 2004 - 'Planning on the Edge'

Ward:	-	Date:	16 March 2004
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer(s):	H Coulter, R Boardman		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Planning Institute of Australia National Conference 2004 - 'Planning on the Edge' attended by the Executive Manager Environmental and Development Services, Robert Boardman, and Planning Officer (Strategic), Helen Coulter, from 22 to 26 February 2004; and*
- (ii) *NOTES the information and initiatives outlined in the report as attached at Appendices 10.1.14A and 10.1.14B, and as 'Laid on the Table'.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

The Council at its Ordinary Meetings held on held on 4 November 2003 and 16 December 2003 approved of the Executive Manager Environmental and Development Services, Councillor Ian Ker and Strategic Planning Officer Helen Coulter, to attend the Planning Institute Australia, National Conference, "Planning on the Edge", held in Hobart, Tasmania from Sunday 22 February to Thursday 26 February 2004.

Councillor Ker has submitted a separate report on his attendance at the Conference, however as he is on approved leave of absence for the Ordinary Meeting of Council to be held on 23 March 2004, his report will be presented to the Ordinary Meeting of Council to be held on 13 April 2004 to enable him to comment and/or respond to any questions that may arise from members of the public.

The theme of the conference was "Planning on the Edge" and over the four (4) days over 70 papers were presented, including a number of key note addresses by local and overseas delegates.

DETAILS:

The Conference was opened by John McInerney, (out-going) National President, PIA and the Hon. Judy Jackson MHA, Attorney General, Minister for Justice and Industrial Relations and Minister for Environment and Planning for Tasmania. The National President advised that the theme of the conference 'Planning on the Edge' was not only indicative of the geography of Hobart but also represented an opportunity for the planning profession to display its leading edge thinking and practise as reflected in the Institute's new structure. Over 400 delegates attended the Conference which was principally sponsored by ING Real Estate, the 'Year of the Built Environment' 2004 and 'Colorbond'.

The Conference talks were held over three days (Monday, Tuesday and Thursday) with two plenary sessions each day and numerous speakers divided into 10 sessions covering three sub-themes relating to Resource Management, The Built Environment and Cultural Heritage. Wednesday was set aside for organised field trips.

The sessions, which ran concurrently, are attached at Appendix 10.1.14A. An overview of each session attended is also attached at Appendix 10.1.14B. Those sessions attended by the Executive Manager Environmental and Development Services and Strategic Planning Officer Coulter are indicated in bold font. The complete 'Program and Abstracts' is '*Laid on the Table*'. A full copy of all Conference Papers has been ordered on computer disc, and, once received, will be placed in the Town of Vincent Library so that it is accessible by the public.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Town's Policy No. 4.1.13 - "Conferences - Attendances Representation and Related Issues" - states that:

"The following guidelines are to be considered for any proposal for representatives of the Council to attend conferences:-

- 1) *when it is considered desirable that the Council be represented at an international and/or interstate conference, study tour, seminar or convention, up to a maximum of one Elected Member and one officer may attend;*
- 2) *following attendance at such conferences and the like, the Elected Member and officer shall submit a report within thirty days of their return to Perth the events proceedings for the Council's information and records;*
- 3) *a list be maintained on the Council's records of Elected Members and officers attendance at conferences and the like;*
- 4) *the representatives be determined by the Council and a list of previous attendance's be submitted on each occasion to assist with that decision;*
- 5) *all Conference Papers and/or Proceedings should become the property of the Town and placed in the Town Library so that they are accessible by the public;*
- 6) *the attendees produce a report on the Seminar, Conference or Study Tour, also be placed in the Town Library so that it is accessible by the public; and*

- 7) *attendees' reports are presented to Council Meetings so that during question time members of the public have an opportunity to raise questions."*

Contract Requirement

The Executive Managers Contract of Employment entitles the Officer to attend one interstate professional development conference each year, which is separate to that as per item (i) above.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Items have been budgeted for Year 2003/2004.

COMMENTS:

The conference was particularly informative in highlighting the state of play between Planning and other associated disciplines in today's world. The general feeling was that Planning is, so to speak, at a turning point, both in the workplace and the wider community. The demand for 'Planning' is growing at an ever-increasing rate and this has, to some extent, resulted in a shortage of experienced Planners in Australia and internationally. Notwithstanding this aspect, the conference highlighted that 'Planning' as a profession is embracing many wider issues than traditional land-use planning techniques and practices and is responding to new demands and pressures in a sophisticated, professional manner.

10.1.16 "Your Libraries Need New Books" Funding Campaign

Ward:	Both	Date:	12 March 2004
Precinct:	All	File Ref:	CMS0002
Attachments:	001		
Reporting Officer(s):	E Scott		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the "Your Libraries need NEW books" funding campaign; and*
- (ii) *APPROVES active participation by the Town of Vincent Library, and Library staff.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

A framework agreement between the State Government and each Local Government has defined library service standards to which each party is obliged to service the community.

The State Government agrees to provide, catalogue and process the resources (books, videos, etc.), to list those items on a bibliographic database to facilitate interlibrary lending, and to provide consultancy, advisory and training services.

Local Government provides buildings, staff, technology, operating costs, local resources (such as best sellers and magazines), and value added services such as Storytime, House Bound Readers Service and Internet access.

The cornerstone of the partnership is the exchange system. The State Library purchases and distributes resources to Local Government Libraries, and the libraries return equivalent stock from their shelves in exchange for those new resources.

Current status of the partnership

The formal agreements between State and Local Government, under the Library Board Act, provide for cost sharing in the provision of Public Libraries Services with the State Government contributing up to 50%. The latest available public statistics indicate that :

- ◆ State Government contributes approximately \$12 Million, which is 21% of the cost of the public library service; and
- ◆ Local Government contributes approximately \$45 Million, (exclusive of major infrastructure and local stock), 79% of the cost of the public library service.

Library Board Policy identifies a base resource provision standard of 1.25 items per capita per Local Government resident population. The State-wide average is currently 1.16 items per person, which is expected to drop to 1.13 next year within the current funding levels.

Replacement of stock is required to keep library collections current and useable. State Library Board policy infers a required annual stock replacement rate of 15%. This rate was last met in 1995 but has declined every year since. It was 9.8% in 2002, when measured as a proportion of the state-wide public library stock.

Inadequate funding means that the State purchases a fraction of available resources. Public Libraries receive too few titles and too few copies of these from the State. The inter-library loan system is groaning, with increasing delays. The shelf life of resources is increasing. In response to this lack of stock, many Councils are purchasing additional resources – a core State Government responsibility.

As our population grows, libraries need new, fresh and contemporary resources. The West Australian Local Government Association (WALGA) is negotiating a Framework Agreement with the State to protect Local Government interests and to enshrine State Government minimum library resource standards at 1.25 items per Local Government area, and 12.5% stock replacement rate per annum.

DETAILS:

If this campaign is endorsed, the Town of Vincent Library will accept a lobbying kit, which comprises:

- ◆ posters, bookmarks, stickers and fliers for public distribution;
- ◆ display material;
- ◆ statistical data on the impact of inadequate State government funding;
- ◆ contact names of local parliamentarians and template letters to politicians and community newspapers, for public distribution;
- ◆ draft press release for Council;
- ◆ co-ordination of a petition to be presented to State Government; and
- ◆ order form for lobbying T-Shirts.

STRATEGIC IMPLICATIONS:

By supporting this campaign, Council will be taking steps to ensure that the Library Service has the best opportunity to remain relevant to the changing needs of the Community.

FINANCIAL/BUDGET IMPLICATIONS:

As WALGA is funding this campaign, there will be no cost implications to the Town.

COMMENTS:

Over the last decade, funding and stock replacement levels have plummeted to a drastic level. For every 30 books the public library system was offered in 1995, we are now only offered 7.

The annual turnover of stock in the Town of Vincent Library is about 8%, compared to the standard of 15%. This means that some items are being kept in this Library because there is nothing better with which to replace them. For example, some of our computer information needs to be replaced annually. New titles are not always offered, or may often be outside the limits of the financial quota set by State Library. Using the Council budget we are obliged to purchase new stock, and/or periodicals to ensure that we can offer current information.

Attached is the form that WALGA has submitted, regarding the Council's agreement, and a check list of possible activities that can be undertaken in support of the campaign. Council support is crucial to the success of this campaign, complimenting and supporting initiatives undertaken by WALGA.

Further Reading

- ◆ WESTERN AUSTRALIAN LOCAL GOVERNMENT LIBRARIANS ASSOCIATION; Analysis of Public Library Funding Resources; WA Statistical Consultancy, ABS, 2004.
- ◆ THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA ; Rates and Taxes: a Fair Share for Responsible Local Government, October 2003.

10.2.3 Roads to Recovery Program - Status Report/Additional Projects

Ward:	Both	Date:	17 March 2004
Precinct:	All	File Ref:	TES0174
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report of the Roads to Recovery Program - Status Report/Additional Projects;*
- (ii) *APPROVES the implementation of the additional projects in 2003/2004 as outlined in the report, to be funded from the Roads to Recovery Program; and*
- (iii) *RECEIVES a further report once the Town's new annual Roads to Recovery allocation beyond 2005 has been determined.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

The Town's roads are one of the Council's largest assets, with a replacement value of over \$60 million.

The WA Grants Commission, through the asset preservation model, provides an annual road grant to the Town of approximately \$227,000 per annum.

The Town also receives an annual specific grant for roads, which in the 2000/2001 financial year will be in the order of \$40,000 and state funding for roads through the Metropolitan Regional Road Program.

In December 2000 a report was presented to the Council regarding additional Australian Government Local Road Funding. This later became known as the Roads to Recovery Program.

At the Ordinary Meeting of Council held on 5 December 2000 the following resolution was adopted:

That;

- (i) *the Council receives the report on additional Local Road Funding; and*
- (ii) *a further report be presented to Council in February 2001 outlining a program of road works to the value of \$164,430.*

Since 2000 the Town has received \$428,324 from the Roads to Recovery Program and has completed 13 projects.

DETAILS:

Current Roads to Recovery Program

The current Roads to Recovery program is due to expire in 2005. As such on 10 March 2004 the Executive Manager Technical Services enquired as to the status of the Town's outstanding funding allocation entitlement for the program from the Department of Transport and Regional Services (DoTRS) Roads to Recovery Co-ordinator. The advice received was as follows:

The Town of Vincent has only claimed \$10,000 of its 2003-04 allocation of \$164,443. and is strongly encouraged to claim its 2003-04 balance in this financial year.

The Town has a life of program balance of \$219,446 made up of:

\$154,443 to be claimed in 2003-04

\$65,003 to be claimed in 2004-05

2003/2004 Budget allocation

The current budget includes an amount of \$50,000 to be funded from the Roads to Recovery program for the upgrade of Lindsay Street and Money Street. These two projects were to be jointly funded with the East Perth Redevelopment Authority (EPRA) on a 50/50 basis. During recent discussions with EPRA it was determined that the projects would not be undertaken until 2004/2005.

Therefore, in light of this and the advice received from DoTRS, it is recommended that Lincoln and Money Streets be carried forward to 2004/05 and the following projects be included in the 2003/2004 Road to Recovery Program for funding:

Road	Section	Proposal	Proposed Budget
Kadina St	Tay Pl to Pennant St	Kerb/Sami seal/overlay	\$20,000
Barnet St	Pennant St to Bourke St	Kerb/Sami seal/overlay	\$59,443
Woodstock St	London St to Edinboro St	Asphalt Overlay / kerb repairs	\$30,000
Carr St	Loftus St to Cleaver St	Sami seal / overlay	\$45,000
		TOTAL	\$154,443

Extension of Roads to Recovery Program to June 2009

On 22 January 2004 the Town was advised that the Roads to Recovery Program will not end in 2005, when current legislation expires, but will continue under expanded guidelines until 30 June 2009 and that all Local Governments (LGs) will be eligible for additional funds from the program until that date.

The extension of the Roads to Recovery Program for a further four years is part of a \$2 billion funding boost for transport infrastructure, particularly in regional and outer metropolitan Australia.

The proposed funding will comprise:

- extending the Roads to Recovery program,
- redirecting Fuel Sales Grants Scheme funding to land transport infrastructure improvements in regional and outer metropolitan areas.

The funding program will continue direct payments to LGs and support the AusLink land transport plan.

Since its introduction on 1 January 2001, the Roads to Recovery Program has helped LGs tackle a backlog of essential improvements to local roads.

Under the extended Roads to Recovery arrangements, the Australian Government will provide LGs with \$1.2 billion over four years or \$300m per annum.

Of the \$300m, \$200m per annum will be allocated by formula (as at present) for local roads. The remaining \$100m per annum will be available direct to LGs to undertake local land transport infrastructure projects of strategic regional importance, particularly those that support emerging and expanding industries.

What is the Roads to Recovery Program?

The Australian Government introduced the Roads to Recovery Program on 1 January 2001 to address the problem that much of the LG road infrastructure in Australia was about to reach the end of its useful life and its replacement was beyond the capacity of most LGs.

The Roads to Recovery Program has operated since the relevant legislation became law on 21 December 2000.

It currently provides for \$1.2 billion in Australian Government funding to be made available to 720 LGs around the country by 30 June 2005. Of this, \$850 million is being spent in rural and regional Australia.

The Roads to Recovery Program operates fairly uniformly across Australia. Each LG is guaranteed a share of the total. It is enshrined in legislation. Money is paid directly from the Australian Government to each council under simple administrative procedures whereby funding decisions are made locally and reported to the Government. Much of the administration is via the Internet.

Collectively, the Government's decisions to continue Roads to Recovery and redirect savings from the Fuel Sales Grants Scheme, amount to some \$2 billion of additional funding for land transport infrastructure, largely in outer metropolitan and regional Australia, over the four years, 2005-06 to 2006-09.

What is AusLink?

AusLink is a major Australian Government initiative. It is the most fundamental reform of Australia's road and rail infrastructure planning and funding arrangements in 30 years, designed to improve and integrate Australia's national land transport network.

The Government released its AusLink proposal in late 2002, in the form of a discussion document. There was an extensive consultation phase, including meetings around the country. A total of 550 written submissions were received.

The AusLink White Paper, setting out the final details of AusLink, together with the first five-year National Land Transport Plan, to commence in 2004-05, will also be released around the time of the 2004-05 Budget.

Final funding for the first five years of AusLink will be announced in the 2004-05 Budget context.

How will the Roads to Recovery Program, proposed to operate beyond 2005, differ from the current program?

From 1 July 2005, spending under the extended Roads to Recovery Program will continue to be allocated at a rate of \$300 million annually to 30 June 2009, accounting for another \$1.2 billion over four years.

Of this total, \$800 million will be allocated to 720 LGs by formula. This money will be provided at a rate of \$200 million annually from 2005-06 to 2006-09 in recognition that a considerable local roads improvement backlog remains. This money can be spent only on roads.

In addition, the Australian Government wants to partner local government in a forward-looking agenda that focuses more on critical local land transport infrastructure that can help regions develop. Consequently, it is making available \$400 million so that councils facing the demands of emerging or expanding industries can access funds to ensure that inadequate infrastructure doesn't impede each region's development.

In assessing the project, the Australian Government will want to know if the project enhances access for regionally significant production, resources, attractions or services and has the support of industry community groups and other important stakeholders.

The Australian Government will work with the Australian Local Government Association and other interested parties in coming months to refine the new Roads to Recovery Program and to establish the framework for the strategic element of the programmed.

This liaison will occur within a timeframe that allows councils to prepare well thought-through proposals for the strategic stream of Roads to Recovery funding.

How is each LG's share of Roads to Recovery funding determined?

The Roads to Recovery Program funds urban and regional roads that are the responsibility of LGs, not state governments.

The allocation for each State and Territory is based on a formula using population, road length and historic road funding allocations. LGs receive their share of their state allocation according to an assessment made in 2000-01 by the Local Government Grants Commission in each State of each LGs' relative needs for local road expenditure and to preserve it local road assets.

Each council's share of Roads to Recovery funding to 2005 is set in legislation. Funding is provided annually. Payments are made quarterly in advance, based on each council's reporting of construction and spending against each project in the proceeding quarter.

Each council is required to prepare and submit an audited statement, which provides for public accountability of the funds. These returns are held by the Department of Transport and Regional Services.

An important condition of the Roads to Recovery Program is that LGs continue to spend their share of rate revenue on roads and don't merely replace Australian Government funds for their own, with the result there is no appreciable improvement in the local road network as a result of the program.

What projects are eligible?

Maintenance or improvements, sealing or new construction along any local road qualifies for Roads to Recovery funding. A local road is a road controlled by a LG, not a state or territory government, or the Australian Government in the case of the National Highway interstate network.

Eligible works can include:

- Improvements to the road (sealing, widening, repairs, realignment etc)
- Footpaths and bicycle paths
- Lighting and other roadside amenities.

Roads to Recovery funding cannot be used for purchase of machinery or staff training.

Roads to Recovery legislation

The Roads to Recovery Program operates under an Act of Parliament that expires on 30 June 2005. For the program to extend beyond that date, new legislation or amendments to the existing legislation will be required. Which course of action is favoured has yet to be determined, but a decision will be made to allow a smooth transition to the new operating procedures beyond then to 30 June 2009.

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. *“b) Continue to develop and implement annual road rehabilitation and upgrade programs.”*

FINANCIAL/BUDGET IMPLICATIONS:

The Town's total allocation under the current program is \$657,770 or \$164,443 per annum.

Since 2000 the Town has received \$428,324 and has completed 13 projects, with \$219,446 still to be expended

Therefore, in light of this and the advice received from DoTRS, it is recommended that Lincoln and Money Streets be carried forward to 2004/05 and the following projects be included in the 2003/2004 Road to Recovery Program for funding:

Road	Section	Proposal	Proposed Budget
Kadina St	Tay Pl to Pennant St	Kerb/Sami seal/overlay	\$20,000
Barnet St	Pennant St to Bourke St	Kerb/Sami seal/overlay	\$59,443
Woodstock St	London St to Edinboro St	Asphalt Overlay / kerb repairs	\$30,000
Carr St	Loftus St to Cleaver St	Sami seal / overlay	\$45,000
		TOTAL	\$154,443

COMMENTS:

It is considered that the extension of the Roads to Recovery Program until 2009 is “good news” for Local Government. A further report will be presented to Council once the Town’s new annual allocation has been determined.

With regard to the existing program, as outlined in the report, the DoTRS has requested that the Town claims its 2003/04 balance of funding of \$154,443 prior to June 2004.

To achieve this, additional projects, as outlined above, need to be completed.

It is therefore recommended that the Council receives the report of the Roads to Recovery Program - Status Report/Additional Projects, approves the implementation of the additional projects in 2003/2004 as outlined in the report, to be funded from the Roads to Recovery Program, and receives a further report once the Town’s new annual Roads to Recovery allocation beyond 2005 has been determined.

10.2.4 Naming of Right of Way Bounded by Scarborough Beach Road, Loftus Street and Anzac Road, Mt Hawthorn

Ward:	North	Date:	15 March 2004
Precinct:	Smith's Lake P6	File Ref:	TES0412
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the naming of the new right of way bounded by Scarborough Beach Road, Loftus Street and Anzac Road;*
- (ii) *APPROVES the name "Imbros Lane" for the right of way; and*
- (iii) *ADVISES the Geographic Names Committee of the Department of Land Information (DLI) of Council's resolution.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

The owner of a recently completed dwelling located at the rear of a Scarborough Beach Road property has requested that the Council name the right of way (ROW) which his home fronts so that he may apply for street numbering.

DETAILS:

New dwellings facing a ROW, with only a pedestrian access leg from the dedicated road, can often be difficult to locate. Furthermore, residents experience difficulties directing visitors, couriers and tradespeople to their front door when a ROW does not appear in the road guide. More importantly, the need to locate a dwelling quickly is paramount when emergency services are required.

As a result of these concerns, the resident of 59b Scarborough Beach Road has requested that the Town name the ROW fronting his home. He has agreed to pay the costs of supply and installation of street nameplates. Once the name is approved by the Geographic Names Committee, it will appear in the 'Streetsmart' guide, and the resident can apply for numbering to be applied by the Town.

As the ROW is adjacent to Anzac Road, it is fitting that the name for the ROW reflect that 90 years after the event, the courage and the sacrifice of the ANZACs has not been forgotten.

Imbros Island lies just off the coast of Gallipoli, and was the initial landing point of many of the ANZAC troops. In 1915 Imbros was under Greek sovereignty, and was of great strategic significance to the allied forces. Training to prepare the troops for beach landings was conducted there, and supplies were distributed from there to the troops engaged in the fighting at Gallipoli. A bakery was established on Imbros expressly for that purpose, and the island also housed a hospital for the wounded. Two airfields were constructed on Imbros, which continued to be of strategic value throughout the First World War. Imbros was ceded back to Turkey under the Treaty of Lausanne in 1923.

In recognition of the significance of the Island of Imbros, it is proposed that the ROW be named "Imbros Lane".

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installing a street nameplate will be borne by the applicant.

STRATEGIC IMPLICATIONS:

In line with Key Result Area One of the Town's Strategic Plan 2003-2008 -1.2 "*Recognise the value of heritage in providing a sense of place and identity*".

COMMENTS:

Naming the ROW will assist in locating residences with a ROW frontage, and will enable logical addressing. The proposed names continue the tribute to the bravery of the ANZACs, after which the adjacent road is named.

10.2.5 Proposed State Black Spot Improvement Project intersection of Beaufort Street & Lincoln Street, Highgate

Ward:	South	Date:	16 March 2004
Precinct:	Forrest, P14	File Ref:	TES0173 & TES0067
Attachments:	001;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed State Black Spot Improvement Project intersection of Beaufort and Lincoln Streets, Highgate;*
- (ii) *APPROVES in principle the proposal as shown on attached Plan No 2097-CP as endorsed by the Town's Local Area Traffic Management Advisory Group at its meeting held on 15 March 2004, estimated to cost \$10,000;*
- (iii) *APPROVES the installation of water filled barriers in Beaufort Street across the intersection of Lincoln Street for a trial period of two (2) months preventing the straight through and right turn movement into and out off Lincoln Street,*
- (iv) *ADVISES those potentially affected residents, businesses, Highgate Primary School and St Albans Anglican Church of the trial prior to installation of the barriers;*
- (v) *CONSULTS with those groups identified above in clause (iv) in the second month of the trial, giving them 21 day in which to provide comments;*
- (vi) *prior to implementing the trial, liaises with the Highgate Primary School to undertake an "origin and destination" survey to determine the impact of the closure upon the school population, and*
- (vii) *RECEIVES a further report on the proposal at the end of the recommended 21 day community consultation period.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

At the Ordinary Meeting of Council held on 10 February 2004, the Council adopted the following resolution:

“That the Council;

- (i) receives the report on Traffic Management matters at various locations;*
- (ii) refers the seven (7) locations listed in the report to the Town's Local Area Traffic Management Advisory Group for their consideration; and*
- (iii) receives a further report on each of the locations listed in the report once the Town's Local Area Traffic Management Advisory Group have considered the matters.”*

The seven (7) locations outlined in the report included the following:

Location 1	Forrest Street
Location 2	Lincoln / Beaufort Streets
Location 3	Eton Street
Location 4	Monger Street
Location 5	Hobart Street
Location 6	Brookman Street, Moir Street and Forbes Road
Location 7	Woodstock / Edinboro Street

Location 2 is the subject of this report.

DETAILS:

The Local Area Traffic Management (LATM) Advisory Group at its meeting of 15 March 2004 discussed the proposed Beaufort / Lincoln State Black Spot Improvement Project and specifically the potential impact upon residents, businesses, the Highgate Primary School and local Anglican Church as well as the implications for the surrounding road network.

The group was provided with the following Black Spot statistics and information as justification for considering the proposed changes.

<u>Location:</u>	Intersection of Beaufort Street and Lincoln Street, Highgate
<u>Request:</u>	Black Spot Improvement.
<u>Proposed Action</u>	Install raised median island in Beaufort Street to prevent the straight through and right turn movement into and out of Lincoln Street.

Accident Statistics

- Period. Five (5) years, 1997-2001.
- Number. Twenty three (23) reported accidents.
- Predominate types. Right angled and right angled through, total 78%
- Cost to community. \$585,931.
- Injuries sustained. Yes, 1 hospitalisation & 5 medical attention required.

Traffic Data

Section	Volume (vpd)*	85% Speed (kph)
• Beaufort Street (source MRWA).	19,580	N/A
• Lincoln Street, Cavendish to Harley.	1,776	35
• Lincoln Street, Stirling to Smith.	1,309	49

* Weekday averages

Classification:

- Beaufort Street, District Distributor A
- Lincoln Street, Access Road

Budget: \$20,000

Designated Bicycle Routes No

Proposed Walk Trails Yes, Lincoln Street.

Local Attractors: Highgate Primary School, corner Lincoln Street & Bulwer Avenue.

Comments: Lincoln Street West of Beaufort Street provides a link between Beaufort and William Streets, both District Distributor A roads.

Lincoln Street East of Beaufort Street provides a link between Beaufort Street and Lord Street, both District Distributor A roads, and Smith Street a Local Distributor Road.

The posted speed in Beaufort Street is 60 kph, while in Lincoln Street it is 50kph with a 40kph school zone between Beaufort Street and Harley Street.

Discussion

The intersection of Beaufort Street and Lincoln Street is classified as a Black Spot based upon its five (5) year accident history, 1997-2001 (inclusive), and therefore qualifies for State Black Spot funding.

Of the twenty three (23) reported accidents in this period, some 18 or 78% were right angled and right angled through accidents.

The most cost effective method to reduce and /or eliminate these types of accidents is to ban the straight through and right turn movement.

There is insufficient room within the existing road reserve to install right turn pockets at Lincoln Street or to install other preventative measures.

The LATM Advisory Group recognised that there were significant implications for the community and the surrounding road network if the works proceed, but the accident history could not be ignored.

The Group also acknowledged that the funds have to be expected before the end of the 2003/04 financial year and to achieve this deadline several actions have to be undertaken concurrently.

Recommendation

The LATM Advisory Group suggested the following course of action for consideration:

Install water filled barriers in Beaufort Street, between the existing median islands, across the Lincoln Street intersection to prevent the straight through and right turn movements into and out off Lincoln.

That the barriers be left in place for a period of two (2) months as a trial to assess the impact upon the surrounding streets.

That traffic classifiers be deployed before and after the installation of the barriers to assess the impact upon traffic volumes and distribution in the following streets:

- Lincoln Street west, three locations.
- St Albans Avenue.
- Chatsworth Road.
- Cavendish Street.
- Bulwer Avenue.

- Lincoln Street east, three locations.
- Broome Street.
- McCarthy Street.
- Stirling Street.
- Smith Street.

That the potentially affected residents, businesses, Highgate Primary School and other community groups, in the above streets, be advised of the proposed trial during the initial data collection phase and prior to the installation of the barriers.

Advanced warning signage be erected in Lincoln and Beaufort Streets before the installation of the barriers.

In conjunction with the Highgate Primary School that an origin and destination survey of the school population be undertaken to prior to the installation of the barriers.

In the second month of the trial a full 21 day public consultation phase be undertaken to assess community opinion in respect of the making the changes permanent.

At the conclusion of the above actions, a further report be presented to Council.

CONSULTATION/ADVERTISING:

That the potentially affected residents, businesses, Highgate Primary School and other community groups, in the above streets, be advised of the proposed trial during the initial data collection phase and prior to the installation of the barriers.

Advanced warning signage be erected in Lincoln and Beaufort Streets before the installation of the barriers.

In conjunction with the Highgate Primary School that an origin and destination survey of the school population be undertaken to prior to the installation of the barriers.

In the second month of the trial a full 21 day public consultation phase be undertaken to assess community opinion in respect of the making the changes permanent.

LEGAL/POLICY:

All works on roads to be undertaken in accordance with relevant Australian and Main Roads WA Standards.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2003/2004 budget includes an amount of \$20,000 based upon the standard State Black Spot funding arrangement of \$2 to every \$1 from Local Government resulting in a maximum outlay by the Town of \$6,667.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the police Services for enforcement of the legal speed limit.

10.3.2 North Perth Bowling Club – Synthetic Bowling Greens Further Report

Ward:	North	Date:	16 March 2004
Precinct:	North Perth	File Ref:	RES0010/FIN0074
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the investigation into the installation of the synthetic bowling greens at the North Perth Bowling Club; and*
- (ii) *ALLOCATES an amount of \$45,837 for consideration in the draft 2004/05 Budget for one (1) synthetic bowling green, subject to the Club obtaining a CRSSF Grant.*

COUNCIL DECISION ITEM 10.3.2

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

At the Ordinary Council meeting of 23 July 2003 the following resolution was adopted:

“That the Council;

- (i) *RECEIVES the further report on the investigation into the installation of synthetic bowling greens at North Perth Bowling Club;*
- (ii) *AUTHORISES the Chief Executive Officer to prepare a final report on this matter prior to the commencement of deliberations on the Draft Budget 2004/05, this to be no later than February 2004;*
- (iii) *RECEIVES a final report which includes a S.W.O.T. analysis prepared in conjunction with the North Perth Bowling Club; and*
- (iv) *RECEIVES a report on the membership of the club in regard to the number of members that are bowls players, and the number of members that are residents/ratepayers of the Town of Vincent.”*

The content of that report is included verbatim.

“DETAILS:

The Executive Manager Corporate Services and the Manager Community Development and Administrative Services met with the President and Secretary of the North Perth Bowling Club on Thursday 5 June 2003 to discuss the Council report and the recommendations of the consultants report commissioned by Bowls WA.

The committee members disagreed with the Bowls WA report and disputed the numbers used in the consultants report regarding the North Perth Bowling Club.

The Town's staff requested that the committee members provide these details to the Town. The President has advised verbally that the club has 160 members including social members, 80 of which are active members and of those 50 reside in the Town of Vincent. The figures could not be confirmed in writing as it is the Club's off season. The increase in the social members could be accounted for by the recent closure of the Knutsford Arms Hotel and some former patrons now utilised the Bowling Club's bar facilities.

