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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 16 December 2003, commencing at 6.10pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.10pm.

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

**(a) Apologies:**

Cr Maddalena Torre	South Ward
Rick Lotznicher	Executive Manager, Technical Services

**(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 Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Craig Wilson	Acting Executive Manager, Technical Services
Jeremy van den Bok	Manager Parks Services
Annie Smith	Executive Assistant (Minutes Secretary)
Natasha Vaughan	Administration Officer (Award Recipient - until 7.07pm)
Dale Morrissy	Acting Manager Beatty Park Leisure Centre (until 6.19pm)
Trevor Shilton	Director of Health Promotion, Health Foundation of Australia (WA Division) (until 6.19pm)
Matt Zis	Journalist – Guardian Express (until 10.28pm)
Mark Fletcher	Journalist – Voice News (until 10.28pm)

Approximately 130 Members of the Public

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

Nil.

Mayor Catania welcomed Mr Trevor Shilton, Director of Health Promotion, Health Foundation of Australia (WA Division)

Mr Shilton acknowledged the Town of Vincent's continued efforts in promoting the health of its community. Since 1992 the Heart Foundation has been involved in presenting awards to local government in the area of health, physical activity and recreation. In their 2003 Awards, Beatty Park Leisure Centre application was the West Australian winner within the best overall

project for recreational infrastructure and facilities category which is a State-wide Award. The Centre was commended by the judges for demonstrating its commitment to health and recreation, remaining an affordable community facility that promotes healthy lifestyle, outstanding community attendance figures, thorough understanding of its community's needs, developing projects based on best practice principles and its ability to work collaboratively with a number of parties. The judges were impressed with the diversity of the programmes available.

Mr Shilton presented the Award for Best Overall Project for Recreational Infrastructure and Facilities to Mayor Catania.

Received with acclamation.

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

1. Mr John Bettes of 1 Coogee Street, Mt Hawthorn - Item 10.3.6 - Stated that this dispute has never been about dogs versus football but rather it is about changes proposed by the "fame chasers" whose vision for the Town will inconvenience the residents and exclude the current users from this Park. Commented that the Council is proposing to set up a working group to investigate the use of the Reserve for all users, but believes that because of the composition of the group, it must be concluded that the terms of reference will place a significant "*epistemological burden on the Oxford Dictionary*" and that it must be concluded that the recommendations are already written. Queried why Britannia Reserve was chosen - stated that it was said that Lillyman was too far from Leederville, but it is actually equidistant. Queried why changerooms were required and why did the "Colts" have to be based at Leederville - commented that there was no reason. The proposed changes make no economic, environmental, social or strategic sense and as such must be opposed. South Britannia is about sharing and not about the exclusion and inconvenience perpetrated by the fame chasers and this vision. Stated that there have been attempts to minimise the strength of the opposition. 140 residents attended a Saturday meeting on this matter.

2. Ms Kate McGurk of 6 Buxton Street, Mt Hawthorn - Item 10.3.6 - Stated that given the impact the proposed sporting infrastructure changes at the southern end of Britannia Reserve is likely to have on the residents and users. Asked the following question:

Q1. Has the Town of Vincent carried out any environmental, economic or social impact studies regarding this? If so, when will these reports be released, if not carried out why not.

*The Mayor advised that at the meeting on Britannia Reserve, the consensus was to formulate a committee of which all those requests, questions, compromises and sharing could be resolved. That is what the Town is proposing.*

3. Ms Gina O'Keefe of 107 Bourke Street, Mt Hawthorn - Item 10.3.6 - Stated that the Mayor has encouraged the residents to share the Britannia facilities. Stated that after living with the Subiaco Football Club for the past few weeks, residents have now realised that they take this as a total dominance of the area which takes up the entire area which is exclusive. Spoke about the transporting of players. If they are not local they must be

coming from outer suburbs, so coming to the Town seems contradictory. The report states that there are some concerns - she believes that there are a lot people who are very concerned. Stated that these are large issues and they impact greatly on peoples lives. She asked that Council consider this matter very carefully.

4. Sascha Ozainne of 12/3 Brentham Street, Leederville - 10.3.6 - Stated that she shares the concerns of nearby residents. Firstly, the reduction in the availability of open space for residents living in such a high density area. The training will affect the young families living in this high density area as open space for children to play will no longer be readily available, particularly with training occurring during the after school hours. Believes properties adjacent to and overlooking the Reserve will be devalued as a result of the continued training. Stated that the timing of the training greatly affects the relaxation time of residents, as it occurs after work hours, will also intrude upon living space, lifestyle and privacy - as the Reserve backs directly onto people's gardens. Feels the proposed changerooms, clubrooms, toilets, lighting and carparking areas should not be installed as they will draw anti-social behaviour such as graffiti, increased rubbish, glass and dangerous waste in the area and cause further detrimental impacts on the residents.
5. Mr Peter Fitzpatrick of 14 Toorak Rise, North Perth - Item 10.1.34 - Spoke on behalf of the residents of Toorak Rise and a number of other residents around Smith's Lake. Stated that the Len Fletcher Pavilion has to go. To spend \$600,000 to try and fix it up and there is no guarantee that it will be successful, given the nature of the foundations. Stated that he was concerned that Council is still discussing this matter and this means that Council falsely represented its position to those people who purchased land at Toorak Rise and this could give rise to legal action. Also concerned about the asbestos problem in the building which is being exposed to children and parents that use the facility, along with the nearby residents. Urged the two Councillors who are opposed to demolition to "get on with the job" [of demolition] and avoid wasting taxpayers money and expensive litigation in trying to preserve it.
6. Mr Rueben Norris of 38 Emmerson Street, North Perth - Item 10.1.34 - Asked a question of the Councillors - Have they changed their direction concerning the Len Fletcher Pavilion site given that the Council resolution of 21 November 2000 came about after a lot of consultation with ratepayers and stakeholders that the area would go ahead and the Pavilion would be moved. Queried whether there was something that the ratepayers are unaware of as to what is going on in that area. Stated that nobody doubted the social value of the Pavilion, it is a well used facility, but the decision was made to relocate the facility to the Loftus Centre. Stated that the Minutes of 7 October do not reflect the reasoning as to why the Councillors voted to revisit the Len Fletcher site issue through the commissioning of another structural engineer report (which was done previously), which cost ratepayers \$10,000. Asked Council not to waste anymore time and ratepayers money and resolve to cancel the final report that is due in February and continue to work towards the previously approved resolution. He asked Council to keep ratepayers openly informed as their motives and intentions, as this matter was causing great concern.

7. Mr Melvyn Lintern of 24 Fairfield Street, Mt Hawthorn - Item 10.2.4 - Stated on the one hand the Town of Vincent regards the problem of lower Fairfield Street as too hard to solve. They are prepared to sacrifice lower Fairfield Street in order to keep the status quo and sweep the issues under the carpet. We are disgusted by this attitude. On the other hand Council have come up with a raft of trial proposals in an attempt to address the issue for the ratepayers of Lower Fairfield Street and the sentiment amongst the Town is this all too expensive and might push the problem elsewhere. There is adequate parking for all the patrons of the Ale House. Residential parking is an opportunity and the Ale House to work out where it is. They don't have to look very far, it's across the street at the shopping centre. If the cost is the problem for the extra rangers, then just implement the parking restriction and see what happens. It has worked at the Oxford Hotel. No complaints from the residents of Anzac Road after its introduction or importantly, in adjacent road. We implore Council to reject the recommendation and to implement on a trial basis, residential parking for lower Fairfield Street. There is overwhelming residents support for this and some are here tonight and a petition with 36 signatures. Requested that the item be brought forward on tonight's Agenda
8. Jack Dimitrijevic of 19 Fairfield Street, Mt Hawthorn - Item 10.2.4 - Stated that there are four or five elderly people (over 90 years of age) in the street and they too had to deal with the anti-social behaviour from people parking in the street from Thursday through to Saturday up to 2am. Asked Council to do something about this issue.
9. Mr Lee Dewberry of 2 Waugh Street, North Perth - Item 10.1.32 - Thanked the Mayor and Councillors for their time and consideration over the past fortnight on this matter. Reiterated that his application is recommended for approval and there are no objections from the adjoining owners. The street setbacks meet the performance criteria, especially the garage. Stated that the garage only takes up 6m of their 16m frontage leaving 10m of open and interactive street frontage and would like the garage retained, if possible. Furthermore, stated that the garage will be similar in terms of setback and size to the existing adjoining garage. Commented on the adjoining owners submissions. Believes he has addressed any concerns raised. Requested Council take into account the recommendation for approval.
10. Mr George Vajda of 9 Lincoln Street, Highgate - Item 10.1.16 - Voiced his objection to the development as it seems the Residential Design Codes have not been met by the developer. Requested Council to observe the Codes. Stated he is concerned that his privacy will be completely destroyed in spite of the screening proposed.
11. Mr John Bain of 97 Coogee Street, Mt Hawthorn - Item 10.1.19 - Commented on the request for them to access the rear of the property via the right of way. Stated that the right of way is currently unsealed and does not believe that it is safe in its current state. Stated the design of the double carport was undertaken by a residential architect experienced in heritage buildings and garden design. Stated that careful consideration was given to the height and scale of the carport relative to the home and that they have carried out extensive renovations to the house to inject the character of Mt Hawthorn into it. Commented that the neighbours are

looking forward to having a limestone parapet wall and that they were seeking the same benefits as their neighbours, in having a carport at the front of their home.

12. Mr Marcus Allward of 70 Sydney Street, North Perth - Item 10.1.13 - Stated that the parapet is to be increased, as it is his back wall and would like to know just how much it is to be increased by. Referred to the shade area showing no difference between the existing building and the new building. Also stated that there is no mention of sound proofing and that this should be a consideration, if it is going to double in size.
13. Mr Alberto Canestrari of 371 Crawford Road, Dianella representing the Seventh Day Adventist Church - Item 10.1.13 - Stated that they have supplied all the information to Council regarding the parapet wall increase. Also stated that while one part of the wall was increased, another part of the wall was decreased and the overall size of the wall has not changed drastically and therefore has not changed the shading. Referred to the increase in the size of the property - stated that as it is under the management of the Church, it does not fully run as a function centre. Stated that they do not condone the use of alcohol, therefore there should be no incidents relating to that and they mostly operate during the day and will not be operating after 10pm if they do have a function at night. Advised that the proposal will replace the area of the roof that is asbestos with zincalume and will modernise the facility. Commented that they will also be beautifying the front yard with landscaping and more trees. Requested that the application be approved.
14. Mr Kevin Huynh of 33 Clements Road, Booragoon - Item 10.1.3 - Stated that he has nine years experience in running a seafood business, he is a responsible shopkeeper and keeps his business clean and tidy. Stated that he has agreed to build a brick wall to roof height to help prevent odours. Stated that his landlord would revoke his lease if he does not keep the premises clean and tidy. Requested the Council to approve his application.
15. Mr Jamie Hutcheson of 139 Matlock Street, Mt Hawthorn - Item 10.1.23 - Referred to his reasons presented to Council on 18 November 2003 for requesting the right to demolish his property. Finds it difficult to understand that the demolition is listed for refusal. Stated that he was advised by an officer of the Town to defer plans for a development and focus on approval for demolition. Stated that the application for development was not withdrawn but deferred on the advice given. Advised that they have re-submitted plans to construct a two storey single residence. Stated that the adjoining owners have consented to the proposal.
16. Mr Dave Jaques of 162 Flinders Street, Mt Hawthorn - Item 10.1.5 - Stated that the request for the reduced setbacks to the second level will result in blocking most of the northern sun to the only outdoor living area he has. Referred to the compliance for a variation under performance criteria in the R-Codes. Stated that applicants have requested the reduction in setbacks in order to improve the northern access of sun for their own property. Requested that they adhere to the R-Codes setbacks for the wall on his northern boundary.

17. Mr Dudley Maier of 51 Chatsworth Road, Highgate - Item 10.4.12 - Stated that this is more than cars parking on a grass park but about whether or not the Council is going to look after the financial interest of ratepayers or if it is going to give Perth Glory yet another favourable deal. Referred to the Heads of Agreement (HOA). Stated that the HOA did not contain any provision for free temporary parking on Loton Park. Now without any prior explicit approval from Council, we are seeing a deal that is giving Glory an extra \$30-\$40,000 per year. Asked Council to consider this when determining this Item.

Item 10.3.3 - Highlighted the outcome for Beatty Park for the second year in the row it has made a significant loss. Referred to the expenditure so far this year and believes there are still problems. Stated the swimming pool area is approx \$140,000 over what was spent last year at the same, the Admin area is approx \$100,000. Requested Council to have a look at this as it is not money coming out of Reserve but out of ratepayers' pockets.

18. Mr Ivan Kuscevic of 36 Kookaburra Street, Stirling - Item 10.1.7 - Stated that the three objections received were based on the original plans. Stated that the plans have been amended twice in order to deal with the concerns raised and that the amended plans are compliant with the R-Codes in respect to carparking, storage, plot ratio, open space and privacy. Referred to the setback to the first balcony for units 7 and 8. Stated that the variation sought is for a distance of 20cm. Stated that the plans have been amended in the hope to avoid a hearing at the Town Planning Appeal Tribunal.
19. Ms Lucia Dedear of 98 Buxton Street, Mt Hawthorn - Item 10.1.2 - Feels that they have been presented with a comprehensive and well thought out report and procedure plan. Since their attendance at the "Dialogue with the City", much thought has been given to the current catch phrases, "community visioning" and "consultation". Believes these terms do not encapsulate the best way forward for the Town. Stated that the community visioning and consultation presented at the "Dialogue with the City" was a vision already formulated and then put forward for discussion, but that they are proposing a "paradigm" to community visioning through collaboration. With collaboration, the Elected Members, administration and various communities within the Town will be working together to create the future of our Town. Through collaboration we will all formulate the most appropriate Town Planning Scheme and Strategic Plan. Stated that the Dialogue for the City was a consultation that provided four scenarios and that perhaps the Town needs its own model. Noted that the organisation selected to conduct the collaboration of the Council and the various communities needs to be composed of people who have the skills and knowledge to extract from the community its vision for the future of the Town, therefore the procedure of collaboration is vital to the Town's future. Asked Council to give these issues serious consideration and to support collaboration as a true means to a truly democratic outcome which will give everyone a true ownership in the future of their Town. Asked Council to include the community in the briefing session of the outcomes and implications of Dialogue with the City and its relevance to the Town.