The President advised that the North Perth Bowling club were hoping to gain membership from the Perth Tattersall Bowling Club if that club were to close.

The North Perth Bowling Club were going to attend the briefing on the Bowls WA report, however no feedback has been received on the meeting.

The Town's Recreation Officer attended a similar briefing given by Bowls WA to Local Governments on their consultants report in Bowls in Western Australia. At this seminar they reiterated that there were too many bowling clubs in WA and a number would have to merge to continue. They also confirmed that the association would only be supporting the larger clubs for funding for synthetic greens. There was some concern raised by the attendees at this forum of the lack of consultation with Local Governments.

The Town has contacted other Local Councils, in our locality, to ascertain the direction that they will be taking.

In the Town of Cambridge the Floreat and City Beach Bowling Clubs are amalgamating at the present Floreat site. There are currently no immediate plans for the Leederville and Lake Monger Bowling Clubs which are both within 3.5kms of the North Perth Bowling Club.

The City of Stirling has ten (10) bowling clubs within it's boundaries, two (2) of which are private.

The Mt Lawley Bowling Club, on release of the report, resolved to meet with other clubs in similar circumstances with a view to initiating amalgamation/co-location discussions.

A report on the Strategic Direction-Lawn Bowls was submitted to the City of Stirling Corporate and Community Services Committee of 22 July 2003, which endorses the continuation of discussions with Mt Lawley and Scarborough Bowling Clubs in relation to the contents and findings of the lawn bowls facilities to the Perth Metropolitan Region and that further updates will be provided on further developments, opportunities or potential impacts on facilities located in the City of Stirling. It should be noted that the Mt Lawley Bowling Club is only 1.5km from the North Perth Bowling Club.

A number of bowling clubs have been contacted to ascertain their experience with synthetic green. There are currently twenty three (23) clubs with a total of thirty nine (39) synthetic greens.

Kardinya Bowling Club have had synthetic greens for nine (9) years which were guaranteed for ten (10) years, however they were required to be re-laid after seven (7) years. They advised that some of their members do not like the synthetic greens.

Safety Bay Bowling Club have a number of synthetic greens and are currently replacing their existing lawn greens. This however was due to problems with salinity as a result of the club's proximity to the coast rather than any other reason.

A number of other metropolitan clubs were contacted who had recently installed synthetic greens, however the synthetic greens had not been down long enough to make any real beneficial comparisons.

A number of synthetic turf suppliers have been contacted to provide indicative price estimates and warranty periods, the result were as follows :

<i>Supplier</i>	<i>Budget Estimate</i>	
<i>1</i>	<i>\$115,000 per green (inc GST)</i>	<i>Including reticulation when laid over existing grass greens – warranty for five (5) years.</i>
<i>2</i>	<i>\$115,000 per green (inc GST)</i>	<i>When laid over existing greens – warranty for eight (8) years on the turf and five (5) years on the turf.</i>
<i>3</i>	<i>\$303,000 (inc GST) or \$151,00 per green</i>	<i>Quoted to install two new greens with fitted brick back boards.</i>
<i>4</i>	<i>\$113,000 (inc GST) per green</i>	<i>Supergreen sandfill outdoor only.</i>
	<i>\$156,000 (inc GST) per green</i>	<i>Greengage carpet (indoor or outdoor no rolling required)</i>

The suppliers have advised that the sand filled synthetic greens require maintenance costs of approximately \$10,000 per annum.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$80,000 was included in the 2001/2002 budget and represents the Towns 1/3 share of the funding however this item was not carried forward after the application was unsuccessful.

No funds have been included for this project in the 2003/04 Budget.

COMMENTS:

The further report has confirmed the position of Bowls WA in regard to the North Perth Bowling Club. It has also confirmed that the cost of synthetic greens would be approximately between \$230,000 - \$320,000, the maximum warranty offered is eight years. This supports the view that there will be a capital replacement requirement every 7-10 years after this initial outlay.

The impact of the recommendations of the Bowls WA report on the bowling clubs has yet to be seen. It would be premature to make any commitment to the North Perth Bowling Club request at this stage. However it is noted, the information in this report advises the current position being taken by neighbouring councils.

As stated in the report, no funds have been allocated to this year's budget.

It is therefore recommended that no decision is made at this time and that the Town awaits to assess the impact and direction of the Bowls WA report on other bowling clubs, especially in the surrounding locality. Final recommendation is to be provided to the Council prior to the commencement of the Budget considerations."

At the Ordinary Meeting of 27 May 2003 the following resolution was adopted.

"That Council;

- (i) DEFERS the allocation of consideration of the funding assistance of \$240,000 to the North Perth Bowling Club to the 2004/05 draft budget;*
- (ii) authorises the Chief Executive Officer to further investigate the request and in particular the installation of synthetic bowling greens by the end of July 2003; and*
- (iii) authorises the Chief Executive Officer to investigate ways in which the Town can assist in the long term sustainable viability of the North Perth Bowling Club."*

There have been several Council reports prepared on this matter and at the Ordinary Council Meeting of 22 April 2003 the following resolution was adopted.

"That the Council;

- (i) supports the North Perth Bowling Club's application to the Town for financial assistance to enable the installation of synthetic bowling greens;*
- (ii) authorises the Chief Executive Officer to investigate and evaluate the request and report on the most viable financial arrangement to ensure the installation of synthetic greens in time for the 2004 Lawn Bowls Summer Competition; and*
- (iii) allocates an amount of \$220,000 for consideration in the 2003/04 Draft Budget."*

DETAILS:

This year the North Perth Bowling Club have amended their submission requesting that one (1) not two (2) synthetic greens be installed.

The Club has submitted an application for a CSRFF Grant for one synthetic green at the cost of \$137,511.

The Council at its meeting of 21 October 2003 resolved to support this grant application. The outcome of this application will be advised in late March 2004.

The Town's Recreation Officer recently met with the Club's President and Secretary to ascertain the relevant information for this report.

Membership

The current membership details are as follows:

Total Members	191*
Total Full Members	90*
Full Members in TOV	38

* figures include 87 members from French and Mauritian Society

It should be noted the relevant high percentage of members are only social members. 38 of the full membership are residents of the Town of Vincent.

Financial:

The Club has advised that it currently has \$25,000 capital with approximately half invested.

The cost of the green maintenance and upkeep with wages, fertilizers and equipment is estimated to be \$37,000, it is anticipated that with one synthetic green this will be reduced to \$15,000.

Unlike their previous submission, the Club is anticipating that they will fund their one third portion of funds through a loan. The Club have advised that they have contracted a community bank and are confident that their loan would be approved, although nothing has been formalised.

At this time it is unsure whether the loan repayments have been catered for in any financial estimates or that the cost reduction for green maintenance and upkeep are realistic.

In conjunction with the Club a SWOT analysis was undertaken and the results are outlined below.

Strengths:

- Well established – formed in 1907
- Well organised and operated
- Currently successfully on the bowling greens (top of their division)
- Swan Brewery sponsorship of \$1,500pa for five years
- Three upgrades paid by Swan Brewery valued at \$9,000
- Membership numbers increasing, particularly social members (mainly due to French and Mauritian Society)

Weakness:

- Lack of green space
- Kitchen facilities poor
- Lack of security in the area outside of the clubrooms
- No support from government body (Bowls WA); the Club has been identified as a club that needs to close or merge with another club.
- Reliance on social membership
- Formalised detailed financial planning for the future
- Funds for expansion
- Reliance on strong personalities currently on committee

Opportunities:

- Current good performance in State pennants to attract new membership
- John Forrest High School interested in using the club to coach students in lawn bowls. Again this can be used to expand membership, in particular young members

- Upgrade facilities for disability access in kitchen area
- Installation of synthetic green would also increase ability for disabled persons to use the club
- Develop facility to become a social focal point for the surrounding community

Threat:

- Upgrade and expansion of Mount Lawley Bowling Club which is actively seeking merges with other clubs and is supported by Bowls WA
- If the hotel at the current Knutsfords area site was to reopen then there is a likelihood some social members would leave
- Any future problem with French and Mauritian Society would surely impact on the membership numbers

CONSULTATION/ADVERTISING:

There is a requirement for this project to be advertised.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan 2004-2008
Key Result Area 2 – Community Development
2.4 *Provide a wide range of community programs.*

FINANCIAL/BUDGET IMPLICATIONS:

The CSRFF Grant of \$137,511 is funded one third between the Town of Vincent, the North Perth Bowling Club and the State Government. It is proposed that the amount of \$45,837 be included in the Draft 2004/05 Budget.

COMMENTS:

This is the Town's only surviving bowling club. It should be noted however that the bowling club membership is 47% of the total current membership and of that 42% of the full membership are residents of the Town of Vincent. There is therefore a strong reliance on the social membership, and in particular the French and Mauritian Society, to maintain the viability of the Club.

It is recognised that the Club has amended its application to fund only one synthetic green and with the current financial information available it is difficult to assess the ongoing and long term viability of this project. This is in part due to the fact that this is the third application made by the Club. It must be stated that in the past the grants have not been approved due to the fact that the upgrade of the facilities at the North Perth Bowling Club are not supported by the governing body of the sport, Bowls WA.

This application is different in that it is only for one green and the Club is funding its one-third portion, whereas in the past the Club was requiring the Town to put in its one third. Therefore it is recommended to allocate funds on the Draft 2004/05 Budget for this project subject to the approval of a CRSSF Grant.

10.3.4 Headquarters (HQ) Youth Facility – Frame Court

Ward:	South	Date:	2 March 2004
Precinct:	Oxford Centre Precinct P4	File Ref:	PRO0070
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the ongoing operations at Headquarters Youth Facility;*
- (ii) *APPROVES the continuing management of the facility by the HQ incorporated body for the financial year 2004/05 with a contribution from the Town of Vincent towards the operating costs of the facility; and*
- (iii) *ALLOCATES an amount of \$45,000 for consideration in the Draft 2004/05 Budget.*

BA

COUNCIL DECISION ITEM 10.3.4

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

At the Ordinary Council meeting of 16 December 2003 the following resolution was adopted.

“That the Council;

- (i) *DEFERS consideration of an in-principle approval for the transfer of ownership and management of the Headquarters Youth Facility to the Town of Vincent until the budget deliberation for 2004/05 budget;*
- (ii) *APPROVES use of the funds allocated in 2003/04 budget (\$45,000) for the operations of HQ for this financial year only;*
- (iii) *NOTES that a further detailed report will be provided outlining the recommended options available for ongoing operations of Headquarters prior to the commencement of the budget deliberations.”*

At the Ordinary Council meeting of 24 June 2003 the following resolution was adopted.

“That Council;

- (i) APPROVES IN PRINCIPLE to the transfer of ownership and management of Headquarters Youth Facility to the Town of Vincent and advises the HQ Board accordingly; and*
- (ii) authorises the Chief Executive Officer to prepare a report on this proposal to include:*
 - (a) the operating model and organisation structure of the facility after the proposed transfer; and*
 - (b) the financial implications for the Town in this report to be presented to Council by the end of July 2003.”*

DETAILS:

The funding of this facility and other like facilities is likely to be the source of uncertainty in the Town, however as previously advised the Town should attempt to maximise its exposure.

The Financial position as at 30 June 2003 showed a net operating profit of \$159,416 for the year ending 2003, compared to a profit of \$133,137 for 2002.

However, it should be noted the large percentage of funding received from project income (WEP) and grants

The revenue of the facility relies on grant funding and project income. Gross sales from trading is \$125,120 in 2003 compared to \$80,969 in 2002.

Similarly a significant amount of expenditure relates to the project and grant funded activities.

It is critical that the funding of the operation costs are covered to maintain the viability of the facilities.

These include the Manager’s salary and admin support and overhead costs, the Manager’s salary is currently funded by a Lotterywest Grant which expires this financial year.

The completion of the Lotterywest funding of the Manager's salary and Admin Support will have a major impact on the financial operating costs.

The 2004/05 Budget is in the final stages of preparation. The Town’s financial contribution is critical to the ongoing financial operational viability of the facility

The facility currently has two paid staff, the Manager and Admin Support, with the other personnel resources coming from WEP and VET projects together with volunteers as required.

The major source of operational income for the next financial year will be the percentage of monies allocated from the WEP projects and the anticipated contribution from the Town of Vincent plus gate income.

The Board of HQ has recognised that the current set up is a small organisational structure with limited back up support for the Manager in regard to organisational and professional issues. A heavy onus is placed on Board members to provide this support. A number of Board members have had a long commitment to the project which has required a large personal and professional commitment some of them are now considering their options in regard to their involvement. These include Les Cooper, Deputy Chairman (travelling), Neil Bodell, WEP Supervisor (already left) and Mary Gurgoyne, TAFE Board Member seconded to another department). It is likely therefore there may be loss of background knowledge of the facility in the short-term.

The Board of Headquarters Youth Facility, at its meeting on 18 February 2004 resolved to seek a grant from Lotterywest to appoint consultants to ascertain if there are any external organisations prepared to embrace the HQ facility within its organisation. Initial research has identified a number of potential organisations that could be interested; no contact has been made with these parties.

If successful with the grant, it is expected that a consultant be appointed by April and with the work completed by the end of May 2004.

However many recommendations made would not be able to be implemented prior to the start of the new financial year.

A number of options for the mode of operation of the facility were outlined in the report of the Ordinary Meeting of Council held on 16 December 2003.

There are a number of options for the Town to consider in its involvement in the ongoing operation of the facility.

Option 1

To Manager to remain with the current incorporated body.

Comment

Advantages

- improved operational performance
- committed personnel
- developing good programmes and reputation
- maintaining continuity
- strong strategic direction -Attachment 4 – Strategic Plan 2003-04

Disadvantages

- financially susceptible to the funding of ongoing operating costs
- reliance on volunteer Board members for technical and management expertise.

There are significant administrative difficulties in the transfer of ownership in the middle of the year. If a decision is made it would be prudent to do this at the commencement of a new financial year.

Option 2

The Town to take over management and ownership of the facility.

Comment

Advantages

- The Town will have control over the operation and future directions of the centre.
- Professional community development staff to be involved in the operation of the centre.
- Facility to be governed by Local Government policies and procedures.
- Support of the Town's administration.

Disadvantages

- The Town will be exposed to the financial position of the facility
- Present budget issues for the Town if the facility operates a significant defect in any one year
- Funding bodies may also view the facility differently if the facility is operated by a local government, that is the bodies may be more reluctant to fund requirements of the facility as they see there is a consistent funding source.

Option 3

The Town to contribute to the operating costs of the facility through an annual contribution.

Comment

Advantage

- The Town would not be liable for the full financial position.
- Funding on an annual basis easy to administer – precedent Loftus Community Centre – guaranteed funding

Disadvantage

- The Town is allocating funds in to a facility that it does not have management control, currently two positions on the board are for the Town of Vincent. The Chairman of the Board is the Mayor. The Mayor and the Executive Manager Corporate Services represent the Town on the Board. If this option was pursued consideration of the funding would be to increase the number of Town of Vincent membership on the Board.

Option 4

The Town to take over the facility and operations, outsourcing the management of the facility

Comment

Advantages

- Professional management
- Minimise Town of Vincent staff resources.
- Cost consistent throughout contract, easier for budgeting.

Disadvantages

- The unique nature of facility may make it difficult to identify an appropriate organisation to outsource.
- The outsourcing of the facility would be at a cost to the Town.

Option 5

The facility to change operation in its current format, as a youth/training facility and the Town to take over venue. The skate park to operate unsupervised, free of charge and the rooms in the SES building to be leased out for hire to community groups.

Comment

Advantages

- Revenue from lease/hire of rooms
- Significant reduction in resources of the Town.

Disadvantages

- The HQ facility is the major youth facility for the Town, is recognised within the youth industry as being an excellent facility
- A considerable investment in the facility by the Town, Lotterywest and the State Government.

Option 6

The facility to be merged with another organisation and to be operated and managed by their organisation.

Comment

Advantages

- No financial liability for ongoing operations
- Sound management base
- Existing programmes
- Experience in the operation of similar facilities

Disadvantages

- Lack of control over investments in the facility
- Removal of control of operations and policies by the Town
- Possible concern in Town's investment in the venture

It is not recommended that the Town takes over the full management of the facility in its current format at this point of time. As the Town would be liable for the full financial liability of the facility, which is difficult to anticipate currently due to lack of history and the uncertainty of funding and income streams.

It is believed that the current annual financial contribution should be continued and is recommended to support the financial viability of the facility and the Town's substantial investment in the facility. If this contribution is not supported, it would have a significant impact on the ability for the facility to continue its operation.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

A special resolution of the HQ Board is required to resolve to wind up the incorporated body. A formal application to wind up HQ is to be sent to the Department of Consumer and Employer Protection, this must be submitted within 14 days of the special meeting of Council.

The Department of Consumer and Employer Protection will wind up HQ within two (2) months of receiving the application.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008

Key Result Area 2 – Community Development

2.4(c) Support and implement youth development programmes.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$45,000 is to be listed for consideration on the Draft 2004/05 Annual Budget as the Town's contribution to the operating costs of the HQ Youth Facility.

COMMENTS:

The option of the contribution of funds to the HQ facility is recommended as this limits the financial exposure to the Town. If the Town were to take over the operations, there would be no limitation as to the financial exposure for the Town. The ongoing structure for the future operation of the facility will be finalised over the forthcoming months. However it is prudent to ensure the ongoing viability of the facility to support this financial contribution.

10.3.5 Redevelopment of Vacant Land

Ward:	Both	Date:	8 March 2004
Precinct:	All	File Ref:	PLA0082
Attachments:	-		
Reporting Officer(s):	M Rootsey, R Rasaratnam		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the report on the redevelopment of vacant land.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

The following Notice of Motion from Cr Sally Lake was adopted at the Ordinary Meeting of Council on 16 December 2003.

“That the Council;

- (i) AUTHORISES the Chief Executive Officer to prepare a report regarding;
 - (a) the implications of imposing a higher differential rate in the dollar for vacant land; and*
 - (b) other forms of appropriate incentives and measures;**
to encourage vacant land to be developed; and
- (ii) the Chief Executive Officer report back to the Council on this matter to the Ordinary Meeting of Council to be held on 24 February 2004.”*

Due to a delay in receiving relevant information for inclusion in the report it was unable to meet the initial timeframe.

DETAILS:

There are approximately 320 properties categorised as vacant land according to the Town's Property System.

- (a) The implications of imposing a higher differential rate in the dollar for vacant land.

Vacant land is currently rated by using a Gross Rental Value (GRV) which is provided by the Valuer Generals Office which represents 5% of the capital value of the land, this is multiplied in the rate in the dollar. This generally results in higher rates levied than for developed properties.

This differs from the general GRV which is used for developed properties. The GRV used on developed properties represents the estimated annual rental income for that property if it were to be rented out.

There are nine (9) of the one hundred and forty four (144) WA Local Governments that have adopted a differential rate for vacant land. The nine (9) are as follows:

City of Armadale, City of Cockburn, City of Gosnells, Shire of Irwin, Town of Kwinana, City of Mandurah, City of Melville, Shire of Yalgoo, City of Perth.

The differential rate premium ranges from 1% to 42%.

The metropolitan councils contacted were of the opinion that despite the fact that the differential rate was introduced to encourage the development on vacant land, the differential rate on vacant land had little impact effect on the actual development of vacant land. The City of Perth is currently conducting a review all of its differential rating to ascertain their effectiveness.

It was rather the market conditions or investment strategy of the developers that effected the development of vacant land.

In general it was more likely that individuals would develop vacant land quicker than corporate developers.

- (b) Other forms of appropriate incentives and measures

A number of local authorities were contacted to ascertain if they had incentives or measures that were used in regard to the matter were included. The City of Joondalup, Town of Cambridge, Town of Victoria Park and the City of Bayswater.

They all advised that they did not have any such incentives or measures.

Planning officers have suggested proposed that the following could be considered as incentives, which may in themselves raise other issues in regards to the length of time vacant land is held before these incentives were applied.

The possible reduction to development application fees

The possible reduction in building licence application fees

The possible rezoning of the vacant land

The possible works to surrounding areas being undertaken by the Town (ie: upgrading adjacent footpaths).

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The introduction of differential rates require the compliance to section 6.33, 6.35 and 6.36 of the Local Government Act (1995).

In particular 6.36(1) public notice of the intention to impose a differential rate.

6.36(3)(c) A notice is to advise electors and ratepayers of time and place where a document describing the objects of and reasons for each proposed rate and minimum payment may be inspected.

STRATEGIC IMPLICATIONS:

Strategic Plan 2004-2008

Key Result Area 4 – Governance and Management

4.6 b) Investigate appropriate alternative funding sources to minimise the Town's reliance on rates.

FINANCIAL/BUDGET IMPLICATIONS:

The imposition of a differential rate would increase the rates revenue raised, the amount would be dependent on the premium applied.

COMMENTS:

It is evident that only 6% of local authorities use a differential rate for vacant land and there appears to be from councils that do have a differential rate actually have little impact on encouraging development of vacant land.

In regard to incentives and other measures that could be introduced, of the councils contacted, no other council had introduced such measures.

It is therefore recommended that a differential rate for vacant land is not considered at this time and further investigation is required to ascertain that other measures that could be used.

10.4.4 Progress Report No. 5 - Department of Sport and Recreation (DSR) Office Building – Leederville Oval, No. 246 Vincent Street, Leederville

Ward:	South	Date:	16 March 2004
Precinct:	Oxford Centre, P4	File Ref:	RES0062
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 5 as at 16 March 2004, relating to the Department of Sport and Recreation (DSR) Office Building at 246 Vincent Street, Leederville; and*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of the project.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

At the Ordinary Meeting of Council held on 4 November 2003, the Council approved of the tender to construct an Office Building at 246 Vincent Street, Leederville.

Monthly meetings have been held with the Project Architect and Builder since the works commenced on 17 November 2003.

The builder has submitted a Gantt chart outlining the proposed timetable for works. At the time of writing this report the following works have been completed;

1. Electrical and Lift Services

Several days' delay were experienced due to Western Power other priorities, which affected the installation of the new transformer. Permanent power from the newly installed transformer has now been connected to the Grandstand, DSR building and EPFC and SFC offices.

2. Mechanical Services

Nil.

3. **Hydraulic Services**

Pipework has been installed to the basement and under the precast beams.

4. **Civil Works**

These have been completed, except for the compaction of the carpark area. Final levels yet to be established.

5. **Structural Works**

The ultra floor installation for the ground floor has been completed. Approximately 50% of this concrete floor has been poured. (See photo - Appendix 10.4.4.)

6. **Landscape Works**

Nil.

7. **Architectural Interior**

The Project Architect is finalising colour selections at present.

8. **Program Progress**

The project work is not entirely to the schedule, as per the written program. However, it is important to note that the critical dates are being met and the progress timeline is as per the program.

The builder has indicated that a claim for several days will be made, due to power shortages on site which were the result of a delay for the installation of the transformer by Western Power. No costs have been submitted for this.

LEGAL/POLICY IMPLICATIONS:

Nil.

ADVERTISING/COMMUNITY CONSULTATION:

Nil.

STRATEGIC IMPLICATIONS:

These projects are in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 *"Promote business opportunities in the Town."*

COMMENT:

This is a progress report to update the Council on the status of works to date.

10.4.5 Progress Report No. 7 - Redevelopment of Leederville Oval, 246 Vincent Street, Leederville and State Indoor Multi Use Sports Centre, 99 Loftus Street, Leederville

Ward:	South	Date:	16 March 2004
Precinct:	Oxford Centre, P4	File Ref:	RES0052
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 7 as at 16 March 2004, relating to the Redevelopment of Leederville Oval, 246 Vincent Street, Leederville and State Indoor Multi Use Sports Centre, 99 Loftus Street, Leederville; and*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of various projects.*

COUNCIL DECISION ITEM 10.4.5

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

At the Special Council Meetings held on 30 October 2001 and 16 December 2002, and Ordinary Council Meeting held on 10 December 2002, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. It also approved to construct an office building on a part of Leederville Oval.

Leederville Oval Redevelopment

1. Works:

The builder completed the project works and vacated the site on 27 February 2004. A "defects" list has been prepared by the Project Architect and Clubs and at the time of writing this report, the items have been completed. This list is being checked by the Town's Officers.

The Town's Officers have arranged for the following works to be carried out;

1. Site cleanup
2. Safety check of Grandstand and common area
3. Common area function room upgrade of light fittings, emergency lighting, repairs to plumbing, replacement of all non-compliant non-safety glass and completion of painting of toilets.
4. New carpet has been ordered and is expected to be installed on 17 March 2004.
5. New AFL standard goal posts have been ordered and goal sleeves (which enable the goal posts to be moved during the season to prevent excessive turf wear) were installed on 15 March 2004.
6. Player dugouts are currently being installed and are expected to be completed in time for the first game on Saturday 20 March 2004.
7. Repair of "concrete cancer" for a structural beam in the grandstand has been completed and grouting of expansion joints (which prevents water damage to the changerooms) has also been completed in the most affected section.

2. Leederville Oval Working Group:

The Working Group comprising of the Town, Department of Sport and Recreation (DSR), WA Football Commission and League, EPFC and SFC met on 15 March 2004 to discuss the progress of works, installation of floodlighting and completion of public open space. This was the final meeting of the Working Group. The Ground Management Committee will meet in the future.

3. Leases:

A further meeting was held on 17 February 2004 with EPFC and SFC. All lease conditions have now been agreed between the Town's CEO and Club's General Managers, with the exception of an item relating to a contribution from each of the parties to a Reserve Fund for capital works and maintenance of the facility.

The Town's CEO has prepared a Capital Works and Maintenance Program (similar to Perth Oval and the DSR Office Building) and this identifies all known works over the next 20 year period, with estimated costs. This program estimates that approximately \$1.034 million is required (which includes a contingency of \$67,200 and provision for inflation of \$295,680).

If the Reserve Fund receives an amount of \$45,000 split equally between the two Clubs and the Town (and invested at 4% per annum), at the end of a 20 year period, it will contain approximately \$1.393 million.

The Town has written to the Clubs requesting an annual contribution of \$6,750 each (increased annually by CPI) and the Town is awaiting a response. Each Club has previously verbally agreed to an annual contribution of \$5,000.

4. Floodlighting:

At the time of writing this report, the floodlighting has been installed. The contractors completed the final directional positioning of each light fitting on 16 March 2004.

5. Public Open Space

Plans are still being prepared and it is proposed to report to the Council in the next few months for approval of the final concept plan. To improve aesthetics, the Town has carried out some earthworks and installed temporary pathways to enable access via the Loftus Carpark.

State Indoor Multi Use Sports Centre

A meeting has been held with the DSR on 8 March 2004. DSR have confirmed that the feasibility study on the Challenge Stadium has been completed. A copy will be provided to the Town for comment. DSR are also completing a needs analysis for the WA Gymnastics Association and Netball WA. These are proposed to be completed in the next 6-8 weeks and a further meeting will be arranged with the Town. A further report will be submitted to the Council.

DSR have advised that the timeline for this project is currently to be spread over the 2004/05 and 2005/06 financial years.

LEGAL/POLICY IMPLICATIONS:

N/A.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

At the time of writing this report, all projects were within the approved budgets.

STRATEGIC IMPLICATIONS:

These projects are in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 1.4 - *"Maintain and Enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment."*

COMMENT:

It is pleasing to note that the projects are proceeding within the prescribed timeframe and without any significant problems being encountered.

10.4.9 2004 Local Government Managers Association - National Congress and Business Expo - Melbourne

Ward:	-	Date:	17 March 2004
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Mayor and Chief Executive Officer be authorised to attend the Local Government Managers Association National Congress and Business Expo to be held in Melbourne from 23-26 May 2004 at an estimated cost of \$2,301 each.

COUNCIL DECISION ITEM 10.4.9

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

The Local Government Manager Association (LGMA) National Congress and Expo is to be held from Sunday 23 May to Wednesday 26 May 2004. The LGMA National Congress and Business Expo is the peak conference for Local Government Managers.

The Congress will have 21 concurrent sessions in the broad streams relating to;

- Community
- Organisation
- People

Key note speakers include; Kevin Sheedy AM, coach of Essendon Football Club, Christine Nixon, Chief Commissioner of Police for Victoria and Jason Clarke - Minds at Work. The Business Expo is extensive and wide-ranging and covers all aspects of services which are provided to Local Government.

A copy of the Congress Program is "Laid on the Table".

FINANCIAL IMPLICATIONS:

	Economy Class
Congress Registration (early bird - payment by 16 April 2004)*	\$895.00
Accommodation (3 nights) (\$188 per night)	\$564.00
Airfare (economy class) **	\$550.00

Expenses allowance (\$73.15 per day)	<u>\$292.00</u>
	<u>\$2,301.00</u>

- * \$100 extra for non-members
- ** Economy Fare - approximate and subject to flight availability
Business Class Airfare is \$2,420.00

LEGAL POLICY:

Council's Policy 4.1.13 – “*Conferences – attendance, representation and related issues*” – Clause 1 states that a maximum of one Elected Member and one officer may attend interstate or international conferences.

Council's Policy 4.1.14 – “*Conferences – travel and accommodation expenses*”- states that the Mayor and Chief Executive Officer are entitled to travel business class and all other persons to travel economy class. However, in view of the cost difference in airfares, the Mayor and Chief Executive Officer have chosen to travel economy class.

Previous Attendance - Policy 4.1.13 - Clause 1.2

The Town's CEO has been a member of the LGMA since 1994 and this is the first occasion that he has applied to attend an LGMA National Congress. The Mayor has not attended a LGMA National Congress.

STRATEGIC IMPLICATIONS:

Attendance at the LGMA Congress is an excellent opportunity for the Mayor and Chief Executive Officer to be appraised of issues relating to Local Government, to network with colleagues and to view the latest technology at the Business Expo.

COMMENT:

It is requested that approval be granted for the Mayor and Chief Executive Officer to attend the LGMA National Congress and Business Expo in Melbourne.

10.4.11 Information Bulletin

Ward:	-	Date:	17 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 23 March 2004 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.11

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

DETAILS:

The items included in the Information Bulletin dated 23 March 2004 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Heritage Council of Western Australia - Heritage Assessment Commissioned, Perth Mosque, Nos. 427-429 William Street Cnr Robinson Avenue, Northbridge
IB02	Letter from the Office of the Minister for Planning and Infrastructure - Town Planning Appeal Tribunal: Appeal No. 217 of 2003
IB03	Letter from Department of Racing, Gaming & Liquor - Extended Trading Permit - Leederville Hotel
IB04	Town Planning Appeal Tribunal - Appeal Nos. 298 of 2003 and 261 of 2003 - Preliminary Point (published reasons for decision)
IB05	Response to Questions on Notice - Ordinary Meeting of Council held on 9 March 2004 - Mr Joe Iannitelli

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 6.50pm and did not speak or vote on the matter.

10.1.1 Further Report - 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 Car parking

Ward:	South	Date:	17 March 2004
Precinct:	Leederville, P3	File Ref:	PRO2111; 00/33/1959
Attachments:	001		
Reporting Officer(s):	V Lee, 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 car parking 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;*
- (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"; and*

(xvii) *all mechanically operated devices/fixtures shall comply with the Environmental Protection (Noise) Regulations 1997, and not adversely impact on surrounding neighbours. Acoustic measures shall include steel contact surfaces being treated with sound absorbing rubber or similar material;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.1

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED (4-1)

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

(Cr Franchina was absent from the Chamber and did not vote. Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 9 March 2004 resolved to defer the application for 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 car parking at Nos. 313 and 315 (Lots 1 and 2) Oxford Street, Leederville.

The basis of this report is to confirm that four (4) objections were received from adjoining residents during the advertising period. The previous report considered at the Ordinary Meeting of Council on 9 March 2004 incorrectly reported that one (1) submission was received during the advertising period.

The submissions received raised the following concerns:

- Concern that the adjoining buildings have been misrepresented and are in the wrong locations.
- Overshadowing
Concern that the proposed development will overshadow living areas and gardens of the adjoining properties.
- Privacy
Concern that there is over looking from proposed Unit 8.

- Noise
Concern that the development will cause unreasonable increase in noise in Bennelong Place and the right of way, due to increased vehicular movements within the street. Cause that the roller doors opening and shutting will cause unreasonable noise.
- Traffic
Concern that the increase in vehicles using Bennelong Place will be unacceptable and dangerous.
Concern that the development will increase conflict between pedestrians and vehicles and existing use of the road.
Concern that there is inadequate parking on site which may lead to people parking in inappropriate places to the detriment of other residents.

The following is a verbatim extract taken from the Minutes of the Ordinary Meeting of Council held on 9 March 2004, of the comments made during Public Question Time in relation to the subject property.

"Ms Amanda King of 16/311 Oxford Street, Leederville - Item 10.1.11 - Believes her unit would be seriously impacted due to the shadowing effect and that the plans do not depict the position and length of her unit correctly. Also concerned with the proposed 18 car bays located in the Right of Way as there are already existing car bays and will increase the noise and congestion. Referred to the setbacks proposed for Units 7 and 8 first floor level, will overlook her area.

Jomay Verrier of 20/311 Oxford Street, Leederville - Item 10.1.11 - Believes the report is incorrect as it was written before the close of submissions. Believes the development impact on her property with overshadowing of more than 50% and the noise that will be created by the 18 car bays in the Right of Way."

A copy of all submissions received during the advertising period has been circulated to Elected Members separately.

Location of buildings on Adjoining Lots and Overshadowing

Revised plans stamp-dated 18 March 2004, have been received illustrating the overshadowing diagram with the correct location of the adjoining lots.

It would appear that the plans dated 21 November 2003, show the adjoining dwellings to the south in an inaccurate position. However, as mentioned in the Further Report presented to the Ordinary Meeting of Council on 9 March 2004, the proposal complies with overshadowing requirements of the Residential Design Codes (R Codes). Overshadowing is calculated over the whole adjoining lot and does not take into account the location of gardens and buildings. The R Codes state that not more than 50 per cent of the adjoining lot can be overshadowed. The proposed design overshadows the adjoining lot by 9 per cent.

An inspection of the adjoining property to the south reveals that proposed Unit 8 is adjoining an existing dwelling, which is setback greater than 3 metres from the boundary fence. The courtyard area for Unit 8 is also setback 3 metres from the property boundary, effectively creating a 6 metres gap between the physical buildings. It is acknowledged that the private courtyards and communal walkway/courtyard in this area will be overshadowed and the amount of sun that these areas receive will be reduced.

Proposed Unit 2 abuts an existing dwelling. It is a relatively short portion of wall that will cause overshadowing and the two storey portion is setback 1.98 metres from the property boundary.

The Town's Officers note that the overall development has been designed so that overshadowing on the property has been minimised with the placement of large courtyards along this boundary.

Privacy - Unit 8

The elevations show a screening wall provided between the courtyard to Unit 8 and the adjoining properties to a height of 1.7 metres. The proposed windows from the ensuite are shown as high light windows with a sill height of 2 metres from the first floors finished floor level. An ensuite as a non-habitable room, is not required to be screened under the R Codes and as such, it is considered that there is no unreasonable overlooking from proposed Unit 8.

Traffic and Parking

The proposed development will result in an increase in traffic in Bennelong Place and the right of way. The Town's Technical Services have noted the submissions received and concerns regarding the increase in traffic and potential conflict that the proposal may influence, and provided the following comments:

"The proposed development contains 8 grouped dwellings. It is estimated that each of these dwellings will produce between 6 to 8 vehicle movements per day (vpd). This equates to approximately 56 additional vpd. Presently this Right of Way is used as a vehicle access catering for a proportion of the parking for an existing 8 unit development at number 1 Bennelong Place therefore the traffic along this access will effectively increase significantly to approximately 85 vpd. Bennelong Place presently handles an estimated 230 vpd. The proposed additional 56 vpd represents an increase of 22% with an estimated total of 286 vpd.

These increases are reasonably significant however they are still well below the Perth Metropolitan Area Functional Road Hierarchy Classification, allowing up to 3 000 vehicle movements per day for an access road. Therefore Bennelong Place would still be considered to have a very low traffic volume."

The proposal complies with the R Codes requirements for Car Parking, and the Town's Policy relating to Parking and Access and Vehicular Access to Dwellings Via a Right of Way.

Noise

The proposed development will result in an increase in traffic in Bennelong Place and the right of way. However, this is not considered to be a valid reason to refuse the application.

Should complaints be received in regard to noise, and an assessment by the Town's Health Services Section confirm that the mechanically operated device/fixture creates unreasonable noise, the Town will take further action to ensure compliance with the Environmental Protection (Noise) Regulations 1997. In order to ensure compliance it is recommended that clause (xvii) be added to the previous recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 March 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 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 car parking 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.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Torre returned to the Chamber at 8.20pm.

Moved Cr Cohen, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for all of the concerns received regarding overshadowing, screening and the impact on existing residents to be considered.

CARRIED (6-0)

(Cr Franchina was absent from the Chamber and did not vote.)

FURTHER REPORT:

Consultation/Advertising

On further investigation of the objections received during the advertising period, four letters of objection were received. The issues raised included, the potential for overshadowing, concerns over car parking and visual privacy.

In this instance, the overshadowing complies as it overshadows 8.6 percent of Lot 43 to the south. The car parking and privacy requirements comply with the Town's and R Code requirements.

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:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Setbacks</i>		
<i>All setbacks comply with R-Code requirements except for:</i>		
<i>Rear Units 7 & 8</i>	<i>5.2 metres</i>	<i>3.049 metres (including 2.0 metres of the right of way width)</i>
<i>Town's Policy relating to the Oxford Locality</i>	<i>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.</i>	<i>Unit 1 and Unit 2 have 5.5 metres length of wall setback 4.605 metres from Oxford Street.</i>

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

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 car parking. 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 car parking. 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 car parking.*

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 car parking. 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

Car parking

Residential Car parking Requirements

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

The proposed car parking 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."

10.1.5 No. 8 (Lot 33, Strata Lot 2) Myrtle Street, Perth- Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	South	Date:	16 March 2004
Precinct:	Hyde Park P12	File Ref:	PRO2605; 00/33/1962
Attachments:	001		
Reporting Officer(s):	J Barton		
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 J Wetherall on behalf of the landowner T A White for the proposed partial demolition of and alterations and additions to existing single house at No. 8 (Lot 33, Strata Lot 2) Myrtle Street, Perth, as shown on the plans stamp dated 28 November 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Myrtle Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (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 bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) 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);*
- (vi) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the protruding ledge to Windows W7, W8 and W9 being reduced from 320 millimetres to 200 millimetres; and*
 - (b) laundry plans being submitted;*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Cr Franchina returned to the Chamber at 6.55pm. He was advised that Item 10.1.1 was Carried (4-1)

Debate ensued.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

LANDOWNER: T A White
APPLICANT: J Wetherall
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential-R80
EXISTING LAND USE: Existing Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks: <u>South-Eastern Side</u> Ground Floor	1.5 metres	1 metre
Upper Floor	1.2 metres	750 millimetres to 1 metre
Visual Privacy Setbacks: Study- Upper Floor	6 metres	5 metres -south-eastern side 5.9 metres-north-eastern side
Plot Ratio	0.65	0.75
Car Parking	2 car bays	No car bays existing

Use Class	Single House
Use Classification	"P"
Lot Area	258 square metres

DETAILS:

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

The applicant has submitted a letter (attached) in support of the proposed variations.

CONSULTATION/ADVERTISING:

The proposal was advertised from 24 December 2003 to 7 January 2004.

One submission was received during the advertising period, which is summarised as follows:

The applicant raised concerns in regards to:

- Plot ratio.
- Visual and acoustic privacy.
- Height of the pergola.
- Setbacks.

Given the above concerns raised by the adjoining neighbour, the applicant requested that the application be put on hold to discuss the proposal further with the neighbour to address the above issues.

On 23 February 2003, the Town received a second letter from the objector, advising that the applicant and landowners had adequately addressed the previous concerns, and that the issues still remaining relate only to the protruding windows.

To address the issue of the protruding windows, a condition has been recommended to reduce the protruding windows (W7, W8 and W9) from 320 millimetres to 200 millimetres.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The subject property is included on the Town's Interim Heritage Database. The proposed additions are setback along the original roof line and are therefore considered acceptable.

Setbacks

The applicant is proposing minor setback variations on the upper and lower floor of 750 millimetres to 1 metre, in lieu of 1.2 metres, and 1 metre in lieu of 1.5 metres respectively.

The proposal does not unduly restrict natural light and ventilation to the existing building, or the adjoining property, and the proposed setback variations do not result in undue overshadowing of the adjoining neighbour.

In light of the above, and given that the setbacks follow the line of the existing dwelling, the proposal is considered to address the relevant performance criteria under Clause 3.3.1 of the R-Codes, and approval is therefore recommended.

However, a condition has been recommended to reduce the protruding windows (W7, W8 and W9) from 320 millimetres to 200 millimetres, as per the neighbour's request.

Privacy

A cone of vision encroachment is also proposed from the rear of the study on the upper floor of 5 metres over the south-eastern neighbours' property, and 5.9 metres over the north-eastern neighbours property, in lieu of 6 metres. However, given the minor encroachment over the north-eastern neighbours property of 100 millimetres, and that no objections were received from these neighbours, and given that the adjoining south-eastern neighbour no longer raises privacy concerns, the minor privacy variation is not considered to unduly impact on the amenity of the adjoining properties.

It is noted that the south-eastern neighbour advised the Town in writing that the minor cone of vision encroachment will be addressed between the neighbours upon the completion of the development. Given this, any future disputes regarding screening shall be a civil matter to be worked out between neighbours, and any disputes between neighbours are therefore not the Town's responsibility, based on the above mutual arrangement between the affected neighbours.

It should also be noted that the adjoining, north-western property is owned by the same landowners, therefore privacy is not an issue over this property.

In light of the above, screening is not considered necessary in this instance.

Plot Ratio

The applicant is seeking a plot ratio variation of 0.75 in lieu of 0.65.

Clause 3.1 of the R-Codes states that, *"The prior subdivision of an area may have resulted in lots smaller than the minimum prescribed under a particular Code. The Codes should not restrict development of such properties for Single Dwellings"*. Given that the site area for the subject dwelling is only 132 square metres (two dwellings located on 258 square metres), and that a minimum of 160 square is required for single houses on R60 sites, the plot ratio would comply (0.625), if the subject land complied with the minimum site area requirement.

In light of the above, given that the proposal has been designed to be in-keeping with the adjoining dwelling, which has a higher plot ratio, the character of the area, and that there were no objections relating to plot ratio, the variations are supported.

Car Parking Provisions

The proposal represents a variation to the R-Codes car parking requirements for single dwellings, as two (2) bays are required, and no bays are provided. However, the existing dwelling currently does not provide any on-site parking provisions, and there is no space at the front of dwelling for car parking bays, without demolishing a portion of the dwelling. There is moreover no rear access to the subject site.

In light of the above, and given the current parking situation, the non provision of car parking bays is considered acceptable in this instance.

Health

The Town's Health Services require laundry plans to be submitted, prior to the issue of the Building Licence. Given this, a condition has been recommended to ensure that the laundry plans are submitted at the Building Licence stage.

Conclusion

The proposed variations to the R-Codes and the Town's Policies are considered supportable in this instance, and it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.9 Nos. 157-161 (Lots 23 and 24) Brisbane Street, Perth - Proposed Demolition of Existing Single House

Ward:	South	Date:	12 March 2004
Precinct:	Hyde Park, P12	File Ref:	PRO0273; 00/33/2094
Attachments:	001		
Reporting Officer(s):	H Eames		
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 for the proposed demolition of single dwelling at Nos. 157-161 (Lots 23 and 24) Brisbane Street, Perth and as shown on the plans stamp dated 19 February 2004, subject to:

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Lake, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

LANDOWNER: A V Elovalis
APPLICANT: A V Elovalis
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Residential R80
EXISTING LAND USE: Vacant single house

BACKGROUND:

The applicant is seeking approval to demolish the vacant single house at Nos.157-161 (Lots 23 and 24) Brisbane Street, Perth.

The applicant is also seeking consideration for the removal of the Town's standard condition requiring a development proposal for the redevelopment of the subject property being approved by the Town prior to the issue of a Demolition Licence. This consideration is being sought in light of the particular circumstances of the property and the financial position of the applicant.

SITE HISTORY:

The existing dwelling situated on Lot 24 Brisbane Street was constructed circa 1900. It was formerly part of a semi-detached pair.

The applicant purchased the subject property in 1969. In 1970 the property, which then consisted of a pair of semi-detached dwellings on Lots 23 and 24 Brisbane Street, was damaged as a result of an explosion. The explosion caused the destruction of one half of the building, on Lot 23 and partial damage to the other half of the building, on Lot 24 Brisbane Street. The extant vacant dwelling is the result of this event and has remained unused since 1970.

Investigations into the event of 1970 were inconclusive. The applicant has provided the Town with copies of newspaper articles and correspondence from the Police at the time of the event. Copies of these have been forwarded to the Town of Vincent Local Studies Collection. Correspondence with the Town regarding the condition of the property has been ongoing since 1996.

In 1997, the Town issued a Health Act Notice to the owner, declaring the subject property unfit for human habitation. Further correspondence during 1997 and 1998 indicates that the applicant had intent to upgrade the property however, the place still remains boarded up.

On 18 February 2004, Town of Vincent Officers met with the applicant and his Real Estate Agent in order to discuss the current status of the property and various options for future development. The result of the above meeting was the submission of a Development Application for the proposed demolition of the subject single house.

DETAILS:

The applicant has indicated to the Town's Officers that he wishes to have the matter of the demolition considered by the Council, due to his concerns regarding the standard condition normally requiring a redevelopment application being approved by the Town prior to issuing a Demolition Licence. The applicant's concern in this regard is related to his financial situation, which will not allow him to prepare a Development Application for the subject lots. The applicant has also indicated he is required to sell the land in order to obtain access to Government pension assistance. The applicant has provided some evidence in this regard to the Town's officers in the form of financial statements and correspondence with other Government agencies such as Centrelink.

The matter of the demolition also relates to the extended period of time which the place has been vacant. It is considered to be in a poor condition, as evidenced by the Health Act Notice and complaints from adjacent residents regarding the condition of the property. The proposed demolition of the dwelling is supported by the Town's Health Officers due to the substandard and hazardous nature of the building.

The place was constructed circa 1900 and forms part of the Gold-rush building stock of the Town. However, the damage sustained to the building more than thirty years ago and its current condition is such that any heritage associated with the place is considered to be limited to social significance because of the event surrounding the unresolved crime in 1970. An inspection of the property by the Town's Heritage Officers was undertaken on 18 February 2004. A physical record of the dwelling is contained on file for archival purposes, however the damage and condition of the building is such that a Heritage Assessment is not considered to be warranted in this instance. The place is not included on the Town's Municipal Heritage Inventory or Interim Heritage Database.

The extant dwelling is located on Lot 24 Brisbane Street. It forms part of four co-joined lots, two of which face Brisbane Terrace, which are also owned by the applicant. The extant dwelling occupies Lot 24. The adjacent Lot 23 is vacant because of the removal of the semi-detached building in 1970 by explosion and fire. Rear Lots 47 and 48 at Nos.4 and 6 Brisbane Terrace are also vacant. It appears that these lots have never been developed, as water sewerage plans from 1901 and 1953 both indicate no dwellings on these lots.

There are no significant trees associated with this property.

CONSULTATION/ADVERTISING:

Applications for the proposed demolition of existing dwellings are not required to be advertised.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Officers from the Town's Health, Building and Heritage Services have met with the applicant on a number of occasions and as a result of these discussions, the Officer Recommendation for the approval of the demolition of the subject dwelling does not include the standard condition relating to the requirement of redevelopment approval prior to the issuing of a Demolition or Building Licence.

In light of the various events and factors surrounding this property, including the building's physical condition, the extensive discussion and period of time associated with the management of the property, the applicant's personal financial circumstances and the absence of heritage significance, it is recommended that the proposed demolition of the subject property be approved as per the recommendation above, which excludes the standard condition for the obtaining of a planning approval for the redevelopment of the lot not being required.

**10.1.2 Further Report - Planning and Building Policy - Amendment No. 9
Relating to Appendix No. 6 Brookman and Moir Street Development
Guidelines**

Ward:	South	Date:	16 March 2004
Precinct:	Hyde Park, P12	File Ref:	PLA0022, PLA0142
Attachments:	001 002		
Reporting Officer(s):	C Mooney, H Eames		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Brookman and Moir Streets Development Guidelines as shown in Appendix 10.1.2 (a) resulting from the advertised version having been reviewed and regard to the written submissions received during the formal advertising period as outlined in Appendix 10.1.2 (b), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to Brookman and Moir Streets Development Guidelines as shown in Appendix 10.1.2 (a); and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Brookman and Moir Street Development Guidelines as shown in Appendix 10.1.2(a), in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

That the Item be DEFERRED to allow all Elected Members to consider proposed changes to the guidelines.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 24 February 2004 considered Item 10.1.21 relating to Appendix No.6 Brookman and Moir Streets Development Guidelines, and resolved the following:

"That the Item be DEFERRED to the Ordinary Meeting of Council to be held on 9 March 2004 to allow concerned residents to comment on the proposed Guidelines."

The Town's Officers sent written advice on 26 February 2004 to all effected landowners, which included the Agenda Report, amended Draft Policy and Summary of Submissions, that was presented to Council at its Ordinary Meeting held on 24 February 2004.

During the additional comment period, two comments were received by email correspondence, similar to that received by Elected Members. The following are verbatim copies of the correspondence:

- "A quick note of support for the Residential Design Guidelines for Moir/Brookman St – good effort by the staff. A couple of minor details have slipped through though. The inner houses of the precinct (even nos Moir and odd Nos Brookman) have no ROW and their back gardens face each other. Building garages (no car access anyway) or studios here would not be appropriate as they would abut directly against a neighbours fence. I would recommend no double storey extensions be allowed."
- "Section 3: ALTERATIONS AND ADDITIONS: "Significant original external features must be retained... original roof lines...". Changes to Section 4: ROOFS now conflicts with this in stating it is "Discretionary" for roof pitches visible from the street to match existing roof pitches- surely this aspect of roofing "Essential".

Figure 3: PRINCIPLES OF EXTENSIONS: This sketch illustrates: "MANDATORY - RETAIN STRUCTURE CONSERVE MAXIMUM ORIGINAL FABRIC" applying to the five (5) front rooms and the corridor of the house. Changes to Section 17: INTERNAL PLANNING now conflicts in stating: "The front three rooms and corridor of the house... are required to be retained..."
Sections 18, 19, 19, 20 are entirely new and have not been subject to any public consultation.

There are now two section 19's OPEN SPACE and PREVENTION OF OVERDEVELOPMENT. As these four (4) new clauses have not be advertised, there is no demonstration of public support for these significant new clauses.

Section 19: OPEN SPACE: As this clause is "Essential" and Sections 2 clarifies "Essential" as "controls (that) are not flexible", then the Councils recent approval, a few weeks ago, of the extensions to 22 Brookman Street would not have been possible, despite planning officer recommendation for approval at the time. Maintaining the required level of open space on a 300m2 block, will always be difficult. Is this clause appropriate under this circumstance?

Section 19: PREVENTION OF OVERDEVELOPMENT.
There is no clarification as to what is "Essential" or "Discretionary" or quantification as to the extent/coverage of the discretionary controls being introduced under this paragraph.

The stated **aim of the guidelines** in the officers 24 February 2004 Agenda report (Page 101 Summary) is to "provide a degree of certainty for the community and property owners, as well as to protect the heritage value of the precinct..."

How do these conflicting paragraphs and un-quantified discretionary controls achieve this aim???

Councillors should not be falsely under the impression that the approval of the plans for 22 Brookman Street represents an indication of injection of capital into the street, with the current guidelines in place. 22 Brookman Street is now FOR SALE, and the plans are available to show buyers that options are available to develop despite the extensive guidelines.

Councillors are invited to consider the Moir / Brookman Street Development Guidelines as in the same light as prospective buyers for 22 Brookman Street would.

Having done this, do you agree with the statements addressing LAND VALUE and DEVELOPMENT on page 100 of the Agenda for the 24th February 2004 Council meeting???

"The impact of the heritage guidelines is considered not to unduly effect property values. Generally the high profile nature of such a rare early 1900's estate could be considered to favour land values due to its uniqueness"

When and I purchased our house 10 years ago, the guidelines consisted of a single A4 page (double sided), and required retention of the streetscape, which we value highly, At this time I would have agreed with the above comment.

Now the guidelines are 17 pages long, far more onerous and I would not know where to start in trying to quantify what Section 19 means to a prospective buyer. There is no way I can agree with the report comments on the LAND VALUE and DEVELOPMENT impact of these guidelines.

Please consider these thoughts when the Moir / Brookman Street Development Guidelines come to Council again for approval."

With regard to the section 19 "Open Space", the provision has been written such that the outdoor living area requirement and performance criteria of the Residential Design Codes are attained. The current density coding is R25, whereby 50 per cent of the site is required as open space with a minimum outdoor living area of 24 square metres. Section 19 acknowledges that *"As most dwellings in the precinct would not achieve the required percentage of open space on these lots due to historical development, it is essential that an outdoor living area is required."* Hence, the performance criteria of the Residential Design Codes would be used to achieve a satisfactory area(s) of open space.

In regard to the section four "Roofs", corrections have been made to clarify discrepancies.

With respect to section 19 "Prevention of Overdevelopment", this is considered as a statement of intent for the overall development of individual properties and in effect the whole precinct, as a guiding provision to ensure that assessment of all planning applications has reference to preventing congestion upon the built environment.

The provision for "Internal Planning" implicitly states the intent of the guidelines within the internal zone. The "Principles of Extension" section 23, demonstrates and highlights the mandatory retention of the external original fabric inclusive of roof form, and is to be read in conjunction with the text. The title has been changed for ease of interpretation.

In terms of the size of the proposed new Guidelines, it is noted that they have evolved from the original Design Guidelines developed by the City of Perth in 1991 and updated in accordance with current advances in heritage management and theories, in addition to those relating to urban planning and the built environment. Clearly, such advances should be employed in providing clear and concise advice on areas of significance, such as those of the Brookman and Moir Streets Precinct.

The draft amended Guidelines have been further amended and clarified, which are in the attached documents.

Further Comments

The importance of heritage assets such as the Brookman and Moir Streets Precinct is one that provides a crucial contribution to community local identity and distinctiveness. Heritage management through the context of the guidelines is vitally important, not only to ensure our responsibility to future generations but also as a means of presenting the Town's commitment to an evolving urban environment.

The Brookman and Moir Streets Development Guidelines success depends on the area not being compromised by overdevelopment, emotive interpretations and misguided advice as recently seen within the local media. Assessment of individual property developments will be through the Guidelines and all relevant Policies of the Town. The applicant is required to provide justification as to why permission should be granted on any variation or discretionary matter. Applicants are advised to contact the Town's Officers prior to submitting a development application, to discuss planning concerns.

In light of the above, it is recommended that Council adopt the above recommendation, as previously stated.

The following is a verbatim copy of the Minutes of the item presented before the Council at its Ordinary Meeting held on 24 February 2004.

" OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the final amended version of the Policy relating to Brookman and Moir Streets Development Guidelines as shown in Appendix 10.1.21(a) resulting from the advertised version having been reviewed and regard to the written submissions received during the formal advertising period as outlined in Appendix 10.1.21(b), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) ADOPTS the final amended version of the Policy relating to Brookman and Moir Street Development Guidelines as shown in Appendix 10.1.21(a) of the Town's Town Planning Scheme No. 1; and*
- (iii) AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Brookman and Moir Street Development Guidelines as shown in Appendix 10.1.21(a), in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

Moved Cr Lake, Seconded Cr Farrell

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

- "(iv) AMENDS the amended version of the Policy relating to relating to Brookman and Moir Streets Development Guidelines as shown in Appendix 10.1.21(a), by amending clause 4) Roofs; prior to clauses (i), (ii) and (iii) above, being actioned:*

- i) ~~Essential: Discretionary: Essential:~~*

Roof Pitches visible from the street should match the existing roof pitches.

ii) Discretionary:

Where replacement roofing is required, it ~~must~~ should be Z600 Custom Orb profile sheeting laid in short lengths, with rolled-top ridges, timber barge caps (not metal), with Ogee gutters and circular down pipes. Zinalume is not considered acceptable. Television aerials, air conditioning and other fittings may be roof-mounted, but must not be visible from the public domain. Carports will not be permitted.

~~ii) Discretionary:~~

Colorbond finishes may be permitted to roofs.

~~iii) #) iii) Encouraged:~~

The reconstruction of missing gable fretwork, finials and other details to match authentic existing examples. Western Red Cedar is the best timber for this work.

~~iv) iii) iv) Advice:~~

Deep red and deep green are the two colours advised to be used as roof colours. Roof colours should match with the neighbouring attached dwelling, due to the historical nature of giving two semi-detached dwellings the appearance of a more substantial residence."

Debate ensued.

Moved Cr Lake, Seconded Cr Chester

That the word "of" in clause 15(ii) of the Policy relating to Brookman and Moir Streets Development Guidelines as shown in Appendix 10.1.21(a) be replaced with the word "or".

AMENDMENT CARRIED (7-0)

(Crs Cohen and Ker on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.21

Moved Cr Lake, Seconded Cr Farrell

That the Item be DEFERRED to the Ordinary Meeting of Council to be held on 9 March 2004 to allow concerned residents to comment on the proposed Guidelines.

CARRIED (7-0)

(Crs Cohen and Ker on approved leave of absence.)

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Policy relating to Appendix No. 6 Brookman and Moir Streets Design Guidelines.

Amendment No. 9

The Council at its Ordinary Meeting held on 8 April 2003 resolved the following:

"That the Council;

- (i) RECEIVES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines as shown in Appendix 10.4.6(b);*
- (ii) ADOPTS the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines to be applied immediately;*
- (iii) ADVERTISES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
 - (a) advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
 - (c) forwarding a copy of the subject Policies to the Western Australian Planning Commission;**
- (iv) after the expiry of the period for submissions:
 - (a) REVIEWS the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines, having regard to any written submissions; and*
 - (b) DETERMINES the amended version of the Policies relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines, with or without amendment, to or not to proceed with them; and**
- (v) DEFERS the Elven on the Park Design Guidelines."*

CONSULTATION/ADVERTISING:

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

Advertising of the amended Policy concluded on 29 July 2003. An extension of one week was granted to the Hyde Park Precinct Group by the Town's Executive Manager Environmental and Development Services. A total of 10 submissions were received, which equates to a 5.9 per cent response rate, of all owners/occupiers of the Brookman and Moir Streets precinct.

Prior to further amending the draft guidelines, presented to the Ordinary Meeting of Council held on 8 April 2003, additional community consultation was conducted. In September 2003 the Town's Officers conducted individual interviews with each person who wrote a submission to further identify and clarify points of concern with the development guidelines. Following this informal consultation process the Town's Officers were able to gain an improved understanding of the issues facing the Brookman and Moir Streets precinct, and identify those issues pertaining only to the development guidelines. This exercise has proved to be beneficial to advocate the strong desire by the Town's officers to provide both the Town and the owners and occupants of the precinct a document that is conducive to the retention of the heritage conservation ideals and significance of the precinct.

DETAILS:

The following is an extract of the report that went to the Ordinary Meeting of Council held on 8 April 2003, and summarises the history of the process of the development guidelines.