The Mayor complemented the gallery on their presentation and the mode of which it was presented tonight and their behaviour.

Received with acclamation.

There being no further questions from the public, Public Question Time closed at 7.00pm.

**(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 The Chief Executive Officer advised that he had received a petition with 63 signatories requesting Council to allot an area of Forrest Reserve specifically for passive recreation and dog exercise.

*The CEO advised that the petition would be forwarded to the Executive Managers Environmental and Development Services, Technical Services and Corporate Services for investigation and report.*

- 5.2 The Chief Executive Officer advised that he had received a petition with 351 signatories opposing the Council's decision to exclude current users and surrounding residents of Britannia Park from using the Park for the following reasons;

- Ratepayers and residents should have the primary say on how the facilities they pay for area used;
- there has been no consultation or liaison with affected parties;
- an AFL football oval has already been surveyed and marked out to exclude dogs;
- the proposed football training ground will mean dogs are no longer able to be exercised off-leash, and pedestrians will be restricted from general use of the park;
- planned clubrooms, changerooms, lavatories, carparks and floodlighting will dramatically change the way the park is currently used and will undermine the quality of life for surrounding residents;
- there are no other parks nearby which can reasonably accommodate dog owners;

*The CEO advised that this Item is on tonight's Agenda at Item 10.3.6.*

- 5.3 The Chief Executive Officer advised that he had received a petition with 61 signatories supporting the demolition of the Len Fletcher Sports Pavilion to improve Smith's Lake Park.

*The CEO advised that this Item is on tonight's Agenda at Item 10.1.34.*

- 5.4 The Chief Executive Officer advised that he had received a petition with 36 signatories supporting Resident Only Parking between 5pm and 5am on top of the existing 1 hour parking restrictions on the western side of Fairfield Street (between Scarborough Beach Road and Anzac Road) and supporting Council initiatives to enforce late evening-early morning parking restrictions in Fairfield Street.

*The CEO advised that this Item is on tonight's Agenda at Item 10.2.4.*

**Moved Cr Lake, Seconded Cr Chester**

*That the petitions be received.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

## 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 6.1 Ordinary Meeting of Council held on 2 December 2003

**Moved Cr Lake, Seconded Cr Ker**

*That the Minutes of the Ordinary Meeting of Council held on 2 December 2003 be confirmed as a true and correct record subject to the following:*

- (i) *Item 8.4 - Cr Lake's interest being amended to read:*

*"Her interest being that her partner has made submissions on behalf of the Hyde Park Precinct Group on these items."*

- (ii) *Item 10.1.6 - that the voting be amended to reflect that it was Cr Lake who had voted against the item and not the Mayor.*

- (iii) *Item 13.1 - that the wording for Cr Ker's point of order being amended to read:*

*"was casting an adverse reflection on a decision of the Council."*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

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

### 7.1 Employee of the Month Award for the Town of Vincent for December 2003

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

For December 2003, the award is presented to Natasha Vaughan, Administration Officer - Waste Management in the Technical Services Section.

Natasha was nominated by the Town's Councillor Caroline Cohen for her enthusiastic efforts in promoting and organising the Town's successful Worm Farm Workshops and putting together the supporting literature. Natasha has run ten workshops to date attended by approximately 200 residents and resulting in the sale of 75 worm factories.

Last night's workshop attracted some 40 participants including several residents who have become so keen as to learn more about the environmental benefits of worm farming that they have attended multiple workshops.

Natasha has also exhibited the worm farms at recent community events such as the Mayoral Walk and Pets in the Park Day, Community Centre Open Day and the Leederville Street Festival and is keen to continue the workshops in the new year.

Well done Natasha - Keep up the good work!!

7.2 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 Parks and Public Reserves, as published in the Government Gazette on 22 December 1998, to include Members Equity Stadium, Loton Park and Leederville Oval Reserve in the existing Schedule A".

Local Law Relating to Parks and Public Reserves

This Amendment will enable Rangers to enforce the provisions of the Parks and Public Reserves Legislation with respect to Members Equity Stadium, Loton Park and Leederville Oval Reserve.

7.3 World Aids Day 2003 - Recognition Award

The Town was recently presented with a Recognition Award in recognition for its outstanding contribution to the HIV/AIDS cause in Western Australia in the category of:

World AIDS Day Award 2003  
Group or Community Group

Beginning in 2001 and continuing last year, the WA AIDS Council decided that World AIDS Day was the perfect time to recognise and honour individuals, organisations and media who had contributed to improving the lives of people living with HIV/AIDS and/or educating the community on the issues associated with HIV/AIDS.

The Award was presented to myself at the AIDS Candlelight Memorial on World AIDS Day - 1 December 2003 at the AIDS Memorial Monument (located in Robertson Park) by the Chairperson of the WA AIDS Council Russell King.

## 8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report. His interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Cr Ker declared a financial interest in Item 10.1.29 - Tender No 284/03 - Sustainability Management System. The nature of his interest being that his employer has a contractual arrangement with one of the tenderers.
- 8.3 Chief Executive Officer, Mr John Giorgi declared a financial interest in Item 10.4.11 - Adoption of Chief Executive Officer's Performance Appraisal - Key Result Areas. His interest being that it relates to his Contract for Employment.
- 8.4 Chief Executive Officer, Mr John Giorgi declared an interest affecting impartiality in Item 10.4.14 - Confidential Report - Nomination - Premier's Australia Day Active Citizenship Awards. His interest being that in his capacity of CEO, he has dealings or contact in a professional capacity with all the nominees for this Award. He declared that he has considered this matter on the merit of the information provided and prepared his report without any bias.
- 8.5 Acting Executive Manager, Mr Craig Wilson declared a proximity interest in Item 10.1.34 - No 29 (Part Lot 8 and Lots 9-12) Kayle Street, North Perth - Len Fletcher Pavilion: Interim Report. His interest being that he owns property and resides in close proximity.
- 8.6 Cr Franchina declared a proximity interest in the following Items:
- 10.1.35 - No 310 (Swan Loc 114) Pier Street, Corner Bulwer/Lord/Brewer Streets, Perth - Proposed signage to the Multi-Purpose Sports Stadium
  - 10.4.8 - Members Equity Stadium, Pier Street, Perth and Leederville Oval, Vincent Street, Leederville - Proposed Official Openings
  - 10.4.1 - Progress Report No 5 - Members Equity Stadium and Redevelopment of Loton Park; Redevelopment of Leederville Oval and State Indoor Multi use Sports Centre
  - 10.4.12 - Loton Park and Members Equity Stadium, 310 Pier Street, Perth - Parking

His interest being that his daughter owns property in close proximity.

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

Nil.