*"Policy relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines
The Brookman and Moir Streets Precinct in Perth has been recognised as a culturally significant area for some fifteen years. In 1988, it was included in the City of Perth Town Planning Scheme as a place of historical architectural significance and in 1995 it was included in the Town of Vincent Municipal Heritage Inventory.*

Last year, the Town commissioned Considine and Griffiths Architects to undertake a detailed heritage assessment of the Brookman and Moir Streets Precinct. The heritage assessment was undertaken with a view to providing it to the Heritage Council of Western Australia so that at some point it can be considered for entry in the State Register of Heritage Places. In September 2002, all property owners in the Brookman and Moir Streets Precinct were advised in writing that the heritage assessment was being undertaken.

As part of the project, Considine and Griffiths Architects reviewed the existing Brookman and Moir Street Design Guidelines in consultation with Town Officers. The revised guidelines seek to provide more holistic advice and encouragement to owners regarding the development of their properties. The revised guidelines provide more than just design advice - they address all aspects of the development of properties in the Precinct. As such, it is considered more appropriate to refer to the revised guidelines as development guidelines, rather than design guidelines.

The draft amended Policy relating to Appendix No. 6 Brookman and Moir Street Development Guidelines is shown as Appendix No.10.4.6 (b) to this Report."

After the conclusion of the submission period and conduction of interviews the Town further consulted with Considine and Griffiths Architects, who reviewed the further amended Brookman and Moir Street Development Guidelines in consultation with the Town Officers with reference to both officers' and submitters' concerns.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

- 1.2 "Recognise the value of heritage in providing a sense of place and identity", and*
- 1.3 "Develop, implement and promote sustainable urban design."*

FINANCIAL/ BUDGET IMPLICATIONS:

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

COMMENTS:

Comments Relating to Submissions

A number of key issues can be drawn from the consultation with the community, and for the purposes of this report the concerns of the submissions have been highlighted into the major points of objection and are outlined below.

Further comment has been provided for, in the attached schedule of submissions. The predominant objection being, the focus the internal and private rear spaces of the dwelling are not in the public domain and therefore restrictions should not be placed as long as the streetscape features are retained. These concerns have been taken into consideration and the advertised guidelines have been amended accordingly to reflect both concerns and impacts of heritage conservation requirements.

Alterations and Additions and Internal Planning

The retention of the five-room layout is of great concern in the majority of submissions. The overall response is that the interior of a home should not be determined by the guidelines, as they are not an essential component of the public domain. As the internal layout of the dwellings forms an integral part of the heritage significance, it is acknowledged that some flexibility layout is required and is reflected in the amended guidelines, with internal alterations to be limited to the rear of the dwelling and whilst retaining the 3 original front rooms will allow flexibility to accommodate modern living requirements, through discretionary changes to the rear two rooms. This allows for both retention of heritage significance of the original dwelling design and that of individual owners' living requirements. Nevertheless retention of the five room layout is to be encouraged.

In respect to concerns regarding Council enforcing owners to reinstate original features it should be clarified that the guidelines do not enforce owners to return their home to their original state; however the guidelines encourage owners only to do so if they wish. Additionally the guidelines do not enforce owners to recreate the streetscape, however they allow for the streetscape to be maintained as it currently exists.

Roofs

The amended advertised guidelines have been reviewed to reflect objectors' concerns with material use through the allowance of the 'essential' criteria to become a 'discretionary' criterion, and are to be determined via the assessment of development applications. Concerns regarding prevention of television aerials and the like being viewed from the public domain is unrealistic. The essential component is to remain, as it is the aim of this provision to have such roof additions to be out of sight from the streetscape. Additionally television aerials and air conditioning units should not be visible from the public domain allows for the retention of the roof forms as it has existed since the dwellings were constructed.

Windows

Whilst the concerns regarding the retention of existing original windows have been noted, they are considered to be an essential part of the façade of the dwellings and retention of the window style and size is paramount to the heritage value and integrity of the place. However, as mentioned in the guideline requirements a window that has already had previous changes, it can be considered to leave this change. In respect to security requirements, security grilles are acceptable and are addressed by an advice note on the guidelines.

Fences

In relation to concerns on identification between front fencing and side fencing, front fences are located at the front of properties and are distinguished by extending to the front setback area. Side and rear fencing between neighbouring properties is a civil matter between neighbours. In terms of security concerns, open front fencing allows for passive surveillance, and the provisions for fencing additionally allow front fencing to be high enough to enclose the front setback area whilst allowing for a sense of security and privacy. Additionally the guidelines have been amended to reflect concerns between identification and concerns relating to secondary street frontage and fencing requirements.

Carparking

It is acknowledged that parking in the Brookman and Moir Streets Precinct may be an issue. However Locating carparking within the front setback does not consider the heritage significance of the dwellings and it is further considered that allowing vehicle to be located in the front setback to adversely and unduly affect the streetscape. This matter requires further consideration in due course.

Rear Water Closets

The retention of the rear water closet is seen as an important feature to the rear streetscape and that of the overarching heritage significance of the precinct. The water closet can retain its original function with modern day adaptation and additionally be utilised as a storage space. As they are located in the rear corners of each lot it is not considered to impact on design of outdoor spaces.

Land Value and Development

The aim of the guidelines is to allow for development, within a set criterion with reflection of the precincts heritage significance, and one which is additionally controlled by the low residential density code of R25. The impact of the heritage guidelines is considered not to unduly affect property values. Generally the high profile nature of such a rare early 1900's estate could be considered to favour land values due to its uniqueness.

Previous Guidelines

The current amended guidelines are seen to be a reasonable solution to heritage conservation aspects that were not covered by the previous guidelines and they additionally aim to allow for development within a set criterion to retain cultural heritage value and significance.

Urban Infrastructure

The amended guidelines highlight the need to address urban infrastructure in the event of future streetscape enhancement and have consideration of the unique heritage of the precinct. Engineering concerns with gas and water are aspects that the Town can only advise on. It is advised that occupants contact the relevant State Government Authorities with their concerns. Additionally it is advised that concerns with size of trucks driven in the area, be directed at the relevant State Government agency. However the Town acknowledges and is sympathetic to these concerns although it is only the State Government that can appease these concerns. Streetscape improvement concerns have been acknowledged and comments have been passed onto the Town's Technical Services.

Overhead power lines have existed in the precinct since the introduction of power to the area. It is not considered that they currently impact on the heritage integrity of the precinct.

Demolition and No. 8 Brookman Street

In respect to concerns relating to demolition of existing dwellings, the amended guidelines reflect concerns with demolition of dwellings and accordingly no entire demolition will be permitted. The Town acknowledges the concerns conducive to the demolition of No. 8 Brookman; however it is the aim of the guidelines to restrict such occurrences. The integrity of the precinct however, is retained through its unique cultural heritage. Whilst the demolition has occurred the dwelling has been replaced with particular attention and reference to the previous dwelling.

Colour Palettes and External Walls

In regard to particular use of colour, advice can be sought from both the Town's Officers and Heritage Council of Western Australia in respect to appropriate colours of the 'Federation' architectural period, as well as for advice on protective coating to walls and whether they are an appropriate measure.

Subsidies

The Western Australian Local Government Association provides access to owners of heritage properties to a low interest loan scheme, through which both local and state government contribute to a combined fund. There are currently no relevant subsidies or incentives in place by both State and Federal governments.

Summary

The Brookman and Moir Streets precinct form an integral part of Western Australia's rich and varied history of European settlement, over the last 177 years, and the precinct represents cultural diversity and architectural richness.

The guidelines are essential to integrate heritage considerations within planning context and it is of equal importance that heritage is seen as a living, evolving, co-existing aspect of the urban landscape. The aim of this Policy is to provide a degree of certainty for the community and property owners, as well as protect the heritage value of the precinct whilst promoting local urban character, aesthetic appeal of streetscape and facilitating sympathetic new additions to the existing structures.

Through the application of these amended guidelines the Town endeavours to guide development whilst allowing for design interpretation, as well as aid community ownership and pride of its premier heritage precinct. Many of the objectors noted that one of the main reasons for living in the precinct was due to the unique cultural heritage of the place, and its locality.

In order to retain community values and heritage assets, heritage conservation guidelines are required, which aim to retain local heritage significance without unduly hindering development rights of the owners of properties. There is a need for heritage conservation areas be efficiently protected by development guidelines and protected by the local community. In this instance the guidelines have been revised to allow for both a sense of ownership, and aim to retain and enhance the architectural character of the Brookman and Moir Streets precinct through appropriate development control. Additionally, the context of heritage conservation is underestimated in terms of economic gain, due to the uniqueness of heritage properties; there is not only cultural and social value gain but that of resale value of heritage respected homes.

Although submissions noted various objections to the guidelines the overarching consensus from comments were that residents preferred the unique cultural heritage values of the area be retained. As such it is recommended that Council receives and adopts the revised guidelines in line with the Officer Recommendation."

10.1.11 Nos. 331-367 (Lots 3,4,11 and 21) Bulwer Street, West Perth –Proposed Development of Beer Garden for the Hyde Park Hotel

Ward:	South	Date:	17 March 2004
Precinct:	Hyde Park, P12	File Ref:	PRO 0539; 00/33/1770
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Hillam Architects on behalf of the owner P Higgins, for the proposed development of a beer garden for the Hyde Park Hotel at Nos.331-367 (Lots 3,4,11 and 21)Bulwer Street corner Fitzgerald and Lawley Streets, West Perth, as shown on the plans stamp-dated 4 August 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;*
- (ii) the non-compliance with the Hyde Park Precinct Policy and carpark requirements of the Town's Policy relating to Parking and Access; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Lake, Seconded Cr Cohen

That Item be DEFERRED as requested by the applicant.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

LANDOWNER: P Higgins
APPLICANT: Hillam Architects
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Commercial
EXISTING LAND USE: Hotel

COMPLIANCE:

Requirements	Proposed	Required
Car parking	124+12.93 (previous approved shortfall)= 136.93 carbays	139.62 + 12.93 (previous shortfall) =152.55 carbays

Use Class	Hotel
Use Classification	"SA"
Lot Area	4987 square metres

SITE HISTORY:

The Hyde Park Hotel is a long established business on the subject property, which has undergone various internal and external modifications since its establishment. The most recent Planning Approval was granted at the Ordinary Meeting of Council held on 23 May 2000 for proposed additions and alterations to existing hotel.

DETAILS:

The applicant seeks approval for the conversion of the current service area into a beer garden.

Details of the proposal (attached) have been provided by the owner of the subject site and are summarised as follows:

- It is proposed that an area is created to provide chairs, tables and some limited standing room for patrons;
- Drink service to the beer-garden will still be from the current bar area and drinks will not be served outside the designated area. There will be no alcohol served in the beer garden;
- The proposed hours of operation would be the same at Fitzie's Bar which are:
Monday to Thursday- 9am until midnight
Friday and Saturday- 10am until 1am
Sunday- 10am until 10pm;
- The area is intended to accommodate a numbers. There will be no increase in the number of patrons permitted under the Hotel's existing Liquor Licence;
- The only staff component would be for staff collecting glasses and generally tidying the area as there will be no bar service in the area;
- Background radio style music is proposed in the beer garden;
- There will be no live entertainment in the area which would require the use of amplifiers and associated equipment;
- Sliding gates are to be provided to further secure the site; and
- There are seven (7) bedrooms upstairs, six (6) are single bed rooms and one (1) being a double room. The occupancy rate is low with only a maximum of three (3) rooms being occupied. The rooms are not available to the public and are used by friends and relatives of the owners. The rooms do not form part of the commercial operation of the hotel, and as such should not be taken into account for calculating carparking purposes.

CONSULTATION/ADVERTISING:

The proposal was initially advertised for 21 days as part of the "SA" advertising requirements. Three (3) submissions were received during the advertising period.

Furthermore, a petition with 15 signatures was tabled at the Ordinary Meeting of Council held on 24 February 2004. The petition was signed by local residents and objected to the subject development application.

The owners have further submitted site plans signed by the 2 adjoining landowners and 2 occupiers supporting the above proposal.

The main points raised in the submissions and the petition are as follows:

- Difficult for residents to find on-street parking for themselves;
- Patrons parking blocking resident driveways;

- Difficulty in exiting/entering property due to number of vehicles parked on the streets;
- Potential for patrons to spill out of the proposed beer garden and start drinking in the carpark and in the streets. Plans submitted do not indicate how patrons will be prevented from leaving the designated beer garden;
- Increase in noise level, which currently includes abusive language from patrons which would be a disturbance to residents. There are already problems with patrons coming and going to the Hyde Park Hotel. Complaints have been lodged with the owners of the Hyde Park Hotel about noise levels in the past. At the Liquor Licensing Tribunal on 9 May 2003, the Owner of the Hyde Park Hotel was informed of the noise complaints coming from the Hotel;
- Inadequate staffing levels. The staff employed would be only for collecting glasses and general tidying;
- The current background radio style music may be changed at a latter date to include live entertainment; and
- Council approval should not be granted until approval is given by Liquor Licensing. Concerned that if approved, the conditions imposed will not be adhered to based on past experience.

In response to the above issues, the owners/applicants have submitted a detailed written submission (attached) which is summarised as follows:

- The proposal does not seek to increase the number of patrons permitted under the Hotel's existing liquor licence;
- The three closest adjoining residential landowners have consented to the proposed development;
- Overspill of carparking is not an issue as the number of patrons using the hotel will not increase. Use of the existing carpark by non-patrons of the hotel is an issue Council needs to address by rationalising public car parking in the area;
- A sliding gate of robust construction will allow for complete control of accesses and egress to the beer garden. Antisocial behaviour from patrons drinking in the car park and/or in nearby streets is not a relevant consideration;
- The prime role of the beer garden is to provide a space for smokers to congregate without leaving the Hyde Park Hotel premises. The beer garden is over 60 metres from the nearest residential property and will be screened from view by the security gate;
- It is emphasised no live music will be performed in the proposed beer garden. Council can condition this appropriately if they wish;
- The proposed beer garden will replace an existing storage yard to the rear of the hotel. Currently, the yard is visually unattractive and detracts from the overall amenity of the area;
- The beer garden will be enclosed on three sides, with a sliding gate along the remaining side to prevent patrons "spilling out" into the carpark;
- The proposed beer garden will provide an area for patrons to smoke, rather than leaving the hotel premises to smoke outside on abutting residential streets;
- The beer garden is necessary for the Hyde Park Hotel to effectively compete with nearby competitors such as Oxford Hotel, Leederville Hotel and the Queens Tavern which all provide beer gardens;
- Nearby commercial land uses and sporting clubs are currently using the Hyde Park Hotel car park for parking. It is inequitable and inappropriate to impose additional car parking requirements on the proponent;
- The existing provision of 124 parking bays on-site adequately meets parking demands generated by the hotel's operation. It is physically impossible to provide additional bays over and above the existing, adequate car parking provision;

- Imposition of a cash in lieu scenario for the carbay shortfall will destroy the economic viability of the proposed beer garden;
- It is inequitable to use the proposed development to retrospectively recalculate the car parking requirements for the subject site;
- Parking requirements should be calculated based on the number of patrons permitted within the subject site;
- There are public car parking areas in the immediate vicinity, including 125 bays to the rear of the Italian Club and in excess of 25 bays on the verge area of Lawley Street;
- The proponent proposes to provide secure bicycle parking facilities in an appropriate location at the rear of the hotel; and
- Council is requested to exercise its discretion under Town Planning Scheme No.1 to approve the above proposal without the need to provide for additional carparking, in the interest of orderly and proper planning.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Commercial Car Parking Requirements

Requirements as per Parking and Access Policy	Required No. of Carbays
Hotel: 1 carbay per 4.5 square metres gross public assembly area (existing 821 square metres).	182.4 carbays
Hotel: 1 carbay per 4.5 square metres gross public assembly area (proposed 95 square metres)	21.11 carbays
Hotel: 1 space per bedroom or 1 space per 3 beds provided, whichever is greater (7 bedrooms)	7
	(Total carbays-210.51)
Total carparking required before adjustment factor (nearest whole number)	211 carbays
Apply the parking adjustment factors:	(0.723)
<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) 	152.55 carbays
Carparking provided on-site for commercial component	124 carbays
Carparking shortfall applying to site	12.93 carbays
Resultant shortfall	15.62 carbays

The hotel rooms have been taken into account for carparking purposes as it is a requirements under the Town's Parking and Access Policy 3.7.1, as the rooms at anytime can potentially be rented out to the public.

From the above Carparking Table, it can be seen that the current shortfall applying to the site is further increased as a result of the above beer garden extensions. The owners of the Hyde Park Hotel have also clearly stated that cash in lieu is not economically feasible in this instance.

Even after applying the adjustment factors as per Policy 3.7.1 "Parking and Access", there is still a deficit in carparking provided on-site.

Furthermore in the Hyde Park Precinct Policy, in the "Commercial" zone, "*adequate car parking is to be provided on-site to ensure that unreasonable parking does not spill into adjacent residential streets.*"

Bicycle Parking Facilities:

Requirements	Required	Provided
Hotel 1 space per 25 (existing 821) square metres floor area for employees/resident (class 1 or 2); and 1 space per 100 (proposed 95) square metres, lounge, beer garden for employees/resident (class 1 or 2).	32 space 1 space	Bicycle parking is to be provided for, while not shown on plans
Hotel 1 space per 25 (existing 821) square metres gross floor area for visitor/shopper (class 3); and 1 space per 100 (proposed 95) square metres of lounge, beer garden (class 3).	32spaces 1 space	

As the increase is for the beer garden of 95 square metres, it is considered reasonable that the bicycle parking requirements be applied to this area and not to the existing floor area of the hotel. As such, one (1) class 1 or 2 and one (1) class 3 bicycle parking facility is required in this instance. The owners/applicants have agreed to provide the required bicycle parking facilities.

Noise

Town's Health Services does not support amplified music/live entertainment externally in the beer garden (only acoustic instruments). If the application was supported, an appropriate condition could be included on the approval to ensure the beer garden is not used for live entertainment.

The noise levels associated with patrons entering and leaving the premises is a Police/security/anti-social behaviour matter.

Comments in response to the owners/applicant's submission

As per the Town's Policy 3.7.1 regarding Parking and Access, parking requirements are calculated based on the floor area of a development. Fundamentally, the beer garden is proposing to increase the floor area of the hotel by 95 square metres therefore additional parking is required.

The proponents argument that no additional parking is required as the number of patrons permitted in the hotel will not be increased is not a valid planning concern, as parking requirements are calculated based on the floor area of a development. The applicant has stated in the submission they are not prepared to consider making a cash-in- lieu payment to the Town for the 15.62 parking bay shortfall. It is to be noted that recent changes to the Health (Public Buildings) Regulations 1992 allows for the maximum number of persons that may be accommodated in a public building being reduced from 1 square metre per person to 0.85 square metre per person. It is to be further noted that there is no absolute guarantee that the owners of the Hyde Park Hotel will not apply for an increase in patron numbers in the future, as they have indicated that the Hotel industry is a highly competitive environment.

Verge Parking along Lawley Street is not a formal public parking area. The verge is landscaped with no hardstand parking embayments provided. The verge area therefore can not be used in calculations for parking requirements for the hotel.

The applicants have also claimed that patrons from the nearby Italian Club and the Dorrien Gardens Soccer Ground have also contributed to the carparking issues in the area. Whilst this may be the case, however it is the proposed increase in floor area within the Hyde Park Hotel that needs to be determined.

One of the main issues raised by residents in the petition and submissions to Council is the existing parking difficulties along residential streets adjoining the hotel. Parking for the hotel should predominant be contained within the site with overspill onto surrounding residential streets minimised. Approval of the beer gardens with a parking shortfall is not considered to be consistent with the orderly and proper planning and the preservation of the amenities of the locality.

In light of the above and consideration of the submissions received, it is recommended the application be refused for the reasons outlined in the Officer Recommendation.

10.3.1 Financial Statements as at 29 February 2004

Ward:	Both	Date:	15 March 2004
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	N Russell		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 29 February 2004 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 29 February 2004.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial Position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently showing 86% of the Budget received to date.

General Purpose Funding (Page 1)

General Purpose Funding is showing 96% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 100% This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 66% of the budget received to date. This is due to bin charges being invoiced.

Economic Services (Page 12)

Economic Services is showing 66% of the budget received to date. Swimming Pool Inspection fees have been levied

Operating Expenditure

Operating expenditure for the month is level with Budget (73%).

General Purpose Funding (Page 1)

The budget has been exceeded due to a payment for the Emergency Services Levy being posted to the operating statements and will be transferred to the balance sheet.

Recreation & Culture (Page 7)

Water rates have been paid on the properties in the Town. The budget result to date is 69%

Capital Expenditure Summary (Pages 17 to 27)

The Capital Expenditure summary details projects included in the 2003/04 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$13,909,513, which is 49% of the budget.

Statement of Financial Position and Changes in Equity (Pages 28 & 29)

This statement is in essence the Balance Sheet of the Town as at 29 February 2004 and shows current assets of \$23,033,391 less current liabilities of \$3,795,515 for a current position of \$19,237,877. Total non-current assets amount to \$108,269,523 for total net assets of \$114,918,149.

Restricted Cash Reserves (Page 30)

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

Transfer of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 29th February 2004, interest of \$277,863 was transferred. Transfers to Reserves totalled \$891,711 and transfers from Reserves amounted to \$1,631,119. Restricted cash reserves total \$6,771,872 at the end of February 2004.

Debtors and Rates Financial Summary

General Debtors (Page 31)

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

Sundry Debtors of \$6,314,057 are outstanding at the end of February. Of this \$417,394 (6%) relates to debts outstanding for over 60 days. The majority of the debt is \$5,778,000 for WA Treasury Corporation which is the remainder of the loan that is to be received by the Town. The Debtor Report identifies significant balances that are well overdue.

The balance of the significant Debtors are either current or 1- 30 Days.

The balance of the significant Debtors are either current or 1- 30 Days overdue due to the new system conversion.

Rate Debtors (Page 32)

The notices for rates and charges levied for 2003/04 were issued on the 11 August 2003.

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

First Instalment	15 September 2003
Second Instalment	17 November 2003
Third Instalment	16 January 2004
Fourth Instalment	16 March 2004

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

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

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

Beatty Park – Financial Position Report (Page 33)

As at 29 February 2004 the operating deficit for the Centre was \$616,397 in comparison to the annual budget deficit of \$262,839. However, the retail store stock figure of \$200,604 has not been taken into account which would reduce the deficit (manually adjusted on Beatty Park report).

The cash position showed a current cash deficit of \$350,938 in comparison to the annual budget estimate of a cash surplus of \$216,008. The cash position is calculated by adding back depreciation to the operating position.

It is anticipated that the position will improve with increased attendances during the busy summer months.

However the Health Department requirements to change from chlorine gas to chemical chlorine has been a significantly higher increase in chemical costs than had been anticipated as there had been no previous history to base the costing on.

In addition contributing to the position is the fact that the budgeted revenues for the café and retail areas have been based on an increase from previous years, at this stage this has not materialised and revenue has been at the same level as last year.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 7.11pm and did not speak or vote on the matter.

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

Ward:	South	Date:	17 March 2004
Precinct:	Beaufort, P13	File Ref:	RES0051/RES0072
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 17 March 2004; and*
- (ii) *NOTES that a further report will be provided at the meeting of 23 March 2004.*

COUNCIL DECISION ITEM 10.4.10

Moved Cr Cohen, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

The Chief Executive Officer provided a verbal update on the progress since the printing of the Agenda and answered questions from various Councillors. In particular, the CEO advised that:

- the Heads of Agreement mortgage security required a first ranking mortgage over property in Beermullah Road, West Wanerie.
- The property had been the subject of a sworn valuation which has been provided the Town.
- No information has been received from Bankwest relating to their interest in the property to be used as mortgage security and that there is no legal obligation for Bankwest to provide such information.
- It is Allia's responsibility to provide the first ranking mortgage to the Town over the subject property.
- A meeting with Allia is scheduled for 9am Thursday 25 March 2004 and will be attended by the Mayor, CEO and the Town's solicitors.
- The CEO has taken a firm approach concerning the non-payment of accounts and in particular concerning a Western Power Account for \$10,000 for the months of January and February 2004. Allia subsequently agreed to pay 75% and this was reported in the West Australian Newspaper.
- Letters of Demand have been sent Allia and Perth Glory and whilst there has been enquiries from them, to date the only additional payment received has been for the hire of the Brisbane Street Carpark. Outstanding monies will be the subject of discussion at the meeting.

- **The proposed lease for office space at the Stadium will be the subject of a report to Council to consider submissions received from the public. This is a legal requirement as Perth Glory is a private company. Perth Glory will not be permitted to occupy the premises until Council has approved the lease and the conditions.**
- **It is important for the Council to note that Allia's Lawyers have provided written acceptance that the Heads of Agreement is a legally binding document.**

CARRIED (5-0)

(Cr Franchina was absent from the Chamber and did not vote. Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

Mayor Catania advised that Item 10.4.6 would be brought forward as Cr Franchina had declared an interest in this Item also.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 March 2004, the Council considered this matter and resolved as follows;

"That the Council;

- RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 3 March 2004;*
- NOTES that a further report will be provided at the meeting of 9 March 2004; and*
- REQUESTS the Mayor and CEO to seek a meeting with Allia Holdings Pty Ltd/ Perth Glory Soccer Club Pty Ltd for a resolution of all outstanding matters as soon as possible and no later than Monday 15 March 2004."*

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

"That the Council;

- RECEIVES the Members Equity Stadium - Legal Documentation - Progress Report as at 18 February 2004 and further report dated 24 February 2004;*
- 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;*
- WRITES to Allia Holdings Pty Ltd;*
 - 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;*
 - 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 9 March 2004;

1. **Meeting**

On 10 March 2004, the Town requested a meeting with Allia/PGSC. Due to various commitments by both parties, the earliest meeting time available was 9am Tuesday 16 March 2004. At 7.52pm on 15 March 2004, an email was received advising that Jeff Dennis was ill and that the meeting could not be held.

As the meeting could not be held, arrangements were made to reschedule the meeting for Wednesday 24 March or Thursday 25 March 2004.

On Friday 12 March 2004, the Town received a letter from Ilberys advising of the following;

1. Draft Deed of Licence for PGSC
2. Revised Mortgage
3. Revised charge over Water Licences
4. Revised Standard Licence - Deed of Licence
5. Deed of Clarification
6. Deed of Lease
7. Outstanding Building List.

The Town's solicitors have been requested to comment and their advice will be reported to the Council.

2. **Legal Agreements**

The progress of these negotiations is as follows;

1(a) Heads of Agreement (HOA)

No change as the meeting has not been held.

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. A letter of demand will be issued.

1(c) Right of Entry Document

No further action is required with this document.

1(d) Licence to Use - Interim

The Town has advised PGSC that the Stadium will be available for use for its game for 20 March 2004. The Town has requested payment of electricity invoice for \$10,029 and after negotiation it was agreed that PGSC will pay 75% of the January/February and February/March electricity account and also the water account. This would allow both parties sufficient time to reassess the utility accounts and reapportion costs, if required.

1(e) Licence Agreement - Standard Document

The comments received from Allia are to be the subject of discussion and negotiation.

1(f) PGSC Licence Agreement

On 16 March 2004, the Town received a letter from Ilberys, lawyers for PGSC, requesting 63 changes to the draft document. As the requested changes are considerable, they will require assessment.

1(g) PGSC Lease

On 16 March 2004, the Town received a letter from Ilberys, lawyers for PGSC, requesting 57 changes to the draft document. As the requested changes are considerable, they will require assessment.

1(h) Mortgage/Guarantee Documents

A number of changes have been requested, the most significant change relates to the definition of "Mortgage Security". Ilberys seek to change the definition from that contained in the Heads of Agreement which covers the loan and also for it to be used in the event of non-performance by Allia and limiting it strictly to cover the loan and \$300,000 for catering equipment. As this is a significant change, legal advice has been sought and the matter will need to be referred to Council for final approval.

1(i) Charge over Water Licences

11 changes have been requested to this draft - the Town's solicitors advise that all except for 2, can be accepted without compromising the Town's position.

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. Ilbery Lawyers are objecting to the lodgement of the caveat.

At the time of writing this report, no information has been received from Bankwest.

3. Outstanding Monies

<u>Allia Holdings Pty Ltd</u>		
	<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
	<p><u>Action Taken:</u> Invoice sent on 13 February 2004. Money due 27 February 2004. Letter of demand to be issued.</p>	
3.	Contribution to Stadium Capital Reserve Fund - January contribution as per HOA Clause 4.9 - <u>money due 19 February 2004.</u>	\$25,000.00
	<p><u>Action Taken:</u> 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.</p>	
4.	Reimbursement of building insurance - as per HOA Clause 6.12 - for period 27 December 2003 - 30 June 2004 - <u>money due 12 February 2004.</u>	\$11,506.63
	<p><u>Action Taken:</u> 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. Allia have queried this matter. The Town provided additional information on 15 March 2004.</p>	
5.	Reimbursement of Public Indemnity Insurance - as per HOA Clause 6.11 - for period 27 December 2003 - 30 June 2004 - <u>money due on 5 March 2004.</u>	\$4,497.20
	<p><u>Action Taken:</u> Invoice sent on 20 February 2004. Awaiting payment. Letter of demand to be issued.</p>	
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
	<p><u>Action Taken:</u> Invoice sent on 5 February 2004. The Town has not received this payment in accordance with Clause 4.2 of the Heads of Agreement. Letter of demand to be issued.</p>	
	Subtotal	<u>\$109,211.83</u>

<u>Perth Glory Soccer Club Pty Ltd (PGSC)</u>		
	<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
1.	Stadium office fitout and other works - <u>money due 18 February 2004.</u>	\$18,823.00
	<u>Action Taken:</u> 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 - <u>well overdue.</u>	\$24,927.95
	<u>Action Taken:</u> 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.	
3.	Payment for use of Brisbane Street Carpark	\$2,571.82
	<u>Action Taken:</u> Invoices sent 20 February 2004 Payment due 5 March 2004	
	Subtotal	<u>\$46,322.77</u>

On 16 March 2004, discussions were held with PGSC concerning their non payment of the January/February electricity account for the Stadium. After discussion, it was agreed that PGSC would be responsible for \$7,559.44, which is 75% of the period. The total amount was reduced as the builder was on site for 10 days of the period. It was also negotiated that PGSC would pay 75% of the period for 25 February to 16 March 2004. This will be paid on 19 March 2004.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The outstanding monies are currently being pursued through the normal debt recovery process. Where necessary, letters of demand have been issued.