## 10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.3.6, 10.1.34, 10.2.4, 10.1.32, 10.1.16, 10.1.19, 10.1.13, 10.1.3, 10.1.23, 10.1.5, 10.4.12, 10.3.3, 10.1.7 and 10.1.2

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

Item 10.1.28, 10.4.5 and 10.4.6

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

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

Cr Ker	10.4.5
Cr Lake	10.1.6 and 10.1.14
Cr Chester	10.1.17, 10.1.18, 10.1.24, 10.1.28, 10.1.30, 10.2.2, 10.4.3, 10.4.4, 10.4.10 and 10.4.13
Cr Doran-Wu	10.1.8, 10.1.32 and 10.4.9
Cr Farrell	Nil
Cr Cohen	10.1.19 and 10.1.20
Cr Franchina	Nil
Mayor Catania	10.1.22

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

**Cr Farrell departed the Chamber at 7.15pm.**

**Cr Farrell returned to the Chamber at 7.16pm.**

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:**

Items 10.1.29, 10.1.34, 10.1.35, 10.3.1, 10.4.1, 10.4.8, 10.4.11, 10.4.12 and 10.4.14

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

Items 10.1.1, 10.1.4, 10.1.9, 10.1.10, 10.1.11, 10.1.12, 10.1.15, 10.1.21, 10.1.25, 10.1.26, 10.1.27, 10.1.31, 10.1.33, 10.2.1, 10.2.3, 10.3.2, 10.3.4, 10.3.5, 10.3.7, 10.3.8, 10.4.2 and 10.4.7

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

Item 10.4.14

**Cr Cohen departed the Chamber at 7.17pm.**

**Cr Cohen returned to the Chamber at 7.18pm.**

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 10.1.1, 10.1.4, 10.1.9, 10.1.10, 10.1.11, 10.1.12, 10.1.15, 10.1.21, 10.1.25, 10.1.26, 10.1.27, 10.1.31, 10.1.33, 10.2.1, 10.2.3, 10.3.2, 10.3.4, 10.3.5, 10.3.7, 10.3.8, 10.4.2 and 10.4.7

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

Items 10.3.6, 10.1.34, 10.2.4, 10.1.32, 10.1.16, 10.1.19, 10.1.13, 10.1.3, 10.1.23, 10.1.5, 10.4.12, 10.3.3, 10.1.7 and 10.1.2

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

**Moved Cr Ker, Seconded Cr Lake**

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

*Items 10.1.1, 10.1.4, 10.1.9, 10.1.10, 10.1.11, 10.1.12, 10.1.15, 10.1.21, 10.1.25, 10.1.26, 10.1.27, 10.1.31, 10.1.33, 10.2.1, 10.2.3, 10.3.2, 10.3.4, 10.3.5, 10.3.7, 10.3.8, 10.4.2 and 10.4.7.*

**CARRIED (8-0)**

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

**10.1.1 Further Report - No. 14 (Lot 18) Fairfield Street, Mount Hawthorn – Proposed Additional Two-Storey Grouped Dwelling to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO1079; 00/33/1738
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by I Multari on behalf of the owners FI and G Multari for proposed additional two-storey grouped dwelling to existing single house, at No. 14 (Lot 18) Fairfield Street, Mount Hawthorn, and as shown on amended plans stamp-dated 30 October 2003, 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;*
- (iii) 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;*
- (iv) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (v) 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;*
- (vi) 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;*

- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *subject to first obtaining the consent of the owners of No. 10 Fairfield 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. 10 Fairfield Street in a good and clean condition;*
- (x) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Fairfield 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);*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Fairfield Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xii) *prior to the first occupation of the development, the proposed masonry fence shall be constructed on the west boundary of the proposed rear dwelling lot and have a minimum height of 1.2 metres;*
- (xiii) *the pedestrian accessway provided from Fairfield Street to the proposed rear dwelling adjacent to the southern side of the subject lot shall have a width of 1.5 metres; and*
- (xiv) *vehicular access to/from the proposed rear dwelling shall be from the rear right of way only;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**FUTHER REPORT:**

The Council at its Ordinary Meeting (OMC) held on 9 September 2003 received a report relating to proposed additional two-storey grouped dwelling to existing single house on the subject property. The application was deferred at the applicant's request, and in an email dated 8 September 2003, the applicant requested that the matter be considered at the next available Council Meeting, being the OMC on 7 October 2003. Further to the 8 September 2003 email, the applicant telephoned requesting that the report not be placed on the 7 October OMC.

The applicant has submitted amended plans stamp dated 30 October 2003 demonstrating vehicular access to the additional grouped dwelling being accessed from the right of way. This is in accordance with the Town's Policies relating to Vehicular Access and Street Setbacks.

The applicant has also addressed the non-compliant privacy requirements to the west and south through obtaining the affected neighbours' consent. The west neighbour is common to the subject lot and is also the owner of the proposed grouped dwelling. The south neighbour has consented to the privacy variations relating to that boundary.

The previous Officer Recommendation for conditional approval has been amended to reflect the amended plans dated 30 October 2003 and additional conditions inserted to ensure vehicular access to/from the proposed rear dwelling is from the rear right of way only.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 September 2003:

*"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 I Multari on behalf of the owners FI and G Multari for proposed additional two-storey grouped dwelling to existing single house, at No. 14 (Lot 18) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 18 July 2003, 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;*
- (iii) 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;*
- (iv) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (v) 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;*
- (vi) 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;*

- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *subject to first obtaining the consent of the owners of No. 10 Fairfield 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. 10 Fairfield Street in a good and clean condition;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating vehicular access to the additional grouped dwelling being accessed only from the right of way. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Fairfield Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Fairfield Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

*to the satisfaction of the Chief Executive Officer.*

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COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Cohen

*That this item be DEFERRED as requested by the applicant.*

CARRIED (7-0)

*(Crs Franchina and Torre were an apology for the meeting.)*

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LANDOWNER: FI and G Multari  
APPLICANT: I Multari  
ZONING: Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Residential R30  
EXISTING LAND USE: Single House  
COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Southern Upper Floor Setback</i>	<i>1.2 metres</i>	<i>Nil</i>
<i>Cone of Vision</i>		

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Master bedroom to western boundary</i>	<i>4.5 metres</i>	<i>4.0 metres</i>
<i>Bedroom 3 to western boundary</i>	<i>4.5 metres</i>	<i>4.0 metres</i>
<i>Balcony</i>	<i>7.5 metres</i>	<i>4.0-6.0 metres</i>
<i>Use Class</i>	<i>Grouped dwelling</i>	
<i>Use Classification</i>	<i>"P"</i>	
<i>Lot Area</i>	<i>971 square metres (275 square metres for additional grouped dwelling)</i>	

*SITE HISTORY:*

*The site is occupied by a single storey dwelling.*

*An application for an additional two-storey grouped dwelling to an existing single house was conditionally approved under delegated authority on 5 June 2003.*

*DETAILS:*

*The applicant seeks reconsideration of two conditions of the Planning Approval issued by the Town on 5 June 2003. These two conditions relate to privacy requirements and access arrangements for the proposed additional dwelling and read as follows;*

*"(ix) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*

*(a) the balcony to the Sitting Room on the upper floor level on the western and southern elevations; and;*

*(b) the windows to Bedroom 3 and Master Bedroom on the upper floor level on the western elevation;*

*shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. 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; and*

*(xi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating vehicular access to the additional grouped dwelling being accessed only from the right of way. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

*CONSULTATION/ADVERTISING:*

*The request for reconsideration was not required to be advertised, as an identical proposal was previously advertised in May 2003.*

*LEGAL/POLICY:*

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

*STRATEGIC IMPLICATIONS:*

*Nil.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*Nil.*

*COMMENTS:*

*All matters relating to compliance of the proposal were addressed at the time of consideration and determination of the previous application, including receipt of written consent from the southern neighbour. Non-compliances with respect to privacy were addressed via conditions of approval at that time and now form a component of the request for reconsideration.*

*Condition (ix) - Privacy*

*The above condition required that the proposed new dwelling have appropriate screening imposed to a number of the upper level openings to protect the privacy of the neighbouring properties. The openings requiring screening as included in the subject condition were;*

- *the upper level balcony to the sitting room for the western and southern elevations; and*
- *the windows to bedroom 3 and master bedroom on the western elevation.*

*The applicant sought reconsideration of this requirement as the owner of this site also owns No. 10 Fairfield Street, which is the affected southern neighbour. The western privacy concerns related to the internal views within the development towards the existing house lot.*

*As the applicant owns the affected surrounding properties, it is appreciated that they are seeking to remove the privacy requirement as the screening will only affect themselves. On this basis, it is considered appropriate to not to apply this condition on the approval.*

*Condition (xi) – Access to be Via a Right of Way*

*The applicant in their letter of reconsideration identifies their concern in using the right of way for access. They note it is only 4.0 metres in width, and this would restrict egress to the property to being in forward gear only and generally vehicles require a 6.0 metres reversing area. It was because of this reason that the applicant sought a battle-axe drive configuration for the rear dwelling. The applicant also considers that the driveway provides access for visitors as the street has a one (1) hour parking limit restriction and that the right of way would not provide for visitor parking. The applicant also asks that consideration be given to the fact that the future intention is the development of three dwellings on the site.*

*The above condition was imposed in accordance with the Town's Policy relating to Vehicle Access to Dwellings Via a Right of Way. This Policy supports primary access to a new dwelling in this configuration to be by the right of way and for the site to be provided with gazetted road frontage through the use of a 1.5 metres pedestrian accessway from the lot to the street frontage, in this case Fairfield Street.*

*This stance is further supported by the Town's Policy relating to Vehicular Access, which also supports sole access to on-site parking being provided from a right of way where available. Furthermore, the Town's Policy relating to Street Setbacks requires development being setback in accordance with the applicable Locality Statement and/or to be consistent with the general pattern within the street. This requirement provides for an interactive*

*streetscape with active frontages. A latter section of this Policy further prescribes that carports/garages should be located off existing rights of way where legally available. As such, the Town's support for the utilisation of existing rights of way for access to development is consistent with Policy provisions.*

*Furthermore, the Western Australian Planning Commission have also supported the use of rights of way as sole access to rear lots and infill development as contained within their Policy DC 2.6 relating to Liveable Neighbourhoods: Community Design Code (Planning Bulletin No. 33). This approach is the preferred means of subdivision as it is considered to 'facilitate the greater use of urban land without detrimentally affecting the streetscape particularly in heritage areas. The use of rights-of-way is considered to provide a superior living environment to battleaxe development. In particular it is considered preferable for houses to face streets and laneways rather than be enclosed in backyards. It also contributes to personal safety through surveillance.'*

*In relation to the applicant's comments with respect to manoeuvring room, a 6.0 metres reversing area is required. The Town's records indicate that the site abuts a 5.0 metres wide, sealed, Town owned right of way. As such the need for appropriate setbacks of the proposed building, including any car parking structure is the manner in which to achieve manoeuvring requirements as required under the Town's Policy relating to Parking and Access. The applicant's comments that vehicles would be restricted to forward gear is considered incorrect, as appropriate design can address this aspect. The applicant proposed a 1.5 metre setbacks to the garage from the right of way in the approved proposal, which provided the appropriate vehicular manoeuvring room.*

*Furthermore setback requirements for the building facing a right of way are further addressed within the Residential Design Codes and compliance with such setbacks are assessed at the time of the application. The proposed setback of the residence from the laneway was considered appropriate at that time. As such, by achieving primary access to the property from the right of way is not considered to require any change in design of the dwelling.*

*The applicant also indicated that it was the future intention for three (3) dwellings to be developed on the lot. Consideration of a development of this nature cannot be taken into account in relation to the existing approval. If the applicant seeks consideration of a larger development, it would be appropriate that an application demonstrating all proposed development be submitted to the Town. It is only at this stage that the appropriateness of a battle-axe configuration and/or use of the right of way can be considered further.*

*On the basis of the above, it is recommended that the current application be approved, subject to standard and appropriate conditions to address the above matters, and reflect the removal of Condition (ix) and retention of Condition (xi) of the previous Planning Approval issued on 5 June 2003."*

**10.1.4 No. 14 (Lot 4) Norham Street (Corner Ruby Street), North Perth – Proposed Signage to Existing Single House and Bed and Breakfast**

<b>Ward:</b>	North	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO2198; 00/33/1890
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners N and S Rossetti for proposed signage to existing single house and bed and breakfast at No. 14 (Lot 4) Norham Street Corner Ruby Street), Perth, and as shown on the plans stamp-dated 28 October 2003, subject to:*

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian standards and noise regulations;*
- (iii) the signage shall be removed at the time when the bed and breakfast use ceases operation; and*
- (iv) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

<b>LANDOWNER:</b>	N and S Rossetti
<b>APPLICANT:</b>	As above
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30/40
<b>EXISTING LAND USE:</b>	Single House and Bed and Breakfast

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Standard requirements	No signage is permitted on fences, walls or the like structures which do not form an integral part of the building.	Sign is proposed on the front fence.
Use Class	Single house and bed and breakfast	
Use Classification	"P" and "unlisted use"	
Lot Area	506 square metres	

**SITE HISTORY:**

The site was granted conditional approval under delegated authority for change of use from single house to single house and bed and breakfast on 20 February 2003.

**DETAILS:**

The applicant seeks approval for a 0.375 square metre sign to be located on the infill portion of the front fence on the subject site. The applicant has provided the following details about the proposed sign;

- "A) Proposed sign is to be mounted on the front fence, as shown on the attached plot plan and superimposed on the digital photo, approximately 900 mm above ground.*
- B) The size of the sign is 750mm wide x 500mm high.*
- C) The height of the lettering is as follows:-ABOVE BORED 37mm, BED & BREAKFAST 26mm, BB 140mm, & symbol 90mm and the small text across the bottom is 25mm high.*
- D) Colour and wording details as per attached colour print.*
- E) Sign is to be constructed from colorbond steel and covered in high quality, long term vinyl graphics."*

**CONSULTATION/ADVERTISING:**

The applicant sought and obtained signatures of consent from the adjoining neighbours as well as the neighbours opposite the subject site who will be in view of the proposed sign.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed sign represents a variation to the Signs and Advertising Policy as it prevents any form of signage from being attached to fences. The main purpose of the sign is to ensure easy location of the bed and breakfast by the people visiting. The applicant has provided the following justification for the signage;

*"...we are a small council-approved Bed and Breakfast, and all our customers have told us that, even though they know the address, they feel a bit awkward coming to a suburban house with their luggage in case they have accidentally got the wrong house.*

*...the rest of our property is completely surrounded by a high brick wall. So there is no way that our customers, approaching in their cars, can adequately see into the lawn area, if we had to place a sign there instead - and it would look awful through the bars of the gate.*

*...it is a pretty little sign that we have designed, tastefully done in keeping with the cottage charm of this Bed and Breakfast property (not an obtrusive big thing for advertising purposes).*