COMMENT:

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

10.4.6 Progress Report No. 7 - Redevelopment of Perth Oval (Members Equity Stadium), 310 Pier Street, Perth and Loton Park, Lord Street, Perth

Ward:	South	Date:	16 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 Progress Report No. 7 as at 16 March 2004, relating to the redevelopment of Perth Oval (Members Equity Stadium) and Loton Park, Lord Street, Perth; and*
- (ii) *ADVISES the Department of Sport and Recreation that the project construction has now been completed.*

COUNCIL DECISION ITEM 10.4.6

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (5-0)

(Cr Franchina was absent from the Chamber and did not vote. Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

At the Special Council Meetings held on 30 October 2001 and 16 December 2002, and Ordinary Council Meeting held on 10 December 2002, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. It also approved to construct an office building on a part of Leederville Oval.

Redevelopment of Perth Oval (Members Equity Stadium) - Progress of Works

Stadium

All works have now been completed. The builder vacated the site on 7 February 2004, apart from several trades carrying out minor works. The Project Architect and Consultants have prepared a "Defects List" and the builder has almost completed rectifying the listed items. At the time of writing this report, the Town was awaiting confirmation from the Project Architect as to the final status of this work.

Loton Park

The construction work of Loton Park has been substantially completed.

At the time of writing this report, the following works remain outstanding;

- Area "B" (fronting Lord Street) - cleared, levelled and irrigation installed.
- Area "C" (fronting Brewer Street) - cleared, levelled and irrigation installed.
- Former caretaker's cottage - perimeter fence to be made secure.
- Installation of reticulation and planting in the garden beds.
- Planting of trees.
- Installation of park furniture.

Perth Glory Soccer Club (PGSC) Offices

Works have been completed and offices are currently ready for occupancy. A draft lease has been issued to PGSC for comment and several meetings have been held. Advertising of this lease for public comment has been carried out and a report will be submitted to the Council concerning submissions and the outcome of lease negotiations. On 16 March 2004, a letter was received from Ilberys Lawyers for PGSC requesting 63 changes to the lease. These are being reviewed.

An interim invoice has been sent to PGSC for \$18,823 (excl. GST) for office fitout.

At the time of writing this report, the PGSC lease is still being negotiated.

Western Australian Rugby League (WARL) Offices

These offices have been completed and WARL relocated to their new offices on 8 March 2004. A draft lease has been issued to WARL and is currently being finalised.

LEGAL/POLICY IMPLICATIONS:

Nil.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Several further meetings have been held with the Project Architect and Quantity Surveyor. A final payment was made to the builder on 3 March 2004. At the time of writing this report, the project variation costs are being finalised by the Project Architect. Once these have been completed and agreed, the final project costs will be reconciliated.

As reported to Council in February 2004, the following monies remain outstanding;

- 50% contribution CCTV (Allia) \$29,481
- PGSC office fitout (PGSC) \$18,823

As required by the Financial Assistance Agreement between the Town and the State Government, the Town has arranged for its external auditor to audit the project costs to date.

STRATEGIC IMPLICATIONS:

These projects are in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 1.4 - *"Maintain and Enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment."*

COMMENT:

It is very pleasing to note that this project was completed with the co-operation of all involved. Significant positive media comment was received. Feedback from all users and the public has also been extremely positive.

**10.1.12 No. 2 (Lot 104) Hammond Street (Corner Charles Street), West Perth-
Proposed Construction of Three (3) Three-storey Single Houses**

Ward:	South	Date:	16 March 2004
Precinct:	Cleaver; P5	File Ref:	PRO2584; 00/33/1936
Attachments:	001		
Reporting Officer(s):	J Barton		
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 Metamorphica Architecture & Interiors on behalf of the owner Justin Ho, for the proposed construction of three (3) three-storey single houses at No. 2 (Lot 104) Hammond Street (corner Charles Street), West Perth, as shown on the plans stamp dated 17 November 2003, for the following reasons:

- (i) the proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the density, height, setback, plot ratio, and car parking requirements of the Residential Design Codes and the Town's Lindsay Locality Statement Policy; and*
- (iii) consideration of the objections received.*

Cr Franchina returned to the Chamber at 7.55pm. He was advised that Items 10.4.6 and 10.4.10 had been carried (5-0).

COUNCIL DECISION ITEM 10.1.12

Moved Cr Lake, Seconded Cr Doran-Wu

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

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

LANDOWNER: Justin Ho
APPLICANT: Metamorphica Architecture and Interiors
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential-R80
EXISTING LAND USE: Vacant land

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
<u>Unit 1</u> South- Upper- Front North- Upper-Rear	6 metres 3 metres	4.2 metres 2.62 metres
<u>Unit 2</u> South- Upper-Front North- Upper-Rear	6 metres 3 metres	4.3 metres 2.62 metres
<u>Unit 3</u> South- Upper-Front North- Upper- Rear	6 metres 3 metres	3.9 metres 2.62 metres
Building Height		
Unit 1- Front Elevation	7 metres to top of concealed roof.	8.7 metres
Unit 2- Front Elevation	7 metres to top of concealed roof.	8.7 metres
Unit 3- Front Elevation	7 metres to top of concealed roof.	8.7 metres
Overall Height	2 storeys (including loft)	3 storeys
Carports	Permitted in front setback area, should be enclosed on one side only.	Enclosed on two-sides, however, applications are willing to remove parapet walls in-between the carports to comply with acceptable development requirements.
Car Parking and Access	2 car parking bays per dwelling Crossover to be offset 0.5 metre from side boundary	1 car parking bay per dwelling Crossovers setback nil and crossover to Unit 1 too close to Charles Street
Privacy	7.5 metres	2.62 metres (screening required)
Plot Ratio	0.65	Unit 1 = 0.72 Unit 2= 0.72 Unit 3= 0.76
Site Area	Average lot area for single houses is 180 square metres (no common property shown to indicate a grouped dwelling development, and all lots have direct street frontages, therefore 166.6 square metre lot area requirement for grouped dwellings is not applicable to this application).	Average lot area= 173.3 square metres per lot

Requirements	Required	Proposed
	Total lot area required = 540 square metres.	Total lot area provided = 520 square metres (500 square metres plus 20 square metres for truncation). Applicants seek 5 per cent variation under R-Codes.

Use Class	Single House
Use Classification	"P"
Lot Area	500 square metres

SITE HISTORY:

The subject land is currently vacant and abuts a 6 metres wide, sealed right of way which has resumed and vested in the Town.

On 15 December 2003, the Town's Officers advised the applicant by facsimile highlighting the areas of non-compliance, and advising the applicants that the Town could not support the proposal, given the extent of non-compliances proposed. The Town offered the applicant the opportunity to reduce the amount of non-compliances, in order to achieve a favourable outcome.

On 16 January 2004, the applicant formally responded to the above facsimile by submitting a letter of justification (attached) for the proposed variations. The applicants were only willing to address the parapet wall issue in between the carports, and did not wish to alter any other aspects of the development, as they advised that the developments warrant the variations proposed.

DETAILS:

The proposal is for the construction of three (3), three-storey single houses, with numerous variations to the R-Codes and the Town's Policies.

The applicant has submitted a letter of justification (attached) in support of the proposed variations.

In summary, the applicant's main justification for the proposed variations is due to the fact that Council has previously approved similar developments in the immediate area, which included significant variations to the 1991 Residential Planning Codes and the Town's Policies at that time. Some examples of such developments are mentioned below:

- At an Ordinary Meeting of Council held on 25 September 1995, the Council granted conditional approval for four grouped dwellings at No. 1 (Lot 103) Hammond Street, West Perth (opposite the subject land) which included significant density, plot ratio, setback and car parking variations.
- At an Ordinary Meeting held on 26 May 1994, the Council (City of Perth) resolved to approve five (5) two-storey grouped dwellings at No. 174-176 (Lot 1 and Part Lot 2) Charles Street (corner Violet Street), West Perth, which also included significant car parking, density and parapet wall height variations.

It is noted that the above examples, as well as others developments in the immediate area, did not comply with the development requirements at that time. However, such examples, as mentioned above, are not considered to set a precedent in the Town for developments which exceed the R-Codes acceptable development requirements, as each new application is assessed on individual merit in light of the current requirements.

It is to be noted that the Town's Solicitors (Minter Ellison) has recently advised the Town that precedence is not a good reason to approve non-complying developments, as every new proposal is a fresh application, which should be assessed on its own individual merits. Also, the subject land is a vacant site, therefore, the variations can be reduced through redesign.

The other points raised in the applicant's justification letter (attached), relating to plot ratio, height and privacy, are addressed in the relevant sections of this report.

CONSULTATION/ADVERTISING:

The proposal was advertised to the adjoining neighbours from 17 February 2004 to the 2 March 2004.

Two submissions were received during the advertising period, being one letter of objection from three different landowners (Nos. 3, 4 and 6 Hammond Street), and one letter of comment from the Cleaver Precinct Action Group (CPAG).

The matters and concerns raised are summarised below:

- Privacy.
- Two bays should be provided per dwelling.
- Visitors parking should be provided.
- Access is dangerous being so close to Charles Street.
- Access should be from Oak Lane.
- Other non-compliances are unacceptable.

The CPAG also advised that they are not against the proposed density of the development, just the car parking and privacy variations.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Density

The subject land is zoned R80, and under the R-Codes, *"all standards for Grouped Dwellings and Single Houses within R80-R160 areas are as for the R60 Code"*. Given this, the R60 density applies in this instance.

The applicants are proposing three (3) lots on a five hundred (500) square metres lot. Under the current R-Codes, an average of one hundred and eighty (180) square metres, and a minimum of one hundred and sixty (160) square metres is required per lot for Single Houses.

The applicant argues that the proposal is for three (3) grouped dwellings as *"all the property apart from the perimeters of the units will be regarded as common properties"*. However, no such common property has been indicated on the proposed plans, and there is no need for common property as each lot has its own direct frontage to a dedicated street, and each dwelling clearly sits on its own lot, with no need for shared land.

In light of the above, the proposed dwellings are considered to be single houses, until such time as the applicant can clearly demonstrate the need for common property, except other than to seek dispensation for a lower site area requirement.

Given that the proposal does not meet the average site area requirements of 540 square metres in total, and given the extent of variations proposed, three (3) dwellings are considered to be over-development of the site, and a five (5) per cent site area variation under Clause 3.1.3 of the R-Codes is not considered appropriate in this instance.

Height

The applicants are seeking a variation to the height of the building, as 8.7 metres is proposed to the top of the concealed roof, in lieu of 7 metres.

The applicant argues that the roof is considered to be a pitched roof under the R-Codes, therefore the 9 metres requirement to the top of the roof should apply. However, the roof curves from back to the front, and the proposal appears like a three-storey development when viewed from the street, especially given the storage areas in the roof space. A flat roof, not a pitched roof, is clearly visible from the front elevation. Given this, the roof is considered to be a concealed roof, and the 7 metres requirement applies.

Furthermore, the storage areas within the roofs are not considered to fall within the Town's intent of a loft area, due to the roof pitch. Given this, the proposal is contrary to the Town's Florence Locality Statement, which states that developments in this area should be two-storey including lofts.

The height of the development is considered to dominate the streetscape, and create an undue impact on the amenity of the neighbours, and the locality generally.

The building height and roof pitches of the developments at No. 1 Hammond Street (opposite subject land) and on the corner of Charles Street and Violet Street, are considered to be more in harmony with the locality, contributing towards a pleasant and attractive streetscape.

In light of the above, the variation is not supported.

Plot ratio

The plot ratio variations, together with the other variations, are considered to increase the bulk and scale of the proposal. The bulky, box-style development is also considered to dominate the streetscape, providing no visual relief, or interest, when viewed from the street.

In response to the applicant's justification regarding the plot ratio calculations, the balconies were not included in the calculation. However, the stores were included in the plot ratio area, as they are not considered to be common to the three dwellings, as each property clearly sits on its own lot.

The proposal is considered to create an undue impact on the streetscape and the area generally, and the variations are therefore not supported.

Setbacks

The rear setback variations, as highlighted in the above Compliance Table, are minor and could be supported on their own, subject to standard screening conditions, which would in turn reduce the setback requirement.

However, the front setback variations, together with the other variations, are generally not supported, as they are considered to contribute to the over development of the site, increasing the bulk and scale of the proposal.

In light of the above, and given the extent of other variations proposed, the front setback variations are not supported.

Streetscape

New contemporary developments are supported within the Town, provided that they respond to the established character of the area, through certain design elements. However, the proposals height, roof type, bulk, scale and plot ratio are not considered to contribute towards an attractive streetscape, and the proposal will therefore reduce the amenity enjoyed by residents in the area, which is contrary to the Town's Florence Locality Statement.

Parapets

Parapet walls are not permitted in the front setback area, and carports should be enclosed on one side only. The proposal includes three (3) carports enclosed on two-sides, with parapet walls in the front setback area. However, the applicants are willing to remove parapet walls in-between the carports to comply with acceptable development requirements.

In the event that the application gains approved, a condition should be recommended to ensure that the parapets are removed in the front setback area, so that carports are open on three (3) sides.

Car Parking and Access

The applicants are proposing variations to the car parking requirements, as only one (1) bay per dwelling has been provided in lieu of two (2) bays per dwelling. Although this is an inner City area, close to public transport, the proposed dwellings contain three (3) bedrooms each, and it is inevitable that the majority of the future inhabitants will have at least two cars per household.

Given that there is currently an extreme shortage of car parking in Hammond Street, as many of the dwellings in the street only have one (1) on-site car bay each, it is therefore not considered appropriate in this instance to approve a shortfall of three (3) bays.

In response to the objector's concerns, it is noted that the crossover to Unit 1 is too close to Charles Street, which could cause traffic hazards. Also, the crossovers should be offset 0.5 metre from each side boundary to reduce the dominance of concrete driveways in the front setback area, so as not to detract from the streetscape. Furthermore, it should be noted that visitor's car parking is not required under the R-Codes, for less than four (4) dwellings.

The objector also seeks '*creative solutions*' from the Town regarding the current parking problems in Hammond Street. However, this is separate matter not related to this application, and the objector's comments have been forwarded to the Town's Engineering Services and Law and Order Services for comment.

In light of the above, and given the objections received, the proposed car parking variations will exacerbate the existing parking problem in Hammond Street, and the variation is therefore not supported.

Privacy

The applicant seeks a variation to the R-Codes visual privacy requirements, as the balconies on the upper floor at the rear are setback 2.62 metres, in lieu of 7.5 metres. Such overlooking issues are considered to create an undue impact on the amenity of the adjoining neighbours, and the applicants request to not screen the balconies is therefore not supported.

Storage Areas

The applicant has indicated storage areas in the roof space on the cross-sectional diagrams, however, the applicant did not provide floor diagrams for the roof storage areas. Under the R-Codes, such storage areas should be included in the total plot ratio area, however, given the lack of details, the roof storage areas could not be calculated and included in the plot ratio area.

In light of the above, the storage areas would further exacerbate the plot area variation, and the roof spaces are therefore not supported.

Conclusion

Given the above, the extent of the variations sought, the objections received, the proposed development is not considered to contribute towards the amenity of the area, and refusal is recommended.

10.1.4 No. 180 (Lot 17) Harold Street, Mount Lawley – Retrospective Planning Application for Alterations, Additions and Fencing to Existing Single House

Ward:	South	Date:	12 March 2004
Precinct:	Hyde Park; P12	File Ref:	PRO2318; 00/33/1797
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 the owner TKA Mott for retrospective planning application for alterations, additions and fencing to existing single house at No.180 (Lot 17) Harold Street, Mount Lawley, and as shown on the plans stamp dated 25 August 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the east and west side of the raised deck shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Chester

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

"(ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, ~~the east and west side of the raised deck shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed~~ semi-mature screen vegetation landscaping shall be established on-site along the eastern side boundary adjacent to the raised deck area to ensure appropriate screening from the raised deck area to the eastern adjoining property. All such works shall be maintained thereafter by the owner(s)/occupier(s). A detailed landscaping plan shall be submitted and approved prior to the issue of a Building Licence; and"

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr

That the amendment to amendment to clause (ii) be removed.

AMENDMENT LAPSED FOR WANT OF A SECONDER

Debate ensued.

Cr Chester departed the Chamber at 8.06pm.
Cr Chester returned to the Chamber at 8.07pm.

Moved Cr Lake, Seconded Cr Chester

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

"(ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the east side of the raised deck shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and"

Debate ensued.

AMENDMENT CARRIED (5-1)

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

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner TKA Mott for retrospective planning application for alterations, additions and fencing to existing single house at No.180 (Lot 17) Harold Street, Mount Lawley, and as shown on the plans stamp dated 25 August 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the east side of the raised deck shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

Executive Manager Environmental and Development Services Comments

The plans that were advertised and referred to the neighbours for consent indicate screening to the west and east sides of the raised deck. The amended condition to reflect screen landscaping has not been presented to the neighbours. An objection received by the Town expressed concern over the potential noise that may occur from the deck. It is considered that the screening proposed, as per clause (ii) of the previous recommendation, would assist to reduce the noise levels escaping from the deck.

LANDOWNER: TKA Mott
APPLICANT: As above
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	362 square metres

Requirements	Required	Proposed
Privacy Assessment Deck	7.5 metres to south, east and west boundary or privacy screening to R Codes requirements.	4.5 metres to east and west boundaries and 5.89 metres to 7.15 metres to the south boundary.
Dividing Fence	2.4 metres maximum height. A fence higher than 2.4 metres can be considered provided that approval is granted	2 metres to 2.6 metres.

SITE HISTORY:

There is currently a single house at the above site. The Council, at its Ordinary Meeting held on 27 May 2003 conditionally approved partial demolition of, and alterations and additions with loft to the existing single house.

DETAILS:

The applicants/owners are seeking retrospective Planning Approval for alterations, additions and fencing to the existing single house.

CONSULTATION/ADVERTISING:

The proposal has been advertised and one written submission (objection) has been received by the Town.

The main points raised in the letter are as follows;

"I object to the balcony that has been erected on the rear of the house as there is a noise and privacy issue...the balcony is very large and open and is used by the tenants for entertaining large numbers of people on a regular bass. This is extremely bad on weekends.

I think this balcony should be demolished or made smaller with a wall on the south end."

Two consent letters have been received from the rear neighbours at Nos. 17 and 19 Vincent Street.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The subject application was submitted to the Town subsequent to the unauthorised works being completed. The applicant has undertaken the works without a Planning Approval and as such retrospective Planning Approval is sought. The applicant proposes a raised deck, porch and new fencing on the east and south boundaries.

The proposed deck varies from the requirements in the R Codes in relation to privacy. The required distance from the deck to the boundaries is 7.5 metres. The distances achieved do not meet this requirement and therefore requires permanent privacy screening to be applied in accordance with the requirements of the R Codes. The rear neighbours, being No.17 and No.19 Vincent Street, have provided written consent to the development. Privacy screening must be applied to the east and west side of the deck.

There are no variations involved with the porch.

The new dividing fence has been constructed of limestone blocks and reaches a maximum height of 2.6 metres and has a minimum height of 2 metres from natural ground level. The east neighbour has provided the following comments;

"In respect to the dividing fence we have negotiated an agreement (in respect to the dividing fence act) where the dividing fence ensures privacy for the adjoining properties. We have a verbal agreement in regards to the sharing of fence construction costs."

Both rear neighbours have provided written approval to the additions, including the fence.

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

10.1.8 No. 18 (Lot 424) Auckland Street, North Perth – Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Grouped Dwellings

Ward:	North	Date:	16 March 2004
Precinct:	North Perth, P8	File Ref:	PRO2693; 00/33/2064
Attachments:	001 002		
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 Norfolk Homes on behalf of the owner J Cramer for proposed demolition of existing single house and construction of three (3) two-storey grouped dwellings No. 18 (Lot 424) Auckland Street, North Perth, as shown on the plans stamp dated 5 February 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (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 bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets 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) 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;*
- (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; and*
- (viii) 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 Auckland Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (ix) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the first floor of unit 1 being setback 6 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (x) *subject to first obtaining the consent of the owners of No. 16 (Lot 203) Auckland Street and No. 20 (Lot 202) Auckland Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 16 (Lot 203) Auckland Street and No. 20 (Lot 202) Auckland Street in a good and clean condition;*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
- (a) *the window to the activity room on the first floor level on the eastern elevation to Unit 1;*
- (b) *the window to the activity room on the first floor level on the northern elevation to Unit 2;*
- (c) *the window to bedroom 4 on the first floor level on the western elevation to Unit 2;*
- (d) *the window to bedroom 3 and bedroom 4 on the first floor level on the western elevation to Unit 3;*
- shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002; and*
- (xii) *detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Cohen, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

LANDOWNER: J Cramer
APPLICANT: Norfolk Homes
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R20
EXISTING LAND USE: Single house

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area - Strata Lot Pt 2	1012 square metres

Requirements	Required	Proposed
Setbacks First Floor	6.0 metres	5.0 metres - 8.2 metres
Unit 1 North (ground) East (first floor)	1.0 metre 2.5 metres	Nil 1.5 metres
Unit 2 West (ground) West (first)	1.5 metres 2.6 metres	1.0 metre 1.5 metres
Unit 3 East (ground) South (ground)	1.5 metres 1.0 metre	1.128 metres Nil

SITE HISTORY:

The lot is located within the Eton Locality. The site is occupied by a single storey brick and tile dwelling. The Western Australian Planning Commission conditionally approved a three lot strata subdivision (Ref No. 149-03) on the subject property on 5 May 2003, which is valid for a period of three (3) years. The three lot strata approval was prior to the down coding of the Eton Locality from R30/40 to R20 which was gazetted on 7 October 2003 under Amendment No. 11.

DETAILS:

The applicant seeks approval for the demolition of the existing single house and the construction of three (3), two-storey single houses on the subject lot.

CONSULTATION/ADVERTISING:

One submission was received during the advertising period from the southern neighbour located along Auckland Street. The matters raised related to overshadowing, which the neighbour believes to be non-compliant with the Residential Design Code standards. Other issues raised included street and side setback non-compliances and privacy.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The existing single house is a blond brick and tile dwelling, displaying typical features of late 1960s domestic style. Sewerage plans circa 1929 show a weatherboard dwelling on this lot. This property was most likely demolished to make way for the existing house. It is not considered that the existing house has any heritage significance and does not warrant a heritage assessment. The proposed demolition is considered acceptable.

Street Setback - (first floor)

The Town's Policies requires upper level front setbacks to be a minimum of 6.0 metres from the front boundary. The application incorporates a setback of between 5.0 and 8.2 metres. The variation to the upper floor setback is being conditioned to comply with the Town's 6.0 metres setback requirement. The applicant has agreed to this condition being imposed.

Setbacks -East (Unit 3 -ground) and West -(Unit 2 - ground)

The Residential Design Codes (R-Codes) requires a setback of 1.5 metres respectively to the eastern and western boundaries. In this instance, a setback of 1.0 metre and 1.128 metres are respectively proposed. As the proposed setbacks are for the single storey portions of the dwellings, and any impact in relation to overlooking or overshadowing would be unlikely, the reduction to the side setbacks are supported in this instance.

Setbacks -East (Unit 1 - first floor) and West (Unit 2 - first floor)

The R-Codes require a setback of 2.5 metres to the east lot boundary to Unit 1 and west lot boundary to Unit 2 respectively. In this instance, 1.5 metres is proposed which is considered acceptable as the boundary is internal and screening is proposed.

Setbacks -South (Unit 3 - ground) and North (Unit 1 - ground)

The R-Codes require a setback of 1.0 metre to the south and north boundaries based on the length and height of the walls. The application incorporates a "nil" setback to the garages to Unit 1 and a "nil" setback to the garage and store to Unit 3. The R Codes allows, in areas coded R30 or higher, one parapet wall to a side boundary to be permitted subject to the wall having a maximum height of 3.5 metres with an average height of 3.0 metres for a maximum length of two thirds of the boundary. The garage to Unit 1 is proposed to be 6.0 metres in length and the garage and store to Unit 3 is proposed to be 8.0 metres in length and, therefore, comply with the height requirements. As such the reduced setbacks are considered acceptable in this instance, as the proposal complies with the setback requirements for this boundary.

Overshadowing

In light of the objection received, by virtue of the north-south orientation of the property, the proposal will comply with the 'Solar Access for Adjoining Sites' provisions of the Residential Design Codes, such that no adjoining lot will be in more than 35 percent shadow at noon on June 21 as a result of the development. In this instance, the proposed development is setback in accordance with the R Codes (that is, 5.802 metres) and will overshadow the property at No. 16 Auckland Street by approximately 9 percent.

Summary

It is considered that the proposal will generally have no undue detrimental impact on the streetscape or amenity of the area. Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

Item withdrawn at the request of the applicant

10.1.13 No. 225 (Lot 32) Charles Street corner Emmerson Street, North Perth – Proposed Change of Use from Single Residential House to Eating House and Associated Alterations and Additions

Ward:	South	Date:	16 March 2004
Precinct:	Smiths Lake, P6	File Ref:	PRO0377 ; 00/33/1985
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 Labyrinth Design and Development on behalf of the owner F Capone, for proposed change of use from single residential house to eating house and associated alterations and additions at No.225 (Lot 32) Charles Street corner Emmerson Street, North Perth, and as shown on the plans stamp-dated 11 December 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;*
- (ii) the non-compliance with the car parking requirements of the Town's Parking and Access Policy;*
- (iii) the non-compliance with the setback requirements of the Residential Design Codes and Town's Street Setbacks Policy; and*
- (iv) consideration of the objections received.*

LANDOWNER: F Capone
APPLICANT: Labyrinth Design and Development
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R60
EXISTING LAND USE: Single house

COMPLIANCE:

Requirement	Required	Proposed
Car parking	11.15 car bays	5 car bays
Setback - Cool room	Not to be located in front setback area	Located in front setback area

Use Class	Eating House
Use Classification	"SA"
Lot Area - Strata Lot Pt 2	491 square metres

SITE HISTORY:

The subject property fronts Charles Street, with the access and car parking proposed off Emmerson Street.

DETAILS:

The applicant seeks approval for a change of use from residential to Eating House. The floor area for the eating house is 85 square metres, which incorporates three dining rooms and is proposed to be open for three nights a week (Thursday, Friday and Saturday) from 5pm to 10pm.

There was no requirement to refer the application to the Western Australian Planning Commission as no new access was proposed onto Charles Street and the Officer Recommendation was for refusal.

CONSULTATION/ADVERTISING:

The proposal was advertised in accordance with the procedures for SA Advertising for a period of 21 days.

There were three objections received during the advertising period. Concerns raised included the lack of car parking available, which may result in an increase of on-street parking and whether a liquor licence will be issued.

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:

Submission by Applicant

The applicant has submitted the following information in support of their proposal.

"Our client wishes to open a small suburban eating-house to serve the local community by providing an option other than fast food or large crowded cafes.

The proposed facility will be opening no more than three days during the week for dinner only, from roughly 5pm to 10pm. The restaurant will be staffed by two people, and will cater for approximately 25 patrons. There is no intention of using or providing heavy machinery or a public address sound system to the restaurant.

According to our calculations the total public area within the proposed restaurant is 85m², which necessitates the provision of 18.33 (19) parking bays. The owner, who will also run the restaurant, lives directly next door to this site, and will have no need to park at the restaurant himself. There is extensive off-street parking available in the area, including 2 significant car parks within 400m and a further two slightly further away, as well as parallel parking on both sides of Emmerson St. The site is also very close to bus stops along Charles St, providing ready access to the city and to other parts of North Perth, Mount Hawthorn, Yokine etc."

Car Parking Provision

Clause 10 of the Town's Parking and Access Policy (3.7.1) allows for car parking requirements to be adjusted for commercial developments. In this instance, the following adjustments are applicable, including the adjustment criteria and reduction factors as per the commercial car parking table below.

Commercial Car Parking:

Car parking requirement (nearest whole number) <ul style="list-style-type: none"> 85 square metres of restaurant requires 18.8 car parking bays (1 space per 4.5 square metres of public area $85/4.5=18.8$) 	19 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 	(0.85) 16.15 car bays
Minus the car parking provided on-site.	5 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant shortfall	11.15 car bays

In this instance, there are only 5 car bays proposed on-site. The shortfall will result in an increase in on-street parking which would negatively impact the amenity of the surrounding area.

The car parking bays at Beatty Park and Len Fletcher Pavilion should not be used when applying the relevant adjustment factors. These car parking areas are specifically set aside for customers of the subject properties and as such have not been included as part of the calculations.

Bicycle Parking Facilities:

Required	Provided
One Class 3 bicycle parking facility for visitors/shopper	Nil shown on plans
One Class 1 or 2 bicycle parking facility for employee/resident	Nil shown on plans

Bicycle Parking

One Class 3 bicycle parking facility for visitors/shopper and One Class 1 or 2 bicycle parking facility for employee/resident are required to be provided on-site. No facilities have been provided on-site.

Setbacks - portable cool room

The portable cool room located in the front setback area is not supportable in this instance, as it is visible from the street and will impact on the amenity and streetscape of the area.

Conclusion

In light of the above, it is considered that the proposed eating house is not supportable and is considered to negatively impact upon the amenity of the locality. The proposal is therefore recommended for refusal.