*...all of our neighbours who will be able to see the sign from their house have signed the appropriate letter stating that they have absolutely no problem with us having this sign. Our little place has been very quiet since it opened, with no disruption to their lives whatsoever, and they agree that they prefer a tasteful little sign to a mistaken guest one day knocking on their door in the middle of the night because of a lack of sign..."*

The sign is 0.375 square metre in total area. Whilst this is a variation from Town's Policy, the nature and scale of the sign is not considered to cause undue negative impact on the amenity and streetscape of the immediate and surrounding area. Therefore, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

**10.1.9 No. 140 (Lot 6) Anzac Street, Corner The Boulevarde, Mount Hawthorn  
– Proposed Partial Demolition of and Alterations and Additions to  
Existing Single House and Garage**

<b>Ward:</b>	North	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO 2116; 00/33/1793
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant P Fryer on behalf of the owner S D'Ambrosio for proposed partial demolition of and alterations and additions to existing single house and garage on No. 140 (Lot 6) Anzac Street, corner The Boulevarde, Mount Hawthorn, and as shown on amended plans stamped 3 December 2003, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security bond or bank guarantee of \$1000 .shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (v) subject to first obtaining the consent of the owners of adjoining Lot 7 The Boulevarde for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing adjoining Lot 7 The Boulevarde in a good and clean condition; and*
- (vi) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to The Boulevarde and Anzac Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**LANDOWNER:** S D'Ambrosio  
**APPLICANT:** P Fryer  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks North Ground Floor (Garage)	1 metre	Nil, however, complies with the 'Buildings on Boundary' provision in R Codes. 0.75 metre (existing wall)
East Ground Floor (Bed 4)	1.5 metres	
Anzac Road First Floor (Balcony)	6 metres	
Wall Height	6 metres maximum	8 metres maximum

Use Class	Single House
Use Classification	"P"
Lot Area	438 square metres

**SITE HISTORY:**

The subject site was granted conditional Planning Approval at the Ordinary Meeting of Council held on 27 August 2002 for a proposed two (2)-storey single house on the northern portion of previous Lots 226 and 227 (now Lot 7).

**DETAILS:**

The applicant seeks approval for proposed partial demolition of and alterations and two (2)-storey additions to the existing single house and additions to the garage. The proposal generally complies with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies, with the exception of the above non-compliances.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and one written submission has been received by the Town. The main points raised in the letter are as follows;

*"I strongly object to the building of the East Ground Floor (Bedroom 4) being only .75 of a metre from the dividing fence.*

*The proposed height of 8m means that during the summer months my house is going to be in virtual darkness from early afternoon.*

*I also object to the positioning of the proposed balcony which severely impacts on the privacy we currently enjoy. Our front verandahs are currently being restored to their original condition and I am not looking forward to neighbours looking into and down on our living space."*

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Overshadowing**

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

**Boundary Wall Development**

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height and length of the boundary wall. In this instance, the proposed development involves one boundary wall on one side boundary of single storey nature. The boundary wall affecting the adjoining neighbour is single storey in nature and occupies a length of 6.6 metres on the north boundary. The boundary wall is considered to comply with the provisions of the R Codes relating to boundary walls. The boundary wall is considered acceptable and is therefore supported.

**East Ground Floor Setback**

The applicant seeks a variation to the setback of bedroom 4 on the ground floor. The wall is existing and currently single brick accommodating a store. The proposal seeks to modify the wall to be double brick so it meets building standards for accommodating a bedroom. The existing wall does not involve any greater variation or negative undue impact to the east neighbour. Furthermore, proposed bedroom 4 does not involve any windows facing the east boundary and is single storey in nature. The variation is considered acceptable and therefore supported.

**East Side Setback (Garage)**

The applicant seeks a variation to the setback of the garage. The existing single garage is proposed to be extended into a double garage. This involves a boundary wall on the north boundary. The setback requirement is 1 metre; however, the boundary wall is compliant with the R Codes relating to boundary wall development. The setback variation is considered acceptable and therefore supported.

**Anzac Road First Floor Setback**

The encroachment of the balcony into the 6 metres front setback area is considered acceptable as it would not unduly affect the streetscape, mainly due to the open scale and nature of the subject balcony.

**Building Height**

The wall height of the proposed development exceeds the requirement by a maximum of 2 metres. However, the overall building roof pitch height complies with the 9 metres requirement for two storey development. This is considered to be acceptable and therefore supported.

**Response to Objections**

In the letter submitted, concern was raised regarding privacy and overlooking, overshadowing and setback variation for bedroom 4. The applicant has agreed to screen the east side of the balcony as shown on the amended plans to prevent any potential for undue overlooking to the east neighbour. When referring to the requirements of the R Codes, overshadowing takes place over the street due to the orientation of the lot. The proposed bedroom 4 wall currently exists as a single brick construction. The proposal involves modifying the wall to a double brick construction making it suitable for accommodating a bedroom.

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

**10.1.10 No. 17 (Lot 30) Pennant Street, Corner Chamberlain Street, North Perth  
– Proposed Partial Demolition of and Alterations and Two-Storey  
Additions to the Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PRO 2509; 00/33/1832
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Turner		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners J Fenwick on behalf of the owners S and P Cole for the proposed partial demolition of and alterations and two-storey additions to the existing single house at No. 17 (Lot 30) Pennant Street, corner Chamberlain Street, North Perth, and as shown on plans stamp-dated 24 September 2003, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) an archival documented record of the water closet 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 Building Licence;*
- (iii) 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;*
- (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) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*

- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *the windows to bedroom 1 on the first floor level on the northern elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows 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;*
- (x) *the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing the right of way in a good and clean condition; and*
- (xi) *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 Pennant and Chamberlain Streets 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;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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<b>LANDOWNER:</b>	S & P Cole
<b>APPLICANT:</b>	J Fenwick
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
<b>EXISTING LAND USE:</b>	Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Setbacks		
Garage wall on western boundary adjacent to right of way	1.0 metre or may be reduced by half the width of an adjoining right of way up to a maximum of 2.0 metres - maximum reduction in this case is by 2.0 metres therefore Nil setback is permissible.	Nil
Garage access	Vehicular Access and Street Setbacks Policies requires access from the right of way (ROW).	Secondary street access to garage

Use Class	Single House
Use Classification	"P"
Lot Area	407 square metres

**SITE HISTORY:**

The dwelling is not listed on the Town's Municipal Heritage Inventory, however the water closet (WC) is listed. There is a Town owned 5.0 metres wide sealed right of way abutting the property on the western boundary.

**DETAILS:**

The applicant seeks approval for partial demolition, a new double garage with access and orientation off Chamberlain Street, which is the secondary street to this property, and alterations and two-storey additions to the existing house. The setbacks of the garage, alterations and two-storey additions generally comply with the acceptable development standards of the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies.

**CONSULTATION/ADVERTISING:**

The proposal was advertised to neighbouring property owners, with no objections being received during the advertising period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Nature of Development**

The proposal includes approval for partial demolition and alterations and two-storey additions to an existing single house on a green title lot.

### **Demolition**

The proposal includes the demolition of building fabric to the rear of the subject dwelling, namely the bathroom, sleepout, verandah, WC and existing fibro and steel sheds. Such water closets are listed on the Town of Vincent Municipal Heritage Inventory, however management recommendation is to archive with photographs prior to demolition.

The second storey addition is considered acceptable as it is set back from the street, allowing the existing chimneys to remain intact. Although the Town would encourage the applicant to retain the original front fenestration, this building is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage database. As such, the application is generally supported and is subject to general provisions of the Town Planning Scheme and associated Policies.

### **Garage Access**

The existing single garage has access via Chamberlain Street, the secondary street to the property. The garage has a minimal setback to the western boundary (the right of way).

The Vehicular Access and Street Setbacks Policies requires vehicular access from the ROW. In this instance, the vehicular access is proposed to be via the secondary street, in keeping with the traditional access to the property. There is an existing crossover off Chamberlain Street to the garage, however is proposed to be widened to accommodate vehicular movements associated with a double garage.

The property is constraint at the rear adjacent to the right of way by a sewerage connection point. Construction is not permitted over this area and the alternative location of a garage off the right of way would result in the garage having a parapet wall to Chamberlain Street (southern boundary).

The property opposite (to the south) of the subject site is a traditional house that has been renovated, which includes a double garage with access off Chamberlain Street.

The variation to allow access from the secondary street is not considered to be excessive and, being that it traditionally had access from Chamberlain Street, is not deemed to cause undue impact to the streetscape and the amenity of the neighbouring property owners.

### **Garage and Carport Setbacks**

The Town's Street Setbacks Policy requires that all carports, garages and outbuildings and the like structures located adjacent to a secondary street be setback at or behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like) of the nearest dwelling on site.

The proposed garage is located in line with the proposed setback of the dwelling additions, and thus complies with the Town's Policy.

### **Privacy**

The windows to bedroom 1 on the northern elevation appears to comply with the privacy requirements of the R Codes, however a condition should be applied to ensure compliance.

### **Conclusion**

The proposed partial demolition, alterations and two-storey additions to the existing single house are considered supportable, subject to appropriate conditions to address the above matters.

**10.1.11 No. 252 (Lot 4) (Strata Lot 2) Scarborough Beach Road, Mount Hawthorn – Proposed Partial Demolition of and Alterations, Additions, Fencing and Carport to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Mount Hawthorn, P6	<b>File Ref:</b>	PRO1659; 00/33/1916
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners J and M Scholz for proposed partial demolition of and alterations, additions, fencing and carport to existing single house at No. 252 (Lots 4) (Strata Lot 2) Scarborough Beach Road, Mount Hawthorn, and as shown on the plans stamp dated 7 November 2003, subject to:*

- (i) subject to first obtaining the consent of the owners of No.67A Bondi Street and Nos.67-69 Bondi Street Mount Hawthorn for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.67A Bondi Street and Nos.67-69 Bondi Street in a good and clean condition;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

(viii) *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; and*

(ix) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**LANDOWNER:** J and M Scholz  
**APPLICANT:** J and M Scholz  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R60  
**EXISTING LAND USE:** Single house

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	534 square metres (Strata Lot 2 - 376 square metres)

Requirements	Required	Proposed
Street Setback (Carport)	6.0 metres (or behind the setback of the house) may be situated in front setback area where no alternative location exists	0.9 metre to 4.0 metres
Front Fence	Solid up to 1.2 metres, 50 percent visual permeability above 1.2 metres to a height of 1.8 metres	Solid fence to 1.8 metres with timber slat inserts
Setbacks		
West - Shed/Main Dwelling	1.5 metres	Nil - 1.55 metres
North - Patio/shed	1.5 metres	Nil - 0.75 metre

**SITE HISTORY:**

The subject site is occupied by a single house, which fronts Scarborough Beach Road.

**DETAILS:**

Approval is sought for partial demolition of and alterations and additions to the existing house. The existing picket timber fence is proposed to be replaced and the construction of a front fence and carport is proposed.

The applicant writes the following in support of the application;

*"The proposed fence will increase the amenity of the property and surrounds. It would also offer some noise reduction from the traffic on Scarborough Beach Road, and it will also be safer for our family, as the front yard is completely enclosed from the road. The fence and carport will be offset by design features such as - existing gum tree at visitors entrance, low west property boundary to increase the open area of the carport, slatted wood between brick pillars which will break up the rendered brick face, and the carport roof will be designed to mirror the existing property roof".*

**CONSULTATION/ADVERTISING:**

There were no objections received during the advertising period. All neighbours abutting the site have given written consent and have no objections to the proposed development, provided that the owners adhere to the conditions outlined on sheet 1 of 3 of the proposed plans in relation to an easement on between No. 252 Bondi Street and No. 67A Bondi Street and the boundary fence between the two properties. These are civil and Dividing Fences Act matters between the two land owners (refer to site plans for further details).

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Street Setback - Carport**

The carport is proposed to be setback at 0.9 metre to 4.0 metres. The carport is proposed to be 100 percent open and as such is not considered to unduly affect the amenity and streetscape of the immediate area.

**Front Fence**

Scarborough Beach Road is a Primary Distributor Road, which carries a large volume of traffic. The existing fence encloses the only outdoor living area to the dwelling fronting Scarborough Beach Road. The proposed fence has been designed to incorporate design features, including rendered brick with horizontal timber slat screen walls and as such, the proposed fence is considered supportable.

**Setbacks - Shed and Patio**

The proposed variations to setbacks to the northern and western elevations to the proposed shed and patio are considered acceptable as they are minor, will not unduly affect the neighbouring properties, and there were no setback specific objections received from the affected neighbours.

**Summary**

The proposal is generally supportable as it is not considered to unreasonably adversely affect the amenity of the adjacent properties or the existing streetscape. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.12 Nos. 102-104 (Lot 1) Lincoln Street, Corner Stirling Street, Highgate-  
Proposed Partial Demolition of Existing Shop and Single House and  
Construction of an Additional Two-Storey Single House and  
Alterations to Existing Shop**

<b>Ward:</b>	South	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	PRO1655; 00/33/1945
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton, H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region, the Council APPROVES the application submitted by M Rodic and Associates Pty Ltd on behalf of the landowners R and N Duric for the proposed partial demolition of the existing shop and single house and construction of an additional two-storey single house and alterations to existing shop at Nos. 102-104 (Lot 1) Lincoln Street, corner of Stirling Street, Highgate, and as shown on the plans stamp dated 25 November 2003, subject to;*

- (i) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the upper floor bedroom 1 facing north, 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 it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (ii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, shall 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;*
- (iii) 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 proposed front fences and gates adjacent to Lincoln and Stirling Streets, 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;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) 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;*

- (vi) *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;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (viii) *a road and verge security bond or bank guarantee of \$1100.00 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;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Lincoln Street and Stirling Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *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;*
- (xiv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xv) *the shop being a maximum of 65 square metres of gross floor area;*
- (xvi) *prior to the first occupation of the development, one (1) bicycle parking rail(s) shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

(xvii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the dwelling and the store; and*

(xviii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.12**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**LANDOWNER:** R and N Duric  
**APPLICANT:** M Rodic and Associates Pty Ltd  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R80  
**EXISTING LAND USE:** Single House and Shop

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
<u>Single House</u>		
Ground Floor- Rear-North-Western Side	1.5 metres	1.22 metres
Upper Floor- front	6 metres	2.5 metres to balcony, and 4 metres to rest of upper floor
Upper Floor- Rear-North Western Side	2 metres	1.22 metres minimum
<b>Buildings on Boundary</b>	In areas coded R30 or higher, <u>one</u> side boundary setback may be permitted to nil for 2/3 of the length of the boundary. Boundary walls not higher than 3 metres average, and 3.5 metres maximum	Two-storey parapet wall to single house on south-western side boundary to 6 metres in height.