10.1.15 Application for the Installation of a Greywater System – No. 106 (Lot 80) Eton Street, North Perth

Ward:	North	Date:	5 March 2004
Precinct:	North Perth, P8	File Ref:	ENS0042
Attachments:	001		
Reporting Officer(s):	J Newham, D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the greywater reuse system approval (approval number GW0304) by the Department of Health Western Australia, the Council APPROVES the application submitted by Dr Ross Mars of Greywater Reuse Systems, on behalf of the owners, Cameron Poustie and Katrina Bercou of No. 106 (Lot 80) Eton Street, North Perth, subject to:

- (i) no pooling being created on the surface; and*
- (ii) appropriate maintenance of the system;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Doran-Wu

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

"(iii) the Town writes to the Department of Health WA and Department of Environment notifying them of the number of domestic greywater systems that have been installed in the Town and upon each new application being consented to and requests that they monitor the effect of domestic greywater systems in the Perth metropolitan area, particularly regarding possible soil and groundwater contamination."

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.1.15

That;

in accordance with the greywater reuse system approval (approval number GW0304) by the Department of Health Western Australia, the Council APPROVES the application submitted by Dr Ross Mars of Greywater Reuse Systems, on behalf of the owners, Cameron Poustie and Katrina Bercou of No. 106 (Lot 80) Eton Street, North Perth, subject to:

- (i) no pooling being created on the surface;*
- (ii) appropriate maintenance of the system; and*

- (iii) *the Town writes to the Department of Health WA and Department of Environment notifying them of the number of domestic greywater systems that have been installed in the Town and upon each new application being consented to and requests that they monitor the effect of domestic greywater systems in the Perth metropolitan area, particularly regarding possible soil and groundwater contamination.*

to the satisfaction of the Chief Executive Officer.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 July 2002, the Council resolved in relation to Greywater Reuse Systems (GRS) that "(iii) each application will be reported to the Council for consideration; and (iv) authorises the Chief Executive Officer to prepare a Draft Policy once local needs and concerns become clear."

An "Application to Construct or Install an Apparatus for the Treatment of Sewage" has been submitted by Dr Ross Mars of Greywater Reuse Systems, on behalf of the owners of No. 106 Eton Street, North Perth.

DETAILS:

Greywater is defined as the waste-water generated in the bathroom, kitchen and laundry. Greywater is therefore defined as the components of domestic wastewater, which have not originated from the toilet. The State Agencies report that the opportunity exists for greywater to be reused to irrigate gardens. This will reduce the demand on quality ground and surface water supplies. Considering the dry environment in many parts of Western Australia and the sometimes limited supply of water available, it is important that water is used efficiently and conserved wherever possible. The responsible reuse of greywater is therefore supported and encouraged by the State Government and numerous Local Governments to help conserve water.

An "Application to Construct or Install an Apparatus for the Treatment of Sewage" was received, for the installation of an approved greywater system. The proposed Greywater Reuse System with Greywater filter, and piped trench system to be installed has been approved by the Department of Health Western Australia (DOHWA). The system is approved by the Executive Director, Public Health under the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* for use within Western Australia in accordance with the relevant Schedule 1 conditions. The District Environmental Health Officer is supportive of the application.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

The previous report to the Council recommended that a Draft Policy be submitted after around 5 applications have been received and local needs become clear. As only 3 applications have been received since 23 July 2002, it is prudent to keep reporting each case to Council until such time as a Policy is developed.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

"Challenges:

- *Providing a clean, healthy and sustainable environment.*

Key Result Area One:

Environment and Infrastructure

Incorporation of water sensitive design principles..."

COMMENTS:

Health Services recommend that the application for the reuse of greywater be approved.

The Chief Executive Officer advised that Mayor Catania had declared a proximity interest in this Item.

Moved Cr Doran-Wu, Seconded Cr Lake

That Cr Chester assume the Chair for this Item.

CARRIED (6-0)

Mayor Catania departed the Chamber at 8.15pm and did not speak or vote on the matter.

10.2.1 Traffic Management Request for Forrest Street, North Perth - Fitzgerald Street to William Street

Ward:	Both	Date:	16 March 2004
Precinct:	Norfolk P10, North Perth P8,	File Ref:	TES0087
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Traffic Management request for Forrest Street, North Perth;*
- (ii) *APPROVES in principle the proposal as shown on attached Plan No. A4-2262-CP-1 as endorsed by the Town's Local Area Traffic Management Advisory Group at its meeting held on 15 March 2004, estimated to cost \$17,000;*
- (iii) *CONSULTS with the residents of Forrest Street with regard to the proposal giving them 21 days in which to provide comments; and*
- (iv) *RECEIVES a further report on the proposal at the end of the community consultation period.*

Moved Cr Cohen, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Cohen, Seconded Cr Lake

That clause (ii) be amended as follows:

- (ii) *APPROVES in principle Stage 1 of the proposal as shown on attached Plan No. A4-2262-CP-1 as endorsed by the Town's Local Area Traffic Management Advisory Group at its meeting held on 15 March 2004, together with Stage 2 which includes street trees, landscaping and associated works estimated to cost ~~\$17,000~~ 42,000;*

AMENDMENT CARRIED (5-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (5-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) ***RECEIVES the report on Traffic Management request for Forrest Street, North Perth;***
- (ii) ***APPROVES in principle Stage 1 of the proposal as shown on attached Plan No. A4-2262-CP-1 as endorsed by the Town's Local Area Traffic Management Advisory Group at its meeting held on 15 March 2004, together with Stage 2 which includes street trees, landscaping and associated works estimated to cost \$42,000;***
- (iii) ***CONSULTS with the residents of Forrest Street with regard to the proposal giving them 21 days in which to provide comments; and***
- (iv) ***RECEIVES a further report on the proposal at the end of the community consultation period.***

BACKGROUND:

At the Ordinary Meeting of Council held on 10 February 2004, the Council adopted the following resolution:

“That the Council;

- (i) *receives the report on Traffic Management matters at various locations;*
- (ii) *refers the seven (7) locations listed in the report to the Town's Local Area Traffic Management Advisory Group for their consideration; and*
- (iii) *receives a further report on each of the locations listed in the report once the Town's Local Area Traffic Management Advisory Group have considered the matters.”*

The seven locations outlined in the report included the following:

Location 1	Forrest Street
Location 2	Lincoln / Beaufort Streets
Location 3	Eton Street
Location 4	Monger Street
Location 5	Hobart Street
Location 6	Brookman Street, Moir Street and Forbes Road
Location 7	Woodstock / Edinboro Street

Location 1 is the subject of this report.

DETAILS:

The Local Area Traffic Management (LATM) Advisory Group at its meeting held on 15 March 2004, discussed Forrest Street following requests from residents for the Council to consider implementing some form of traffic calming in the street.

Two (2) community representatives from Forrest Street and the Chair of the Forrest Precinct Group Inc. were also invited to attend the meeting.

The group was provided with the following statistics with regard to Forrest Street.

Section: Fitzgerald St to William St

Request: Traffic calming

Traffic Data

<i>Section</i>	<i>Volume (vpd)</i>	<i>85% Speed (kph)</i>
• Fitzgerald - Norfolk	1,932	60
• Norfolk – Hyde	1,411	52
• Hyde – William	1,415	61

Classification: Access Road – desirable traffic volume less than 3,000 vpd.

Budget: \$10,000

Comments: Forrest Street provides a link between Fitzgerald and William Streets. There are approximately 90 properties serviced by this section of Forrest Street. *Resident Only* traffic would therefore account for about 900 vpd. It also provides access to a nursing home, child care facility and some commercial businesses at Fitzgerald Street, which would account for part of the non-residential component of traffic in the street.

The remaining traffic comprises traffic accessing Norfolk and Hyde Streets and through traffic from Fitzgerald to William Street.

The posted speed is 50 kph and the 85% speed is approximately 10 kph above the posted speed.

Discussion

The community representatives expressed concerns regarding the speed and volume of traffic using the street, especially by the “rat runners” between Fitzgerald and William Streets. They considered some form of closure would be appropriate to stop “rat running”.

Discussion centred on Forrest Street providing access to a wider residential area and, as such, it was considered a closure would not be appropriate. It was indicated that some adjoining parallel streets have either been “traffic calmed” or access had been restricted, e.g. Wasley, Alma and Burt Streets.

It was considered that strategically placed modifications should be implemented in Forrest Street to indicate that it is a residential street. These could comprise:

- Entry statements
- Signage (Local Traffic Only)
- Landscaping
- Low profile speed humps
- Line Marking

Proposal

The LATM Advisory Group considered the following proposal should be considered:

Entry Statement (1) – Forrest/William Streets

Construct paved/landscaped nibs with a raised red asphalt speed hump to narrow the throat width of Forrest Street from 12.0 metres to 6.0 metres wide (refer detailed Plan No..... attached).

Entry Statement (2)

This would be located at the start of the residential area, approximately 50.0 metres east of Fitzgerald Street. This treatment would be similar to Entry State (1) – refer attached Plan No. A4-2262-CP-1.

Low Profile Speed Hump

Install a low profile speed hump opposite the children’s playground at Hyde Street.

LATM Advisory Group Recommendation:

It is recommended that the following procedures be implemented:

- 21 day community consultation, on recommended traffic treatments as outlined on attached Plan No. A4-2262-CP-1
- Report to Council at conclusion of consultation
- Implement works
- Assess impact on Forrest Street (and surrounding streets)
- Re-assess in six (6) months if required.

CONSULTATION/ADVERTISING:

It is recommended that the proposal be advertised to Forrest Street residents for a period of 21 days, inviting them to provide comments.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2003/2004 budget includes an amount of \$10,000. The proposal as outlined in the report would cost in the order of \$17,000 to implement.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the police Services for enforcement of the legal speed limit.

With regard to Forrest Street, the LATM Advisory Group considered that while the traffic volumes in Forrest Street are higher than the adjoining streets, they were still below the threshold for an access road. In addition, Forrest Street provides access to a wider residential network and acts more like a local distributor. The measured 85 percentile speed at the eastern and western ends of the street are some 10 kph higher than the 50 kph posted speed.

The recommended option is to install strategically placed entry statements, a low profile speed hump at Hyde Street, associated landscaping, and signage to alert motorists they are entering a residential street. Additional landscaping on verges and possible additional low profile speed humps could also be considered in the future.

It is therefore recommended that the Council receives the report on Traffic Management request for Forrest Street, North Perth, approves in principle the proposal as shown on attached Plan No A4-2262-CP-1 as endorsed by the Town's Local Area Traffic Management Advisory Group at its meeting held on 15 March 2004, estimated to cost \$17,000, consults with the residents of Forrest Street with regard to the proposal giving them 21 days in which to provide comments; and receives a further report on the proposal at the end of the community consultation period.

Mayor Catania returned to the Chamber at 8.25pm and assumed the Chair. He was advised that Item 10.2.1 was amended and carried (5-0).

10.2.2 Amendment to Parking Restrictions on the North Side of Newcastle Street, West Perth

Ward:	South	Date:	15 March 2004
Precinct:	Cleaver Precinct P5	File Ref:	PKG0012
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the amendment to the existing two (2) hour parking restriction on the North side of Newcastle Street, adjacent to the pharmacy and medical centre at 580 Newcastle Street, West Perth;*
- (ii) *APPROVES the introduction of three (3) two (2) hour parking bays directly at the front of the pharmacy and medical centre, to be in place from 8.00am until 5.30pm Monday to Friday and from 8.00am until 12 noon on Saturday, as shown on attached Plan No. 2261-PP-1; and*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.*

Cr Doran-Wu departed the Chamber at 8.26pm.

Moved Cr Lake, Seconded Cr Chester

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

- (ii) *APPROVES the introduction of three (3) ~~two (2) hour~~ fifteen (15) minute parking bays directly at the front of the pharmacy and medical centre, to be in place from 8.00am until 5.30pm Monday to Friday and from 8.00am until 12 noon on Saturday, as shown on attached Plan No. 2261-PP-1;*

CARRIED (5-0)

(Cr Doran-Wu was absent from the Chamber and did not vote. Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the report on the amendment to the existing two (2) hour parking restriction on the North side of Newcastle Street, adjacent to the pharmacy and medical centre at 580 Newcastle Street, West Perth;*

- (ii) *APPROVES the introduction of three (3) fifteen (15) minute parking bays directly at the front of the pharmacy and medical centre, to be in place from 8.00am until 5.30pm Monday to Friday and from 8.00am until 12 noon on Saturday, as shown on attached Plan No. 2261-PP-1;*
 - (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.*
-

BACKGROUND:

The proprietor of the pharmacy located at 580 Newcastle Street has requested that some short term parking be provided to compliment the existing two (2) hour restriction at that location, with a view to improving the varied needs of customers and patients of the pharmacy and adjacent medical centre.

DETAILS:

Currently there is a two (2) hour parking restriction in place on the North side of Newcastle Street, between Loftus and Cleaver Streets. There is one (1) fifteen (15) minute bay in place at the Cleaver Street end of the block, more than 100 metres east of the pharmacy.

On the South side of Newcastle Street (within the jurisdiction of the City of Perth), there are two (2) fifteen (15) minute bays, which are well utilised by the clients of the adjacent businesses. The remainder of the South side, in the vicinity, is also two (2) hour restricted.

The result of the existing restrictions is that there is an inadequate parking amenity for higher frequency demand, short term parking for customers of the pharmacy and patients of the medical centre wishing to attend to administrative procedures. As previously stated, the two bays on the South side of the street are rarely vacant, and furthermore, as Newcastle Street is a very busy road and this location is close to its intersection with Loftus Street, the volume and pace of traffic requires an elevated degree of caution when crossing the road. For this reason, it would be prudent to introduce short term parking adjacent to the pharmacy, on the north side of the road.

It is proposed to retain the existing two (2) hour restriction adjacent to the residential property immediately to the west of the pharmacy [residents are entitled to apply for exemptions from time restrictions greater than thirty (30) minutes]. The proposed fifteen (15) minute restriction zone would then extend the full width of the pharmacy, extending approximately five (5) metres into the frontage of the medical centre to accommodate the proposed three (3) bays, as illustrated by attached Plan No. 2261-PP-1.

CONSULTATION/ADVERTISING:

The Pharmacy instigated the request for short term parking, and this has been supported by the management of Delta Health.

LEGAL/POLICY:

There is no legal impediment to the amendment of the parking restriction.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of one (1) new parking restriction sign and road line marking would be approximately \$200.00.

COMMENTS:

The two (2) hour restriction currently in place does not accommodate the need for high turn-over short term parking to service the pharmacy and some patients of the health clinic. It is proposed that the existing restriction adjacent to the residence be retained, and that three (3) fifteen (15) minute bays be introduced adjacent to the pharmacy, extending approximately five (5) metres into the frontage of the health centre. The manager for Law and Order Services sees no impediment to the amendment to the time restriction.

10.2.6 Hyde Park - Installation of an Accessible 'Liberty' Swing

Ward:	South	Date:	16 March
Precinct:	Hyde Park, P12	File Ref:	RES0042
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 on the installation of an accessible 'Liberty' swing at Hyde Park;*
- (ii) *APPROVES in principal the provision of an accessible 'Liberty' swing at Hyde Park as shown on the attached photograph in the location as outlined on the attached Locality Plan and Plan No. 2263-CP-1;*
- (iii) *REFERS the proposal to the Heritage Council of WA for comment; and*
- (iv) *RECEIVES a further report on the matter once the Heritage Council of WA has assessed the proposal.*

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 8.27pm.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

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

"(v) *REQUESTS officers to consider moving the swing eastwards adjacent to the established tree.*"

AMENDMENT CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

Moved Cr Lake, Seconded Cr Doran-Wu

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

"(vi) *REQUESTS the proposal be advertised for community consultation for a period of twenty-one (21) days and the Town's Disability Services Officer identify specific groups to contact regarding this proposal.*"

AMENDMENT CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (6-0)

COUNCIL DECISION ITEM 10.2.6

That the Council;

- (i) *RECEIVES the report on the installation of an accessible 'Liberty' swing at Hyde Park;*
 - (ii) *APPROVES in principal the provision of an accessible 'Liberty' swing at Hyde Park as shown on the attached photograph in the location as outlined on the attached Locality Plan and Plan No. 2263-CP-1;*
 - (iii) *REFERS the proposal to the Heritage Council of WA for comment;*
 - (iv) *RECEIVES a further report on the matter once the Heritage Council of WA has assessed the proposal;*
 - (v) *REQUESTS officers to consider moving the swing eastwards adjacent to the established tree; and*
 - (vi) *REQUESTS the proposal be advertised for community consultation for a period of twenty-one (21) days and the Town's Disability Services Officer identify specific groups to contact regarding this proposal.*
-

BACKGROUND:

The Council included an amount of \$60,000 on the 2003/04 budget towards the establishment of an accessible playground at the Throssell Street end of Hyde Park.

In addition to the above amount, the Town's Community Development and Parks Staff applied for a \$60,000 grant via the Community Facilities Grants Program however the application was unsuccessful. Whilst metropolitan local governments were encouraged to apply for this type of funding, preference was give to projects located in regional areas of Western Australia.

It was therefore intended to carry forward the Town's funds of \$60,000 and apply for future grant funding when available, to pursue the establishment of the accessible playground at Hyde Park.

DETAILS:

As detailed in Item 10.4.9 presented at the Ordinary Meeting of Council held on 10 December 2003, the Mayor and Chief Executive Officer attended the National Assembly of Local Government in Canberra in November 2003. Part of the Assembly included a large trade display comprising some 40 exhibitors.

One of the trade display exhibitors was for the 'Liberty' swings which comprised a specialised swing to enable children in wheelchairs to participate in this play activity.

The Mayor and Chief Executive Officer where able to negotiate a \$5,000 discount on the purchase of a 'Liberty' swing which was ordered, delivered and is now proposed to be installed at Hyde Park. A photo of the swing is attached.

The 'Liberty' swing has been installed in a number of Local Governments throughout Australia, however to date in Western Australia only the City of Gosnells has installed a similar swing. Therefore, this swing will service the north of the river suburbs.

The swing is manufactured in Australia to the highest Australian Standards and allows wheelchair bound children the experience of freedom and exhilaration of a swing, something that most of us take for granted.

With the proposal to ultimately construct an accessible playground at Hyde Park, it would be prudent that Hyde Park be chosen as the site for the installation of the 'Liberty' swing.

In addition, requests are often received from groups who wish to enter the park and drop off wheelchair bound children near the BBQs and playground for a days outing. Whilst the surroundings and cooking facilities can be enjoyed the playground areas at Hyde Park consist of only sand pits and therefore can not be utilised.

The proposed location for the swing is adjacent to the existing playground in an area where the existing turf is substandard due to excessive shade. An accessible toilet is located nearby and parking is also available in Glendower Street for people with disabilities.

The installation of the swing ideally is to set it up on rubberised softfall or synthetic grass and it is considered that due to the size and weight of the swing the area be fenced off with swimming pool type fencing.

As with any proposal to introduce a new permanent structure to the landscape of Hyde Park, the proposal must receive the approval of the Heritage Council of Western Australian prior to any works commencing. This process is in accordance with Section 9 of the Heritage of Western Australian Act 1990, applicable to places included on the State Register of Heritage Places. As such, the proposal will be forwarded to the Town's Senior Heritage Officer for referral to the Heritage Council of Western Australian.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Plan 2003-2008 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"i) Develop a program to make all playgrounds universally accessible."*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$60,000 has been included in the 2003/04 budget towards the installation of an accessible playground at Hyde Park.

The estimated costs for the installation of the swing and associated requirements is as follows:-

Liberty swing	\$20,000
Freight	\$2,000
Rubber surfacing	\$15,000
Fencing	\$6,000
Installation	\$1,200
Path	\$7,500
Paving around BBQ/Seats	<u>\$8,300</u>
	<u>\$60,000</u>

COMMENTS:

Whilst the installation of the swing at Hyde Park was not intended to be part of the original concept for an accessible playground, it will compliment what was previously proposed. Accessible playgrounds to date have merely consisted of a series of ramps allowing wheelchair bound children to interact with able bodied children and enjoy some static type equipment.

The installation of the 'Liberty' swing will enable all children to enjoy a swing ride of some type.

It is therefore recommended that the Council approves the installation of the 'Liberty' swing at Hyde Park in the location identified, subject to the assessment and approval from the Heritage Council of WA.

10.3.3 Hyde Park Stage – Design Concepts

Ward:	South	Date:	2 March 2004
Precinct:	Hyde Park Precinct P12	File Ref:	RES0016
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the concept designs as selected by the Hyde Park Working Group;*
- (ii) *ADVERTISES the concept designs for community comments for six (6) weeks;*
- (iii) *ARRANGES a Community Briefing for interested parties on the Hyde Park Stage Concepts; and*
- (iv) *ALLOCATES an amount of \$50,000 for the upgrade of Hyde Park Stage for consideration in the Draft 2004/05 Budget.*

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That;

- (1) *delete the word "ACCEPTS" in clause (i) and replace with the word "RECEIVES"; and*
- (2) *clause (ii) be amended to read as follows:*
 - "(ii) ADVERTISES the concept designs for community comments for six (6) weeks; consulting on but not limited to:*
 - (a) suitability for community needs;*
 - (b) extent of facilities proposed; and*
 - (c) general design;"*

AMENDMENT CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.3.3

That the Council;

- (i) RECEIVES the concept designs as selected by the Hyde Park Working Group;*
 - (ii) ADVERTISES the concept designs for community comments for six (6) weeks; consulting on but not limited to:*
 - (a) suitability for community needs;*
 - (b) extent of facilities proposed; and*
 - (c) general design;*
 - (iii) ARRANGES a Community Briefing for interested parties on the Hyde Park Stage Concepts; and*
 - (iv) ALLOCATES an amount of \$50,000 for the upgrade of Hyde Park Stage for consideration in the Draft 2004/05 Budget.*
-

BACKGROUND:

The Rotary Club of North Perth has submitted a proposal to upgrade the existing stage area in Hyde Park to be co-funded with the Town of Vincent. The area has been the main entertainment area for the annual Hyde Park Community Fair held on the Labour Day long weekend. The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus.

The current stage is a small raised concrete and bitumen platform framed by rails. It is planned to improve both the surface area and structure with community and artistic input.

The Hyde Park Stage upgrade project will research and promote the Town of Vincent's unique local cultural, environmental and social heritage in the context of the Federation. The project will involve the following:

- Engage in a community consultation process complementing the research from the report "Heritage Assessment for Hyde Park" which was prepared for the Town of Vincent by Laura Gray in association with John Viska.
- The development of a design and plan for the Hyde Park stage incorporating the cultural, environmental and social heritage of the park and the Town.
- Refurbishment of the stage area including artwork, symbols and plaques which will provide information and illustrate the critical aspects of the history of the local area since Federation.

Approval will also need to be sought from the WA Planning Commission and Heritage Council WA.

The Town has identified the upgrade of the stage at Hyde Park as a project worth funding and the project has been carried forward on the Town's budget, where project funds are listed pending the sale of the "Old Bottleyard" site.

At the Ordinary Council meeting on 10 September 2002, the following resolution was adopted;

"That the Council;

- (i) APPROVES IN PRINCIPLE for the upgrade of the stage in Hyde Park, as a community project with the Rotary Club of North Perth, subject to final designs being submitted to the Council for approval;*
- (ii) APPROVES that the cost of any upgrading be borne by the Town of Vincent and the North Perth Rotary Club, and any other interested parties;*
- (iii) shall incorporate broad community consultation including, but not limited to:*
 - local Precinct groups*
 - patrons of Hyde Park*
 - local schools and colleges/TAFEs*
 - local art organisations; and*
- (iv) ensures heritage, cultural and environmental consideration be given high priority, with regard to the amenity of the park and its environs."*

DETAILS:

The Town established a working group comprising of the Executive Manager Corporate Services, Manager Community Development, Manager Parks Services together with representatives of the Rotary Club of North Perth being Mudji Nielson, Bevan McInerney, John Arthur and Bill Busby to progress this project. TAFE representative Maxine Massey, a Central TAFE lecturer from the Centre for Architectural Technology and Building Studies, was later invited to attend the group meetings to provide professional advice on design and layout during the development of the brief and the selection process.

Proposal by Rotary

The Rotary Club of North Perth is of the opinion that the stage is in need of a major upgrade to provide a safe performing arts area within the park. They are proposing to upgrade and expand these facilities to reduce long term damage to the park caused by heavy vehicles bringing in temporary facilities such as stage structures, portable toilets and changeroom facilities.

The proposal includes an upgrade of the existing stage area incorporating a new stage floor, two new small change areas, small storage area and a visually lightweight roof structure.

The Working Group prepared and invited senior design students from Central TAFE to produce concepts for the stage refurbishment project at Hyde Park. This brief included specific criteria as follows:

- Consideration be given to incorporating security lighting.
- It was imperative that the stage has minimal visual impact within the park setting.
- The upgraded stage area would provide a new performance stage area suitable for dancing, performing, musical, concerts etc.
- The new surface shall be durable, waterproof, vandal resistant and non-slip.

- Consideration is also to be given to the use of temporary overlay floor surface - the stage area may be reshaped to suit the new design.
- The design proposal to allow for 2 change areas directly accessible from the stage.
- Each area shall be approximately 8 sqm- the area is solely for changing purposes.
- Consideration to be given to various cultural and social groups with regard to privacy issues.
- Provide a storage area of approximately 10sqm suitable for storage of backdrops, stage equipment, lighting, overlay floor surface.
- Provision of a visually lightweight roof structure which provides shading and shelter for the performance area and housing for overhead performance lighting.
- The roof structure must be durable, vandal resistant and inaccessible.

The Town's representatives stipulated the following criteria for design selection:

- disabled/pram access
- area in front of stage for 'on ground' performances
- acoustic considerations
- aesthetic
- view of the park as the backdrop to be unobscured
- durable for at least 10 years
- vandal /graffiti proof
- ecologically sound products
- stage surface to be suitable for dancers (even with bare feet)
- blending in with the existing landscape.
- reasonable level off the ground.
- adequate and suitable power supply for staged events with amplified sound

Selection Process

Approximately 30 designs were received from the TAFE students. It was agreed that the submissions were in general of a high quality which indicated that the project had been well researched and cognisance had been taken of the design brief.

The Town's representatives together with TAFE representatives selected a number of designs based on the given criteria. TAFE representatives were experienced lecturers who ensured that selected designs were practical and utilitarian with the application of robust design principles and concepts. Most of these designs do not incorporate changeroom facilities as such.

CONSULTATION/ADVERTISING:

The selected concepts to be advertised for Community Consultation for a period of a six (6) week period.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Strategic Plan 2004-2008

Key Result Area 1 – Environment and Infrastructure

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

h) Continue to design and implement infrastructure improvements for public open space.

FINANCIAL/BUDGET IMPLICATIONS:

The project was originally included on the 2000/2001 Budget and to be funded from the sale of the "Old Bottleyard" site. The funds were subsequently carried forward in the 2001/2002 and 2002/2003 Budgets.

However the funds were not carried forward in the 2003/2004 Budget. As a result the funds will be required to be allocated for consideration on the draft 2004/2005 Budget.

COMMENTS:

The Working Group has selected the concept designs as submitted by the TAFE students. It is acknowledged that they are conceptual and that this project is likely to engender considerable community comment. It is therefore important that there is wide consultation on this matter and a lengthy period of consultation be allowed – six (6) weeks. It is also acknowledged that the concepts as developed by the TAFE students are of a high quality and they are to be commended for their work.

The North Perth Rotary Club's proposal is a project for their club to put back into the community and is to be seen as a co-funded project.

It is recommended that Council support the concept designs in the first instance.

10.4.1 Amendment to the Town of Vincent Local Law relating to Parks and Public Reserves to include Perth Oval, Leederville Oval and Loton Park

Ward:	Both Wards	Date:	16 March 2004
Precinct:	Oxford Centre and Beaufort P4 & P13	File Ref:	LEG0024
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report to amend the Town's Local Law relating to Parks and Public Reserves;*
- (ii) *pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Parks and Public Reserves as follows;*

**LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT LOCAL LAW RELATING TO PARKS AND PUBLIC RESERVES
AMENDMENT**

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on to amend the Town of Vincent Local Law Relating to Parks and Public Reserves, published in the Government Gazette on 22 December 1998.

- (1) *That "Schedule A" be amended, in the appropriate place as follows;*
 - (a) *by inserting in column 1, the words "Leederville Oval Reserve";*
 - (b) *by inserting in column 2, the words "RES 3839 Vesting Order 3213/895V3";*
 - (c) *by inserting in column 1, the words "Perth Oval and Loton Park";*
 - (d) *by inserting in column 3, headed "Volume", the number "183";*
 - (e) *by inserting in column 4, headed "Folio", the number "169";*
 - (f) *by inserting in column 3, headed "Volume", the number "407";*
 - (g) *by inserting in column 4, headed "Folio", the number "110";*
 - (h) *by inserting in column 3, headed "Volume", the number "409";*
 - (i) *by inserting in column 4, headed "Folio", the number "180";*
 - (j) *by inserting in column 3, headed "Volume", the number "414";*
 - (k) *by inserting in column 4, headed "Folio", the number "72";*
 - (l) *by inserting in column 3, headed "Volume", the number "965";*
 - (m) *by inserting in column 4, headed "Folio", the number "70";*
 - (n) *by inserting in column 3, headed "Volume", the number "2034";*
 - (o) *by inserting in column 4, headed "Folio", the number "696";*
 - (p) *by inserting in column 3, headed "Volume", the number "2064";*
 - (q) *by inserting in column 4, headed "Folio", the number "390";*
 - (r) *by inserting in column 3, headed "Volume", the number "2064";*
 - (s) *by inserting in column 4, headed "Folio", the number "391";*
 - (t) *by inserting in column 4, headed "Volume", the number "3062";*
 - (u) *by inserting in column 4, headed "Folio", the number "999."; and*
- (iii) *the amendment be published in the Government Gazette.*

Moved Cr Chester, Seconded Cr Doran-Wu

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

"(ii) pursuant to Sections 3.12 and 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Parks and Public Reserves as follows:

LOCAL GOVERNMENT ACT 1995 (as amended)

**TOWN OF VINCENT LOCAL LAW RELATING TO PARKS AND PUBLIC RESERVES
AMENDMENT**

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on to amend the Town of Vincent Local Law Relating to Parks and Public Reserves, published in the Government Gazette on 22 December 1998.

(1) That "Schedule A" be amended, in the appropriate place as follows;

- (a) by inserting in column 1, in alphabetical order, the words "Leederville Oval Reserve";*
- (b) by inserting under Leederville Oval Reserve in column 2, the words "RES 3839 Vesting Order 3213/895V3";*
- (c) by inserting in column 1, in alphabetical order, the words "Perth Oval and Loton Park";*
- (d) by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "183";*
- (e) by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "169";*
- (f) by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "407";*
- (g) by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "110";*
- (h) by inserting under Perth Oval and Loton in column 3, headed "Volume", the number "409";*
- (i) by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "180";*
- (j) by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "414";*
- (k) by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "72";*
- (l) by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "965";*
- (m) by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "70";*
- (n) by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "2034";*
- (o) by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "696";*
- (p) by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "2064";*

- (q) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "390";*
- (r) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "2064";*
- (s) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "391";*
- (t) *by inserting under Perth Oval and Loton Park in column 4 3, headed "Volume", the number "3062";*
- (u) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "999";*
- (v) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "2540";*
- (w) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "859"."*

Debate ensued.

CARRIED BY A SPECIAL MAJORITY (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.4.1

That the Council;

- (i) *RECEIVES the report to amend the Town's Local Law relating to Parks and Public Reserves;*
- (ii) *pursuant to Sections 3.12 and 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Parks and Public Reserves as follows:*

LOCAL GOVERNMENT ACT 1995 (as amended)

***TOWN OF VINCENT LOCAL LAW RELATING TO PARKS AND PUBLIC RESERVES
AMENDMENT***

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on to amend the Town of Vincent Local Law Relating to Parks and Public Reserves, published in the Government Gazette on 22 December 1998.

- (1) *That "Schedule A" be amended, in the appropriate place as follows;*
 - (a) *by inserting in column 1, in alphabetical order, the words "Leederville Oval Reserve";*
 - (b) *by inserting under Leederville Oval Reserve in column 2, the words "RES 3839 Vesting Order 3213/895V3";*
 - (c) *by inserting in column 1, in alphabetical order, the words "Perth Oval and Loton Park";*
 - (d) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "183";*
 - (e) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "169";*

- (f) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "407";*
 - (g) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "110";*
 - (h) *by inserting under Perth Oval and Loton in column 3, headed "Volume", the number "409";*
 - (i) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "180";*
 - (j) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "414";*
 - (k) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "72";*
 - (l) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "965";*
 - (m) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "70";*
 - (n) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "2034";*
 - (o) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "696";*
 - (p) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "2064";*
 - (q) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "390";*
 - (r) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "2064";*
 - (s) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "391";*
 - (t) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "3062";*
 - (u) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "999";*
 - (v) *by inserting under Perth Oval and Loton Park in column 3, headed "Volume", the number "2540";*
 - (w) *by inserting under Perth Oval and Loton Park in column 4, headed "Folio", the number "859"; and*
- (iii) *the amendment be published in the Government Gazette.*
-

BACKGROUND:

At the Ordinary Meeting of Council held on 16 December 2003 the Council resolved to amend its Local Law Relating to Parks and Public Reserves to include Perth and Leederville Ovals and Loton Park.

At the creation of this Local Law, Perth Oval and Leederville Oval were both separately leased and were not the subject of the Local Law. As both these facilities have been redeveloped, it is now appropriate for these to be included under the Local Law.

CONSULTATION/ADVERTISING:

The proposed amendment was advertised in The West Australian newspaper on 24 December 2003 and 22 January 2004, in a local paper on 20 December 2003 and 24 January 2004 and on the Town's Notice Board and Website with submissions closing on 10 March 2004.

At the close of the consultation period two submissions were received as follows:

1. Dudley Maier of Chatsworth Road, Highgate

"I believe that it would be better to refer to the former Perth Oval area as "Sports Stadium and Loton Park" rather than "Members Equity Stadium and Loton Park" (Schedule 'A', Column 1).

I have been told that one of the side effects of naming the land is that the new name will be used in DOLA based road maps. Members Equity has purchased the naming rights for a three year period and there is no certainty that they will continue with this arrangement after the initial three year period. By adopting a more generic name it will mean that there will be less confusion if the name changes. There is the added benefit of the Town not having to revise the local law each time the name changes."

CEO's Comment

It is acknowledged that the use of a Sponsor's name is inappropriate - as the name may change as sponsors change. The use of the name of "Loton Park" has not been queried and therefore will remain. The suggested change of name to "Sports Stadium" has merit. However, the former name "Perth Oval" also has merit as it reflects the former use of the site and is shown on the heritage gates. Therefore, the name "Perth Oval" is recommended.

2. John Hyde, MLA - State Member for Perth

"Firstly, congratulations to the Town on your tremendous work in upgrading Perth Oval and Loton Park. To be able to create more useable public open space is an excellent outcome.

However, I oppose your intention in this re-advertised local law to not record the heritage-listed name of the reserve - Perth Oval - and to include a sponsor's name in a legal local law. This sets a dangerous precedent and will cause extra work and expense for the Town.

You've done a tremendous job in getting extra money for the Town through selling the naming rights. This has also been done interstate, most noticeably at Kardinia Park in Geelong.

Due to sponsor changes and sponsor companies folding and being bought out, the naming rights "stadium" name in Geelong has changed three times. However, the local Council has not changed planning legislation etc each time, just left the overall reserve as Kardinia Park. Thus the Council has been spared the expense of staff time, gazettal, bureaucracy and the opportunity cost by not changing local laws, as well as preserving the community's sense of place with a 100 year old reserve.

Given the State and national heritage listing of Perth Oval, I do not believe it is appropriate for a name change in any official records.

There can be no extra incentive or brownie points to a sponsor in having their name in these laws.

The goodwill and the professionalism in which the Town has negotiated the delicate issue of naming rights could evaporate through any precedent this change to local law would provide for.

Perhaps a future Council may sell the naming rights to Beatty Park pool. - "Kreepy Krawley Stadium". They might even change Hyde Park to "Crazy John's" in exchange for capital improvements!

Heritage is primarily about a sense of place. To try and obliterate heritage names in even minor (but official and legal) documents sends the wrong message to the community.

I urge you to reconsider and amend the law to reflect the heritage name of Perth Oval, Loton Park (and I assumed the new section of park was to be given its Aboriginal name.)"

CEO's Comment

It is acknowledged that the use of a Sponsor's name is inappropriate - as the name may change as sponsors change. The use of the name of "Loton Park" has not been queried and therefore will remain. The former name "Perth Oval" has merit as it reflects the former use of the site and is shown on the heritage gates. Therefore, the name "Perth Oval" is recommended.

LEGAL/POLICY:

Section 3.12 of the Local Government Act 1995 as amended sets out the procedure to be adopted when amending Local Laws.

STRATEGIC IMPLICATIONS:

Item 2.5(f) of the Draft Strategic Plan 2003/2008 "*Develop and implement community programmes for law order and safety*" indicates a need to "Provide services for the control of animals within the Town. The above proposal would be in keeping with this strategy.

FINANCIAL/BUDGET IMPLICATIONS:

Other than advertising costs, there will be no further costs.

COMMENTS:

It is acknowledged that the use of a Sponsor's name is inappropriate - as the name may change as sponsors change. The use of the name of "Loton Park" has not been queried and therefore will remain. The suggested change of name to "Sports Stadium" has merit. However, the former name "Perth Oval" also has merit as it reflects the former use of the site and is shown on the heritage gates. Therefore, the name "Perth Oval" is recommended.

10.4.2 Proposed Amendment to the Town of Vincent Local Law Relating to Standing Orders

Ward:	Nil	Date:	16 March 2004
Precinct:	Nil	File Ref:	LEG0019
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating the proposed amendments to the Town of Vincent Local Law Relating to Standing Orders;*
- (ii) *pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Standing Orders gazetted on 11 September 2001 as follows,*

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

LOCAL LAW RELATING TO STANDING ORDERS

In pursuance of the powers conferred upon it by Section 3.12 of the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on to amend the Town of Vincent Local Law Relating to Standing Orders published in the Government Gazette on 11 September 2001 as follows:

- 1. *Clause 2.8 be amended by inserting a new subclause (4) as follows;*
 - "(4) Notwithstanding subclauses (1) and (2), reports listed in the agenda are to be considered in the new order in which they are raised and include;*
 - (a) unopposed items which will be moved "en bloc";*
 - (b) items which are the subject of a question or statement from members of the Public;*
 - (c) items which Members wish to discuss, items which Members or officers have declared a financial or proximity interest and items which require an Absolute or Special Majority;"*
- 2. *Clause 2.20.5 be amended by inserting new clauses (4) and (5) as follows:*
 - "(4) The Council may prescribe guidelines and procedures which will determine the protocols for the asking of questions or making of statements by members of the public when addressing the Council;*

- (5) *Members of the public shall observe the guidelines and procedures for the asking of questions or making of statements to the Council."*
3. *Clause 3.3.7(1) be amended by deleting the word "Councillor" and inserting the words "Member, other than the Presiding Member,".*
4. *Clause 3.3.7(2) be amended by deleting the word "Councillor" and inserting the words "Member, other than the Presiding Member,"*
5. *Clause 3.3.12 be amended by:*
- (a) *amending subclause (1) by inserting the words "or ask a question" after the word "speak" in line 2; and*
- (b) *a new subclause (3) as follows:*
- "(3) The Presiding Member is not permitted to move a motion, therefore does not have a right of reply.";*
6. *Clause 3.6.4(1)(ii) be amended by inserting the word "other" before the word "Member", where it appears in line 1;*
7. *Clause 3.6.5 be deleted and the following new clause be inserted"*
- "3.6.5 Division of Motions and Amendments*
- The Presiding Member or the Council by carrying a decision, without debate, may order a motion or an amendment be divided and put in the form of two or more motions or amendments.";*
8. *Clause 3.7.3 be amended by;*
- (a) *inserting the words " , other than the Presiding Member" after the word "Member" where it appears in subclause (3); and*
- (b) *inserting a new subclause (4) as follows:*
- "(4) The Presiding Member may, or upon the request of a Member (without debate), order an amendment to be divided and put in the form of two or more amendments."*
9. (a) *the title "PART 4 - COMMITTEES" be retitled "PART 4 - COMMITTEES AND FORUMS";*
- (b) *the following new clause 4.7 be inserted:*
- "4.7 Forums*
- (1) The Council may prescribe guidelines and procedures for the management of forums.*
- (2) All persons shall comply and observe the Forum's Guidelines and Procedures."*
- ~~9.~~ 10. *Clause 5.9 be amended by inserting "(1)" before the first paragraph;*

~~10.~~ 11. *Clause 5.9 be amended by inserting a new subclause (2) as follows:*

“(2) Any motion, amendment of action taken which is in breach of, or contrary to these Standing Orders is deemed invalid.

- (iii) *the proposed amendments to the Local Law be advertised for statewide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public; and*
- (iv) *NOTES that the Chief Executive Officer will prepare guidelines and procedures for public question time for the Council's consideration.*

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Mayor Catania advised that clause (i) of the recommendation would be considered in separately.

Clause (i) was put.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

That;

(1) *subclause (2) of clause (ii) be deleted and the remaining subclauses renumbered; and*

(2) *clause (iv) be deleted.*

AMENDMENT CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

Clauses (ii) and (iii) were put.

CARRIED (6-0)

**MOTION AS AMENDED CARRIED
BY A SPECIAL MAJORITY (6-0)**

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.4.2

That the Council;

- (i) *RECEIVES the report relating the proposed amendments to the Town of Vincent Local Law Relating to Standing Orders;*
- (ii) *pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Standing Orders gazetted on 11 September 2001 as follows,*

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

LOCAL LAW RELATING TO STANDING ORDERS

In pursuance of the powers conferred upon it by Section 3.12 of the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on to amend the Town of Vincent Local Law Relating to Standing Orders published in the Government Gazette on 11 September 2001 as follows:

1. *Clause 2.8 be amended by inserting a new subclause (4) as follows;*
 - “(4) Notwithstanding subclauses (1) and (2), reports listed in the agenda are to be considered in the new order in which they are raised and include;*
 - (a) unopposed items which will be moved "en bloc";*
 - (b) items which are the subject of a question or statement from members of the Public;*
 - (c) items which Members wish to discuss, items which Members or officers have declared a financial or proximity interest and items which require an Absolute or Special Majority;”*
2. *Clause 3.3.7(1) be amended by deleting the word “Councillor” and inserting the words “Member, other than the Presiding Member,”.*
3. *Clause 3.3.7(2) be amended by deleting the word “Councillor” and inserting the words “Member, other than the Presiding Member,”*
4. *Clause 3.3.12 be amended by:*
 - (a) amending subclause (1) by inserting the words "or ask a question" after the word "speak" in line 2; and*
 - (b) a new subclause (3) as follows:*
 - “(3) The Presiding Member is not permitted to move a motion, therefore does not have a right of reply.”;*

5. *Clause 3.6.4(1)(ii) be amended by inserting the word "other" before the word "Member", where it appears in line 1;*
6. *Clause 3.6.5 be deleted and the following new clause be inserted"*
"3.6.5 Division of Motions and Amendments
The Presiding Member or the Council by carrying a decision, without debate, may order a motion or an amendment be divided and put in the form of two or more motions or amendments.;"
7. *Clause 3.7.3 be amended by;*
 - (a) *inserting the words " , other than the Presiding Member" after the word "Member" where it appears in subclause (3); and*
 - (b) *inserting a new subclause (4) as follows:*
"(4) The Presiding Member may, or upon the request of a Member (without debate), order an amendment to be divided and put in the form of two or more amendments."
8. (a) *the title "PART 4 - COMMITTEES" be retitled "PART 4 - COMMITTEES AND FORUMS";*
(b) *the following new clause 4.7 be inserted:*
"4.7 Forums
 - (1) *The Council may prescribe guidelines and procedures for the management of forums.*
 - (2) *All persons shall comply and observe the Forum's Guidelines and Procedures."*
9. *Clause 5.9 be amended by inserting "(1)" before the first paragraph;*
10. *Clause 5.9 be amended by inserting a new subclause (2) as follows:*
"(2) Any motion, amendment of action taken which is in breach of, or contrary to these Standing Orders is deemed invalid; and
 - (iii) *the proposed amendments to the Local Law be advertised for statewide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public.*

FURTHER REPORT

At the Ordinary Meeting of Council held on 8 October 2002 the Council resolved as follows:

"Moved by Cr Piper, Seconded by Cr Franchina

That this item be DEFERRED to enable Councillors to further consider the matter.

CARRIED (7-0)

*(Cr Cohen on leave of absence)
Cr Ker absent from the Chamber."*

The matter has been further reviewed and the Chief Executive Officer's report is unchanged. It is therefore recommended that the Council approve of the changes as it will formalise the Council's current meeting procedures.

BACKGROUND

At the Council meeting held on 28 August 2001, the Council resolved as follows:

"That:

- (1) the Council introduces a meeting procedure (as used by the majority of Councils and by the Western Australian Municipal Association [WAMA]), to move items on the Meeting Agenda, "on block", excluding the following items;*
 - (i) where an absolute majority or special majority decision is required;*
 - (ii) reports which are the subject of a question or comment, by members of the public during public question time; and/or*
 - (iii) where an Elected Member requests the matter be debated or considered; and*
- (2) this matter be reassessed at the conclusion of a 6 month period."*

Statistics have been recorded for each meeting and these are summarised below. The figures have been updated.

Reports Carried En Bloc

Date	No of Items	% of Total Reports
1.9.2001 - 30.6.2002	251	30.46
2002-2003	301	40.4

Time (1.6.2001-30.6.2002)

	Public Question Time (Average)		Meeting Time (Average)	
	Hours	Minutes	Hours	Minutes
2001/2002	-	37	3	12
2002/2003	-	29	3	24

Public question time varied from nil questions to 52 minutes. The average period being 37 minutes in 2001/02 and 29 minutes in 2002/03. The average meeting duration for 2002/2003 increased to 3 hours 24 minutes, an increase of 12 minutes over the previous year.

Standing Orders

In 2002 an Elected Member queried the interpretation of various Standing Order clauses. This matter has been researched including obtaining a legal interpretation, and the following is advised;

The legal advice recommends that the Standing Orders be amended to reflect the current procedures and to clarify several clauses, as they are open to more than one interpretation. These clauses include:

- 2.8 Order of Business
- 2.20.5 Questions or Public Statements by Members of the Public
- 3.3.7 Mover or Seconder deemed to have spoken
- 3.3.12 The right of reply
- 3.6.4 Permissible Motions on Recommendations
- 3.6.5 Division of Motions and Amendments
- 3.7.3 One Amendment at a Time
- 5.9 Validity of Standing Orders

Clause 2.8 - Order of Business

This amendment will reflect the current meeting practice.

2.20.5 Questions or Public Statements by Members of the Public

These amendments will enable the Council to prescribe guidelines and procedures to determine the protocol for the asking of questions or making of statements by members of the public. Members of the public will be required to observe these guidelines and procedures.

The Department of Local Government has issued guidelines to manage public question time and these will be used as a basis for the Council's new guidelines and procedures.

These guidelines cover such matters as the number of speakers on an item, the variety of questions which may be asked (eg personal questions about an Elected Member/officer), managing repetitive questions and managing inappropriate questions (eg where a person is not acting in good faith or is trying to cause embarrassment).

The Chief Executive Officer will prepare the guidelines for the consideration of the Council.

Clause 3.3.7 - Mover and Seconder deemed to have spoken

The amendment to this clause is necessary to clarify that the Presiding Member cannot move motions or amendments.

Clause 3.3.12 - Right of Reply

The amendments to this clause clarifies that the Presiding Member does not have a right of reply and also does not permit the asking of any questions after the right of reply has been given. After the right of reply the motion should be immediately put to the vote. This is the correct meeting procedure protocol.

Clause 3.6.4 - Permissible Motions or Recommendations

This amendment will make it specific; that the Presiding Member cannot move motions.

3.6.5 Division of Motions and Amendments

This new clause will allow the Presiding Member to divide a motion or an amendment.

Clause 3.7.3 - One Amendment at a Time

This amendment clarifies the role of the Presiding Member to allow an amendment to be considered in two or more parts. Also that the Presiding Member cannot move amendments.

PART 4 - COMMITTEES AND FORUMS

At the Ordinary Meeting of Council held on 10 February 2004, the Council resolved inter alia as follows:

"(iv) RECONFIRMS its direction to the Chief Executive Officer to develop a Council briefings policy no later than March 2004, with the aim being to maximise the number of briefing sessions open to the public in the interests of the public accountability and transparency."

The Department of Local Government has recently issued guidelines for the management of forums and these will be used as a basis for the Council's new guidelines and procedures.

It is important that forums be properly managed, particularly if some will be open to members of the public. Accordingly, it is recommended that the Standing Orders include clauses which will give the Council the legal authority to prepare guidelines and procedures for the management of forums and for a requirement for all persons to observe and comply with these.

Clause 5.9 - Breach of Standing Orders

This amendment will remove any ambiguity of the legal validity of motions, amendments or action taken which are contrary to Standing Orders.

In addition to clarifying the above clauses, it is recommended that the Standing Order be amended to incorporate the meetings practice of dealing with "en-bloc" items. This will require an amendment to clause 2.8 – "Order of Business".

Presiding Member's Role

The Town's solicitors advise of the following;

"The rights of the chair of a meeting to participate in a debate at that meeting must be considered in the context of the role and duties of the chair. The role and duties are identified, in broad terms, in Joske's Law and Procedure at Meetings in Australia (9th Edition 2001) at pages 36 and 42. In essence these are:

1. *to preside at meetings;*
2. *to conduct the proceedings regularly;*
3. *to determine the sense of the meeting;*
4. *to preserve order;*
5. *to adjourn the meeting if necessary;*
6. *to control the voting process;*
7. *to declare the meeting closed; and*
8. *to sign the minutes."*

Therefore, the effect of the proposed amendments will clarify the role of the Presiding Member (Chair) at Council meetings.

ADVERTISING/CONSULTATION

The proposed amendments will be required to be advertised for a statutory period of 6 weeks and for the Council to consider any submissions received.

FINANCIAL/BUDGET IMPLICATIONS

Nil.

LEGAL/POLICY

The Town's Standing Order Local Law was gazetted on 11 September 2002.

STRATEGIC IMPLICATIONS

Nil.

COMMENTS

The proposed changes to the meeting procedure and the Standing Orders will improve the meeting process and remove any ambiguity in the Standing Orders. It is recommended that the Local Law Relating to Standing Orders amendments and meeting procedure be approved.

10.4.3 Strategic Plan 2003-2008 - Progress Report

Ward:	Both	Date:	16 March 2004
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2003-2008, as shown in Appendix 10.4.3.

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Cohen

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

"(ii) a more detailed report be submitted to the Ordinary Meeting of Council to be held on 27 April 2004."

AMENDMENT CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.4.3

That;

- (i) the Council RECEIVES the progress report on the Strategic Plan 2003-2008, as shown in Appendix 10.4.3; and*
- (ii) a more detailed report be submitted to the Ordinary Meeting of Council to be held on 27 April 2004.*

BACKGROUND:

The Town's CEO, Executive Managers and Managers reviewed the Strategic Plan and provided indicative priorities, timeline and financial implications during October and November 2003. Assistance was obtained from the Western Australian Local Government Association to prepare key result areas, which will also be used as performance indicators in the CEO and Executive Managers' contracts of employment.

At the Ordinary Meeting of the Council held on 16 December 2003 the Council approved of the amendments, indicative priorities and financial implications to the Strategic Plan 2003-2008.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

It is not a legal requirement to have a Strategic Plan however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and the Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the adopted program.

10.4.7 Independent Organisational Review - Progress Report

Ward:	Both	Date:	16 March 2004
Precinct:	All	File Ref:	ADM0061
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No 1 as at 16 March 2004 concerning the implementation of recommendations of the Independent Organisational Review.

Cr Cohen departed the Chamber at 9.14pm.

COUNCIL DECISION ITEM 10.4.7

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Cohen returned to the Chamber at 9.15pm.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

DETAILS:

At the Special Meeting of Council held on 14 October 2003 the Council considered the matter of the Organisational Review Key Areas and Priorities and resolved inter alia as follows:

"That the Council;

- (iii) apportions the highest priority to:*
 - (a) Customer Service (Recommendations 4(f), (g), (h) and 35);*
 - (b) Delegations, Discretions, Compliance and Policy (Recommendations 6, 7, 11, 13, 41 and 46);*
 - (c) followed by Parking Matters (Recommendations 48, 50 and 52); and*
 - (d) the remainder of the recommendations to be implemented as detailed in the table 'IMPLEMENTATION OF THE IOR RECOMMENDATIONS'; and*
- (iv) NOTES that the following IOR recommendations have already been completed or require no further action:*

Recommendation Numbers:

2(a), 2(b), 3(a), 9, 10, 23, 24, 25, 29, 30, 32, 33, 34, 38, 40, 44, 49 and 51.

IMPLEMENTATION OF THE IOR RECOMMENDATIONS

Recommendation Number	Page	Governance (Council Responsibility)	Administration (CEO Responsibility)	Council Priority (Adopted on 19 August 2003)	Indicative Implementation Timeline
Objective 1 – Strategy					
1	17	x		High	Oct/Nov 03 Part Completed
2(a)	17		x	High	Completed
2(b)	17		x	High	Completed
3(a)	17	Completed			Completed
3(b)	17		x	High	Nov 03 - June 04 Part completed
Objective 2 - Organisation Structure Review					
Suggestions	20			High	Oct - Dec 03
4	30		Supported in part	High 4(f), (g) & (h)	Oct - Dec 03 Part Completed
Objective 3 – Governance					
5	35	x		High	Oct 03 - Mar 04
6	36	x		High	Oct 03 - Mar 04
7	36		x	High	Oct/Nov 03
8	36		x		Oct 03 - Mar 04
9	36		Completed		Completed
10	36		x	High	Completed
11	36		x	High	June -Dec 03 Part Completed
12	36	x		High	Oct - Dec 03
13	36		x	High	Oct 03 - Mar 04
Suggestions	42(3)	x			Completed
Objective 4 - Human Resources & Performance Management					
14	45		x	High	Oct 03 - Mar 04
15	45		x	High	Oct/Nov 03 Part Completed
16	46	x		High	Nov/Dec 03
17	46		x	High	Nov 03
18	46		x		Oct 03 - Mar 04 Part Completed
19	46		x		Oct 03 - Mar 04
20	46		x	High	Oct 03 - Mar 04
21	46		x	High	Nov 03/Ongoing
22	46		x	High	Nov 03/Ongoing
23	46		x	High	Completed
24	46		Supported in part only	High	Completed
25	46		x	High	Completed
Objective 5 - Financial Performance & Accountability					
26	56		x		Oct/Nov 03
27	56		x		Nov 03/Ongoing
28	57		x		Jan - Mar 04
29	57	x			Completed
30	57		x	High	Completed
31	57		x	High	Oct 03 Part Completed
32	57	Completed			Completed
33	57	x		High	Completed
34	57		Completed		Completed
Objective 6 - Financial Accountability - Business Services					
35	62		x	High	Jan - Mar 04

Recommendation Number	Page	Governance (Council Responsibility)	Administration (CEO Responsibility)	Council Priority (Adopted on 19 August 2003)	Indicative Implementation Timeline
36	63		x		Nov 03/Ongoing
37	63		x		Nov 03/Ongoing
Objective 7 - Human Resource Survey					
38	63		Completed		Completed
39	68		x	High	Oct 03/ongoing
40	68		Completed		Completed
Objective 8 - Process and Procedures					
41	83	x		High	Oct 03 - Mar 04
42	83		x	High	Nov 03 - Mar 04
43	83		x	High	Oct 03 - Mar 04
44	83		Completed		Completed
45	83		x		Oct 03 - Mar 04
46	83		x	High	Nov 03
47	83		x	High	Oct 03 - Mar 04
48	83	x		High	Part Completed On-going from July 03
49	83	Completed			Completed
50	84	x		High	Nov 03 - June 04
51	84		Completed		Completed
52	85		x	High	Nov 03 - Dec 04
Objective 9 - Financial Implications					
Objective 10 - Human Resources - Senior Executives					
53	96		x	High	Nov 03/Ongoing

The following are the IOR Recommendations, together with the CEO's Comments. Recommendations that have previously been completed have not been included in the report.

STRATEGY

RECOMMENDATION 1

The 2002 – 2007 strategic planning process be revisited and include the following approach and elements:

The strategic planning process focus on social, environmental and economic outcomes and include quantitative and qualitative evaluations of Key Result Areas using key performance indicators and effectiveness indicators that are outcomes oriented, relevant and useful for future planning. The process to include the following elements.

Vision:

Set the shared view on what the Town will be in 5 years time. The end result must be an outcome that has the benefit of critical analysis and reflects the majority stakeholder views as being realistic and affordable.

Mission:

Describe the shared view of what services and activities the Town provides.

Values:

Describe the shared values that will be used as the basis for the philosophical approach to the way of “doing business” in the Town. The values to be supported by Behaviour Standards or Codes of Conduct.

Key Result Areas (the main functional areas):

Identify the functional areas that when achieved will collectively satisfy the vision statement.

For each key result area there must be identified:

- The Scope (i.e. a description of what is to be included in the key result area)
- Key Objectives/Outcomes that collectively will achieve the Key Result Area
- Strategies and Action Plans for those key objectives/outcomes and
- Key Performance Indicators that are outcomes oriented, relevant and useful for future planning.

CEO's Comment

This recommendation has already been actioned and is part completed. A Strategic Planning Briefing was held on 10 July 2003. At the Ordinary Meeting of Council held on 9 September 2003, the Council adopted the Draft Strategic Plan 2003-2008 and further resolved as follows:

"That the Council;

- (i) ADOPTS the Draft Strategic Plan 2003-2008.*
- (ii) NOTES that Key Performance Indicators (KPI's), priorities and indicative financial implications will be prepared and reported to the Council for approval; and*
- (iii) meets with Executive Officers to review the effectiveness of the relative strategies and action plans, priorities and indicative financial implications of the Draft Strategic Plan 2003-2008."*

This matter is currently being progressed by the CEO and Executive Managers. Indicative costings/implications, priorities and timelines are being investigated. A meeting was held on 14 October 2003 to consider the above clause (iii).

RECOMMENDATION 3

- (b) The Town of Vincent requests the East Perth Redevelopment Authority to provide advice on the essential elements of urban economic development and strategies for the Town of Vincent to pursue to achieve the objectives of Key Result Area 3 – Economic Development.

CEO's Comment

Already actioned. A briefing session was held on 30 July 2003. Marketing Strategy to be prepared in 2003-2004. An on-going close working relationship already exists. Funds will be considered during the 2004-05 Budget process for this matter.

ORGANISATIONAL STRUCTURE REVIEW

RECOMMENDATION 4

- (a) Community Development and Administration functions be split with Community Development to become a function of Environmental and Development Services. The administration functions of local government elections, land administration, coordinating legal services, register and safekeeping of legal documents, administration and maintenance of telephone/PABX/Voicemail system, facsimile machine and photocopiers, messages on hold, agendas and minutes distribution, Council minutes data collection and stationary orders remain in Corporate Services.

CEO's Comment

This recommendation is supported in part, namely:

- *Community Development and Administrative Services was split effective from 1 January 2004 with administrative functions allocated as follows:*

<u>Item</u>	<u>Responsible Officer</u>
- Elections	EMCS/CEO
- Land Administration	EMTS
- Property Sales	EMCS
- Leases	Admin Officer Corporate Services
- Register and safe keeping of legal documents	Manager Information Technology
- PABX voicemail systems	Manager Information Technology
- Agenda and Minutes Distribution	Minutes Secretary
- Council Minutes Data Collection	Minutes Secretary
- Stationery Orders	Executive Secretaries
- Printing (Agenda, Minutes, Misc.)	CSO CEO's Division
- Printing General	Admin Officer Corporate Services
- Co-ordination Legal Services	CEO (was never an Admin function)
- Halls and Reserve Bookings	Community Development

- *Community Development and Administrative Services to be re-titled "Community Development".*

- *Community Development should remain in Corporate Services for the following reasons;*

- 1. Community Development was previously in Environmental and Development Services (EDS) and transferred to Corporate Services - Community Development Officer transferred in 1996 and Disability and Welfare Officers were transferred in 1999, when the Community Development Section was initiated as separate section in Corporate Services.*
- 2. Proven performance in Corporate Services: Community Development programmes and events have been identified for State, Local Government and Community Development awards and are consistently complimented by the community for the quality of their work. This would therefore assume that the section is working to a high level of performance and adopting best practice.*
- 3. No supporting data is offered to justify the transfer in the report, other than synergy and alignment.*
- 4. Synergy already exists between the Community Development section and other areas, including Planning and Technical Services.*
- 5. A transfer to EDS would result in an imbalance in workloads between the Divisional Executive Managers.*
- 6. The Manager Community Development would be competing with four other Managers for the Executive Manager's time.*
- 7. A physical move of the section is not recommended in the report. This will leave the section isolated from the rest of its aligned division. It is difficult to see how a team synergy will be developed in this environment.*
- 8. Staff morale - the section has been in the Corporate Services Division since its inception and works well and staff would be reluctant to move.*

- (b) *The administrative functions and staff resources involved in preparing agendas, recording minutes and distributing minutes be transferred from the office of the Chief Executive Officer to Corporate Services.*

CEO's Comment

*This recommendation is not supported. The following action has been taken:
To remain under direct control of CEO.*

- 1. The CEO is responsible for providing advice to Council. This is primarily through the Council Agenda. This change to the current procedure will cause duplication and will fragment the process.*
- 2. The compilation of the Agenda requires considerable interaction with the Executive Managers. It is the role of the CEO to co-ordinate the Divisions - it should not be delegated to a Divisional Executive Manager.*
- 3. The current meeting cycle timeframe is very tight and there is little room for delay, which may be caused if the duties are allocated to a third party.*
- 4. The interaction between the CEO and Elected Members would become fragmented, if a third person was involved in the Agenda process (particularly when considering Notices of Motion, Questions with Notice and the like.)*

- (c) The Minute Secretary and Relieving Officer's position be merged following the retirement of the Relieving Officer in April 2003.

CEO's Comment

Completed. The CEO's Division has been amended to allow for the current Executive Assistant to perform the role of Minutes Secretary. A Customer Service Officer will provide assistance on the days that Agendas and Minutes are being prepared. At other times the will be stationed in the Customer Service Centre. A new workstation has been created to provide for this change.

- (d) Fleet management responsibilities be transferred from Manager Parks to Corporate Services Finance Officer (Purchasing/Contracts).

CEO's Comment

This matter has been investigated. Not supported for the following reasons:

- 1. No justification given in report other than "better alignment". This is considered a simplistic view.*
- 2. Fleet comprises light vehicle fleet and major plant. No differentiation in the report.*
- 3. Choosing the most appropriate item of Major Plant and development and updating both programs comprises a collaboration across Technical Services.*
- 4. Major Plant replacement comprises a "team" approach coordinated by the Manager Parks Services with considerable input from EMTS and various Technical Services Staff and respective plant operators. Will cause duplication of work.*
- 5. No discussion with EMTS with regards the proposed change.*
- 6. Purchasing Officer is already involved in the Tender Preparation/advertising/tender closure/purchase.*
- 7. Technical Services is involved in drafting of specifications, tender assessment and keeping the programs current.*
- 8. Report did not examine or quantify operational process involved which includes arranging servicing, repairs & breakdowns including delivery which has always being operated very effectively by Technical Services.*
- 9. The vast majority of plant in the Town is operated by Technical Services and it is considered that the responsibility of the function is better aligned with Technical Services.*
- 10. The Purchasing/Contracts Officer does not have the capacity to absorb additional work in fleet management.*

Fleet management to remain within Technical Services Division under the direct control of the Executive Manager.

- (e) The Property Maintenance Officer position reports to Manager Planning and Building Services.

CEO's Comment

This matter has been investigated. Not supported for the following reasons:

- 1. The IOR did not prove any benefits or advantages in relation to the proposed transfer in efficiency terms.*
- 2. This section is currently working extremely well, positive feedback being received.*
- 3. A more equitable workload - Manager Health Services currently supervises three (3) Environmental Health Officers and has sufficient capacity to supervise Property Maintenance - Manager Planning and Building Services currently supervises thirteen (13) staff. Has a very demanding workload and has insufficient capacity to absorb additional work to adequately supervise this section. It may further negatively impact on workload equity.*
- 4. Property Maintenance was originally under Planning and Building Services and in December 1998, Council accepted the CEO's recommendation to transfer this position to Health Services.*
- 5. The reported rationale is "...to align building and heritage issues associated with the Town's building assets". However, no problems with "alignment" are demonstrated, mentioned or detailed. It appears to be a philosophical statement. No supporting data provided to justify the change.*
- 6. Health Services are responsible for the public building, public health and safety aspects of Council-owned buildings, and the existing Property Maintenance Officer-link is therefore a crucial one.*
- 7. The Property Maintenance Officer was recently awarded the Employee of the Month accolade for excellent services. During his 2003 annual review, he requested in writing to remain within the Health Services Section.*
- 8. Since 19 July 1999, the section has demonstrated that it can effectively deal with reasonable Property Maintenance service expectations and no change is warranted or justified.*

- (f) The position Manager Customer Service Centre be created and the Customer Service Centre become a function of the Chief Executive Officer's Division.

CEO's Comment

The Customer Service Centre became a function of the CEO's Division on 1 January 2004. Refer to Customer Service Programme at Appendix 10.4.7.

- (g) The responsibility for the customer information content of the Town's website and printed material be transferred to the Manager Customer Service.

CEO's Comment

This recommendation is still being investigated.

- (h) An internal community consultative coordination group be formed and be facilitated by Manager Customer Service.

CEO's Comment

Completed. A Customer Service Working Group is already in place and meets on a weekly basis. This Working Group has been reviewed for composition and terms of reference.

GOVERNANCE

RECOMMENDATION 5

- (a) Council introduce a 12 month trial of three week cycles to Council decision making comprised of:
- **Week 1** Council briefing session on matters of a long term nature or are otherwise strategic in their nature and are in the early stages of development. Attendance at those meetings is by invitation. No decisions are to be made at those meetings. Matters requiring decision are to be referred to the Council Committee included in week 2 of the meetings cycle.
 - **Week 2** Council meeting in Committee whereby members of the public and parties associated with matters before Council are directly and publicly invited to attend and address the Committee. It is essential Managers of staff who author reports together with Executive Managers attend these meetings to respond to Council questions.
 - **Week 3** Ordinary Council meeting whereby the Council considers recommendations submitted from the Council Committee meeting and makes final determination on all matters.

CEO's Comment

This matter is to be further investigated for its benefits to the Town. It is strongly recommended that information be obtained from other local governments where this system is in place. Attendance at meeting is also advisable to review the actual procedures in action. To be considered during March - June 2004.

RECOMMENDATION 6

Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council's consideration.

CEO's Comment

This will be implemented during October 2003 - March 2004. The Town's Manager Planning and Building Services has been seconded on a full-time basis in January and February to action this recommendation. It is well advanced and on target. A report will be prepared during April 2004 for the consideration of the Council.

RECOMMENDATION 7

Neighbourhood notifications be written in non technical language and be made at least 7 days prior to the matter being considered by Council. A cover letter be included detailing the assistance that can be provided to explain the elements of the notification and that letter be written in the main languages used by residents of the Town.

CEO's Comment

Completed and implemented in December 2003.

RECOMMENDATION 8

A suitable computer be located in the Council Chamber connected to a projector and screen enabling the Minute Secretary to project the "live" recording of declarations, motions and resolutions of meetings for simultaneous viewing by the Elected Members, Officers and members of the public.

CEO's Comment

Quotations obtained. The Consultant's indicative costs of \$3,600 appears insufficient. Preliminary quotation obtained by the Town's Manager Information Technology are in the vicinity of \$11,000 - \$20,000. Further investigated March - June 2004.

RECOMMENDATION 11

The Chief Executive Officer be required to coordinate the review of the Policy Manual and submit the recommended variations to Council. The review is to take into account the suggested improvements contained in this report.

CEO's Comment

This recommendation is almost completed, except for Human Resource policies. These will be finalised during April/May 2004. Approximately 98% of current policies have been reviewed and re-adopted. A new manual will be created and once completed, all policies will be available via the Town's webpage.

RECOMMENDATION 12

Council gives consideration to the wider use of community forums to proactively plan for the strategic direction of the Town of Vincent.

CEO's Comment

Completed and implemented.

RECOMMENDATION 13

Town Planning Officer and Heritage Officer reports be written using objective language and formats changed to highlight discretionary approval provisions available to Council.

CEO's Comment

Completed. Implemented between October 2003 - March 2004.

HUMAN RESOURCES AND PERFORMANCE MANAGEMENT

RECOMMENDATION 14

The format of the Progress Review Performance Management document be modified to include provision for the employee, together with their supervisor, to establish areas for improvement over each subsequent 12 month period.

CEO's Comment

To be implemented between October 2003 - March 2004. This recommendation is being investigated.

RECOMMENDATION 15

Following Council's adoption of the 2003/2004 annual budget, the elected Council assisted by an experienced external person meet with the Chief Executive Officer to jointly determine key performance outcomes for the Chief Executive Officer for the next 12 months. Those outcomes to be strategic in nature and include a focus on goal setting and continuous improvement. The Chief Executive Officer's consent is required to any change, as this constitutes a contract variance.

CEO's Comment

Completed. The Town engaged John Phillips and Simon White of WALGA's Local Government Workplace Solutions. A briefing session was held on 14 October 2003. A report was submitted Ordinary Meeting of Council held on 16 December 2003 and approved.

RECOMMENDATION 16

Following the determination of performance outcomes for the Chief Executive Officer, that Officer conducts the same process for the Executive Managers. The Executive Manager's consent is required to any change, as this constitutes a contract variance.

CEO's Comment

Completed. The Executive Managers have been advised that their KPI's will be almost identical to the CEO's. Documentation is being finalised.

RECOMMENDATION 17

The Senior Management Team and Managers use intangible incentives for staff by recognising performance verbally and in written form and involving staff more in decision-making that impact on their area of responsibility and in strategic matters.

CEO's Comment

Completed and implemented wherever appropriate.

RECOMMENDATION 18

The Senior Executive Management Team prepares guidelines to assist the determination of over-award payments including addressing the superannuation "gap" between employees engaged under the City of Perth Superannuation Scheme and the Local Government Superannuation Scheme.

CEO's Comment

Implemented in part. The superannuation matter was reported to Council on 19 August 2003 and actioned. Over Award matter requires further information/research and will be implemented October 2003 - March 2004.

RECOMMENDATION 19

The Senior Executive Management Team investigates and considers the benefits and criteria for offering term contracts to Officers appointed to positions with the prefix: "senior".

CEO's Comment

To be implemented in October 2003 - June 2004. This matter is currently being investigated.

RECOMMENDATION 20

The Human Resources Manager prepares a strategy and is assigned responsibility for implementing and monitoring an organisational staff development program.

CEO's Comment

To be implemented in October 2003 - June 2004. This matter is currently being investigated.

RECOMMENDATION 21

The Executive Management Team encourages staff to identify improvements to their work environment and process improvements that would lead to improved effectiveness.

CEO's Comment

Completed. Implemented in November 2003 and continuing onwards thereafter.

RECOMMENDATION 22

The Executive Management Team identifies, acknowledges and harnesses the latent capacity of emerging leaders in the organisation.

CEO's Comment

Completed. Implemented in November 2003 and continuing onwards thereafter.

FINANCIAL PERFORMANCE AND ACCOUNTABILITY

RECOMMENDATION 26

“Financial Statements Executive Summary” to be presented to Council on a quarterly or monthly basis.

CEO's Comment

Completed. Implemented October 2003 - March 2004.

RECOMMENDATION 27

The content and format of financial accounts and financial reports prepared by Corporate Services for Middle Management to be further developed and tailored taking account of individual Manager requirements.

CEO's Comment

Completed and implemented. Ongoing amendments to reports, as requested by Managers.

RECOMMENDATION 28

Council's Activity Based Costing System documentation to be updated, the allocation of costs and staff allocation percentages to be reviewed where necessary.

CEO's Comment

To be implemented from January - April 2004. Requires further investigation/research.

RECOMMENDATION 31

Following items to be considered for inclusion in Annual Report:

- Comparative Indicators;
- Future Directions Summary;
- Fees and Charges By Type;
- Key Result Areas Summary;
- Triple Bottom Line Reporting.

CEO's Comment

Implemented forthwith in part for the 2002-03 Annual Report and continuing in future Annual Reports.

FINANCIAL ACCOUNTABILITY – BUSINESS AND SERVICES

RECOMMENDATION 35

Service Level Agreements to be developed, implemented and rolled out across various areas of Council Operations, including but not limited to

- Financial Services
- Administration Services
- Customer Service Centre

CEO's Comment

To be implemented from January - March 2004. Currently being investigated.

RECOMMENDATION 36

Business activities relating to the provision of services by Council to undergo further testing and benchmarking.

CEO's Comment

To be implemented in 2004. Further investigation/research being carried out.

RECOMMENDATION 37

Where practical, the Town periodically considers benefits provided to residents and the community, and investigate income opportunities on a "user pays" basis.

CEO's Comment

Further investigation/research being carried out. Matter is raised on an ongoing basis and considered during the annual budget process.

HUMAN RESOURCES SURVEY

RECOMMENDATION 39

The Executive management Team reviews the Human Resources Survey results and initiates actions to address the low satisfaction levels evident.

CEO's Comment

Implemented. Process has already commenced in the Technical Services outside workforce. Will be reviewed on an on-going basis.

PROCESS AND PROCEDURES

Environmental and Development Services Processes

RECOMMENDATION 41

(As per Recommendation 6 Council delegates approval of specified development applications to the Manager Planning and Building Services.)

CEO's Comment

To be implemented in October 2003 - March 2004. Part completed.

RECOMMENDATION 42

Within 24 hours of initial assessment of an application for a Development application or Building license, applicants be advised electronically in notation form of any issues of non-compliance or otherwise and approximate approval time if in compliance.

CEO's Comment

Further investigation/research being carried out (March - June 2004).

RECOMMENDATION 43

Where non-compliance is noted, the applicant be invited to attend a meeting with the application Officer to discuss options. Where compliance options are identified, the Officer initiates a facilitative process including persons that may be immediately impacted on by the development or matter under consideration.

CEO's Comment

Further investigation/research being carried out (March - June 2004).

RECOMMENDATION 45

The appointment of an additional Town Planning Officer be reviewed after Council determines the recommendation for additional delegation of approval for Development Applications.

CEO's Comment

Completed. At the Ordinary Meeting of Council held on 4 November 2003 the Council approved of a Compliance Officer. Ranger Tom Zimmermann was successful and commenced in the new role on 1 January 2004. Initial feedback to this new position is positive.

RECOMMENDATION 46

The Town Planning and Heritage Officers' report format to Council contains a table detailing location, ownership, applicant, file reference, reporting Officer, reviewing Officer and a brief overview, to be followed by Officer recommendation, background including advertising, comments received and facilitation, legal implications including explanation of discretionary provisions and a location map showing location and adjoining properties. The report to be written in objective language.

CEO's Comment

Completed and implemented.

RECOMMENDATION 47

The Manager Town Planning and Building Services initiates a review of processing building license applications to reduce the processing time to 2000/2001 levels.

CEO's Comment

To be implemented from October 2003 - March 2004. Further investigation/research being carried out.

Car Parking Process

RECOMMENDATION 48

Council reviews the 2002 Car Parking strategy and implements a staged approach to resolving the current car parking challenges by a medium term approach including combining paid parking with restricted free parking zones.

CEO's Comment

Already commenced and partly implemented. First report to Council in August 2003. Further research required and action will be on-going.

RECOMMENDATION 50

Council reviews the cash in-lieu car parking contribution to achieve a market related contribution to assist funding car parking capital costs.

CEO's Comment

To be implemented from November 2003 - June 2004. Further investigation/research being carried out.

RECOMMENDATION 52

As part of the Town Planning Scheme Review, Council Officers research the impact of reciprocal car parking on existing car parking spaces and recommend adjustments to the reciprocal arrangements where the impact is demonstrated to be negative.

CEO's Comment

To be implemented from November 2003 - December 2004 on an on-going basis Further investigation/research being carried out.

HUMAN RESOURCES – SENIOR EXECUTIVES

RECOMMENDATION 53

- (a) The Senior Executive Team embarks on an Organisational Improvement Program that includes:
- Organisational development based on inclusiveness and recognition of staff latent capacity.
 - Continuous Improvement by examining ways to improve each period's outcomes not merely matching them.
 - Best Practice by seeking better ways of providing services within the boundaries of realistic financial constraints.
 - Empowering Teams to operate within negotiated guidelines rather than controlling and monitoring.

CEO's Comment

Part completed. Implemented from November 2003 on-wards. Requires further information/research.

Thirty-five (35) (60.7%) recommendations have already been completed, seven (7) (13.2%) are part completed and fourteen (14) (26%) are in progress. It is proposed that the majority of the Recommendations (except Nos 50, 52 and 53) will be completed by June 2004, with the above three being completed on an on-going basis by December 2004. A summary table is shown below:

IMPLEMENTATION OF THE IOR RECOMMENDATIONS

Recommendation Number	Page	Governance (Council Responsibility)	Administration (CEO Responsibility)	Council Priority (Adopted on 19 August 2003)	Indicative Implementation Timeline
Objective 1 – Strategy					
1	17	x		High	Completed
2(a)	17		x	High	Completed
2(b)	17		x	High	Completed
3(a)	17	Completed			Completed
3(b)	17		x	High	Completed
Objective 2 - Organisation Structure Review					
Suggestions	20			High	Oct - Dec 03
4	30		Supported in part	High 4(f), (g) & (h)	Oct - Dec 03 Completed (except (g))
Objective 3 – Governance					
5	35	x		High	Oct 03 - Mar 04 Under review
6	36	x		High	Oct 03 - Mar 04 Part Completed
7	36		x	High	Completed
8	36		x		Oct 03 - Mar 04 Under review
9	36		Completed		Completed
10	36		x	High	Completed
11	36		x	High	Completed
12	36	x		High	Completed
13	36		x	High	Completed
Suggestions	42(3)	x			Completed
Objective 4 - Human Resources & Performance Management					
14	45		x	High	Oct 03 - Mar 04 Under review

Recommendation Number	Page	Governance (Council Responsibility)	Administration (CEO Responsibility)	Council Priority (Adopted on 19 August 2003)	Indicative Implementation Timeline
15	45		x	High	Completed
16	46	x		High	Completed
17	46		x	High	Completed
18	46		x		Oct 03 - Mar 04 Part Completed
19	46		x		Oct 03 - Mar 04 Under review
20	46		x	High	Oct 03 - Mar 04 Under review
21	46		x	High	Completed
22	46		x	High	Completed
23	46		x	High	Completed
24	46		Supported in part only	High	Completed
25	46		x	High	Completed
Objective 5 - Financial Performance & Accountability					
26	56		x		Completed
27	56		x		Completed
28	57		x		Jan - Mar 04 Under review
29	57	x			Completed
30	57		x	High	Completed
31	57		x	High	Completed
32	57	Completed			Completed
33	57	x		High	Completed
34	57		Completed		Completed
Objective 6 - Financial Accountability - Business Services					
35	62		x	High	Jan - Mar 04 Under review
36	63		x		Nov 03/Ongoing Under review
37	63		x		Nov 03/Ongoing Under review
Objective 7 - Human Resource Survey					
38	63		Completed		Completed
39	68		x	High	Completed
40	68		Completed		Completed
Objective 8 - Process and Procedures					
41	83	x		High	Oct 03 - Mar 04 Part Completed
42	83		x	High	Nov 03 - Mar 04 Under review
43	83		x	High	Oct 03 - Mar 04 Under review
44	83		Completed		Completed
45	83		x		Completed
46	83		x	High	Completed
47	83		x	High	Oct 03 - Mar 04 Under review
48	83	x		High	Part Completed On-going from July 03
49	83	Completed			Completed
50	84	x		High	Nov 03 - June 04 Under review
51	84		Completed		Completed
52	85		x	High	Nov 03 - Dec 04 Under review
Objective 9 - Financial Implications					
Objective 10 - Human Resources - Senior Executives					
53	96		x	High	Nov 03/Ongoing

Recommendation Number	Page	Governance (Council Responsibility)	Administration (CEO Responsibility)	Council Priority (Adopted on 19 August 2003)	Indicative Implementation Timeline
					Part Completed

CONSULTATION/ADVERTISING:

A copy of the Independent Organisational Review Report has been placed on the Town's Intranet (for staff) and Council's webpage. Hard copies of the report have been provided to all of the Town's sections, front counter and at the library and also to several precinct groups upon their request.

In accordance with the Council's decision of 19 August 2003, community consultation was carried out from mid October to mid November 2003 concerning the Town's Organisational Review Implementation Report. A report was submitted to the Ordinary Meeting of Council held on 16 December 2004.

LEGAL/POLICY:

The Local Government Act 1995 prescribes the responsibilities of the Elected Council, Mayor, Councillors and Chief Executive Officer. It provides a clear distinction between governance matters which are the responsibility of the Elected Council and administrative matters which are the responsibility of the Chief Executive Officer.

STRATEGIC IMPLICATIONS:

The Independent Organisational Review has identified a number of matters which are of strategic importance to the Town.

As part of the process the Town's current and Draft Strategic Plans have been reviewed and amended to reflect the recommendations of the Independent Organisational Review.

FINANCIAL/BUDGET IMPLICATIONS:

The Independent Organisational Review cost \$79,500 plus \$7,950 GST. Additional incidental costs of several hundreds of dollars were also incurred.

The staff time costs to assist in the Review have not been calculated.

The estimated net cost of affecting the implementation of the recommendations and changes totals \$105,206.

An amount of \$105,000 has been included in the Budget 2003/04.

COMMENTS:

The implementation of the Independent Organisational Review recommendations is well advanced and good progress has been made. The implementation timeline has taken into consideration factors such as the Council's adopted Capital Works Programme, budget, festive season holiday period, staff leave and the time required to further research and investigate matters.

APPENDIX 10.4.7

Recommendation 4 (f)

Draft Action Plan - Customer Service Centre

Action	Time frame	Finalised	Further Action
Staff development and training			
Review and update procedures manuals	30.4.2004		
Review and update position descriptions	16.2.2004	20.2.2004	
Set up meetings with Departmental managers	9.2.2004	20.2.2004	
Follow up performance review outstanding items	9.2.2004	9.2.2004	
Review staff training needs	9.2.2004	20.2.2004	
Continue implementation of ongoing section meetings	Ongoing		
Review backup resources within organisation	28.2.2004	2.3.2004	
Establish relief roll	Ongoing		
Implement customer service training for all staff	Ongoing		
Train customer service staff so they can undertake all current CSO duties	1.2.2004 - 1.12.2004		
Conduct Complaints Handling training for all staff	Ongoing		
Physical enhancements			
Establish area for consultation with clients who have issues close to the reception area	1.2.2004 - 30.6.2004		
Enhance appearance of reception area			
Fit a buzzer or some kind of discreet audio signal			
Improve reception area so customers and staff can have ad-hoc meetings with some degree of privacy			
Enhance signage - cashier and "you are here"			
Performance measurement			
Establish enquiry patterns and volumes statistics	Ongoing survey current		
Review DA process and procedures	1.4.2004 - 30.6.2004		
Improve quality of service and dissemination of information			
Investigate use of IDAS and Authority for electronic management of queries/complaints	1.4.2004 - 30.6.2004		
Update information folders	28.2.2004 - 30.4.2004		
Review information products available for distribution	April 2004		
Review and update complaints resolution procedure	16.2.2004 - 30.5.2004		
Set up appointments with other local government customer service centres to get feedback on their internal procedures	Ongoing		
Develop customer service charters for different divisions/sections in consultation with them	1.4.2004 - 30.6.2004		
Participate in Australian Customer Service Awards	2004		
Review FAQ and website in general	1.3. 2004	16.03.2004	
Set up and implement customer service standards across the organisation	1.2.2004 - 30.6.2004		
Develop customer service manual	1.3.2004 - 30.4.2004		
Carry out visits to other local governments	1.2.2004 - 30.6.2004		

10.4.8 Enviro 04 Convention and Exhibition

Ward:	-	Date:	16 March 2004
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES of the Chief Executive Officer's attendance at the Enviro 04 Convention and Exhibition to be held in Sydney from Sunday 28 March 2004 to Thursday 1 April 2004;*
- (ii) *NOTES that all costs (apart from Officer time) will be paid by the Mindarie Regional Council.*

COUNCIL DECISION ITEM 10.4.8

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

BACKGROUND:

The Chief Executive Officer has received the approval of the Mindarie Regional Council (MRC) to attend the Enviro 04 Convention and Exhibition to be held in Sydney from Sunday 28 March 2004 to Thursday 1 April 2004.

It is the Mindarie Regional Council's policy to approve of a representative from each of the member Councils (Joondalup, Wanneroo, Stirling, Perth, Cambridge, Victoria Park and Vincent) to attend conferences.

Conference Details

The Enviro 04 Convention and Exhibition is the premier industry forum on sustainability for 2004. It is a platform for five environment industry associations to run their annual or biennial conferences and showcase their technology, products, services and research in a combined trade exhibition.

Enviro provides the infrastructure for these conferences and the exhibition to take place and incorporates a full program of social and technical events and tours, promoting cross-fertilisation between the different disciplines. It is a biennial event which began in Sydney in 2000 and continued in Melbourne in 2002. Enviro 04 in Sydney will be the third event in the series.

The Enviro 04 associations are:

- Australian Water association (AWA)
- Waste Management Association of Australia (WMAA)
- Australian Business Council for Sustainable Energy (BCSE)

- Environment Business Australia (EBA)
- Clean Air Society of Australia & New Zealand (CASANZ)

Enviro 04 will comprise conference streams on:

- sustainable industry — food and beverage supply, sustainable urban development, contaminated land management
- water — planning for the future
- waste — finding your place in the brave new “no-waste” world
- sustainable energy — markets and programs, technologies and suppliers, projects and case studies
- business of the environment — can Australia be a global sustainability superpower?
- advances in odour management — towards more liveable communities.

It is estimated that 2,000 attendees from throughout Australia and overseas will be attending.

Whilst in Sydney, the CEO proposes to visit the Chinatown precinct and also Sydney's City Council to obtain information. This will prove beneficial as the Town is proposing its own precinct in 2004/05.

FINANCIAL IMPLICATIONS:

Nil - apart from 4 days' Officer time.

LEGAL/POLICY IMPLICATIONS:

The Town has a policy relating to attendance at Conferences and apart from the matter relating to costs, the CEO will be ensuring that this policy's requirements are complied with. A report will be submitted to both the Mindarie Regional Council and the Town.

STRATEGIC IMPLICATIONS:

The Town's representative on the Mindarie Regional Council is Mayor Catania. Mayor Catania cannot attend this Conference due to other commitments. The CEO is the Town's non-voting representative on the MRC.

The MRC has recently purchased land in Wanneroo as its site for the proposed secondary waste treatment facility. This facility is currently being progressed as part of a tender process by the MRC and will provide the new technology for waste treatment. The project is estimated to cost in excess of \$30 million.

The MRC has not finalised its technology for this facility and it is considered most beneficial for the CEO to update his knowledge relating to waste management technology. The Town's Executive Manager Technical Services has attended waste management conferences and a recent study tour in late 2003. The updating and sharing of knowledge is considered paramount as the Town enters the new phase for waste management treatment.

COMMENT:

It is requested that approval be granted for the Chief Executive Officer to attend the Enviro 04 Convention and Exhibition in Sydney.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Councillor Simon Chester - Plot Ratio and Density

That the Council REQUESTS the Chief Executive Officer to include the following in the compliance table of planning reports submitted to Council;

- (i) the effective residential density (R Code) proposed in all developments concerning grouped and multiple developments; and*
- (ii) in all developments where plot ratio is non-compliant, the floor area required and floor area proposed, is listed, and expressed in square metres.*

COUNCIL DECISION ITEM 11.1

Moved Cr Chester, Seconded Cr Lake

That the motion be adopted.

Debate ensued.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

11.2 Notice of Motion – Councillors Sally Lake, Helen Doran-Wu and Steed Farrell - Review of Community Consultation Policy and Community Workshop

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

- (i) a Community workshop to be held in mid to late May 2004;*
- (ii) the Workshop to be advertised in the local papers;*
- (iii) Precinct/Community Groups be invited by mail with invitations received by the first week of April;*
- (iv) persons unable to attend the workshop be invited to send submissions by mail; and*
- (v) following the workshop, the Town's Officers to prepare a revised draft policy and report back to Council by the first meeting in August 2004.*

Moved Cr Lake, Seconded Cr Doran-Wu

That the motion be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Lake

That a new clause (ii) be added as follows and the remaining clauses renumbered:

"(ii) the discussion will include the current consultation policy, the community's experience with it and the role of the precinct groups;"

AMENDMENT CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 11.2

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

- (i) a Community workshop to be held in mid to late May 2004;*

- (ii) *the discussion will include the current consultation policy, the community's experience with it and the role of the precinct groups;*
 - (iii) *the Workshop to be advertised in the local papers;*
 - (iv) *Precinct/Community Groups be invited by mail with invitations received by the first week of April;*
 - (v) *persons unable to attend the workshop be invited to send submissions by mail; and*
 - (vi) *following the workshop, the Town's Officers to prepare a revised draft policy and report back to Council by the first meeting in August 2004.*
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12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.35pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant (Minute Secretary)

2 Members of the Public present

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 23 March 2004.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2004