Use Class	Single House
Use Classification	'P'
Lot Area	425 square metres

**SITE HISTORY:**

4 November 2003 At its Ordinary Meeting, the Council resolved to refuse the complete demolition of the existing shop and single house and the construction of two (2) two-storey single houses, mainly based on heritage reasons.

**DETAILS:**

The applicant seeks approval to partially demolish the existing shop and attached single house and construct an additional two-single house at the rear.

The proposal includes the abovementioned variations to the Residential Design Codes (R-Codes) and the Town's Policies.

The subject land abuts a 5.02 metres wide, privately owned, unsealed right of way.

**CONSULTATION/ADVERTISING:**

The application was not advertised as the previous proposal was advertised in the last 12 months, and the proposed amended development proposal does not result in any greater variations to the Town's requirements. Additionally, no submissions were received during the previous advertising period.

**FINANCIAL/ BUDGET IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**LEGAL/POLICY:**

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

**COMMENTS:**

**Setbacks**

Ground Floor- Rear (NW)

The setback variation to the rear is considered supportable, as it is only a minor variation to the requirements of the R-Codes, and it will not unduly affect the amenity of the streetscape, or the adjoining property. Also, the affected neighbour did not object to the variation.

Upper Floor-Front

A front setback variation of 2.5 metres to the balcony, and 4 metres to the main facade, is proposed to the upper floor of Unit 2. However, given the width of the lot, it is virtually impossible to comply with the 6 metres setback requirement without compromising other R-Code requirements, such as rear setbacks.

Furthermore, it is noted that if one single, two-storey dwelling was constructed on the site, the whole building, including the upper floor and the lower floor, could be setback 1.5 metres from Stirling Street, which would be considered as acceptable development. Therefore, a single house would result in a greater impact on the streetscape than the proposed reduced setback.

In this instance, the proposed variation is supported, as it not considered to create an undue impact on the amenity of the streetscape, or the adjoining neighbours.

#### Upper Floor- Rear (NW)

A setback variation of 1.22 metres in lieu of 2 metres is also proposed to the rear of the upper floor, on the north western side. However, the proposal is considered to address the relevant Performance Criteria under Clause 3.3.1 of the R-Codes, as there is no overlooking or overshadowing onto the adjoining neighbour's property.

Given the above, and that the adjoining neighbours did not object to the proposal, the variation is considered supportable.

#### **Boundary Walls**

Clause 3.3.2 of the R-Codes permit boundary walls for two thirds of the length of the balance of the boundary behind the front setback line, up to 3 metres in average height and 3.5 metres in total height.

The proposal represents a variation to the above acceptable development requirements, as the boundary wall to the additional single dwelling on the south-western side is approximately 6 metres in height.

However, given that the two-storey parapet wall only affects the shop, which is owned by the same landowner, and that there is no undue impact in terms of overshadowing or overlooking, the wall is therefore considered acceptable.

#### **Shop**

The existing shop currently has no formal car parking bays on-site. The gross floor area of the shop, is approximately 111 square metres.

Under the Town's Parking and Access Policy, one (1) bay is required per fifteen (15) square metres of gross floor area. Therefore, the car parking requirement is 7.4 bays, which is rounded down to (7) six bays.

However, given that the site is within close proximity to public transport, and that no car parking bays exist on-site, the car parking variation can be justified as follows:

Car parking Requirement (nearest whole number)	7 car bays
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop)	0.85
Car parking requirement with adjustment factor applied (7 car bays x 0.85)	5.95 car bays
Minus the car parking provided on site	3.95 car bays
Minus the most recently approved on-site car parking shortfall (5 bays required for previous application and none provided).	5 car bays
Resultant surplus	<b>1.05 car bays</b>

The Town's Building Surveyors advised that the one car bay for people with disabilities is required to be provided on-site. As such, an appropriate condition has been recommended.

It should also be noted that the tandem parking arrangement is normally only acceptable for residential uses. However, given the small scale and nature of the corner shop, and the fact that no car parking bays were provided for the previous shop use, the proposed car parking arrangement is considered acceptable in this instance.

### **Bicycle Parking Facilities**

The Town's Parking and Access Policy requires the provision of one (1), class two (2) bicycle parking facility per retail-convenience store for employees/ residents. Although it is unclear at this stage exactly what type of shop the applicants are proposing, given that it was a convenience store previously, it is considered necessary that one bicycle bay be required. However, given the small scale and nature of the proposed shop, class three bicycle facilities, are considered appropriate in this instance. As such, an appropriate condition has been recommended for class (3) three bicycle facilities.

Furthermore, the above-mentioned Policy also requires the provision of 1 visitor/ shopper space per twenty (20) square metres of gross floor area. Thus, five (5) bays are required for the proposed development. However, given the small scale and nature of the proposed shop, a total of one bicycle bay is considered sufficient in this instance, and it is not considered necessary to provide an additional space for visitors/ shoppers.

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

Given that the Town has not requested end of trip facilities, or high class bicycle facilities for that matter, the bicycle provisions have not been used as part of the adjustment factor.

### **Part Demolition**

The Council at its Ordinary Meeting held on 4 November 2003 resolved to refuse the application for the proposed demolition of the existing dwelling mainly as the place has cultural heritage significance in terms of its aesthetic and historic values.

The place includes a corner shop and attached dwelling, on the north west corner of Lincoln Street and Stirling Street (formerly Shearer Street). The place was constructed circa 1895 by retired police officer John Hyde, along with associated dwellings at Nos.106, 108, 110, 112, 114 and 118 Lincoln Street. Of this collection of Gold boom buildings, the corner shop and attached dwelling has been the most altered, with some changes occurring in the post war period, typically affecting fenestration and some interior details. As a result, the place demonstrates essential elements of the Federation style architecture with post-war alterations.

The proposal for partial demolition of the existing shop and single house and construction of an additional two-storey single house to the rear involves the removal of the rear half of the existing shop-house. This partial demolition affects the rear family rooms, kitchens, laundry/bathrooms and water closets. The rear rooms have undergone a number of changes over the years and are considered to have little value. The rear water closets, which have been designed in a semi-detached style in line with the common wall of the shop-house, is included as part of a collective listing of water closets on the Municipal Heritage Inventory (MHI). Its demolition to facilitate the redevelopment and retention of the corner shop-house is considered acceptable.

New works to the portion of the shop-house, which is proposed for retention, includes a new doorway in the end of the central common wall where it meets the rear wall to provide access between the shop space and the adjacent rooms. It is also proposed to open part of the wall to bedroom two, to provide bathroom facilities. These internal modifications, along with the proposed demolition of the rear half the building is considered an acceptable solution for the redevelopment of the site, striking a balance between recognition and retention of the significant elements of the place and providing opportunity for adaptation and redevelopment. The proposed part demolition is therefore supported, subject to standard conditions.

### **Conclusion**

In light of the above, the proposed variations to the R-Codes and the Town's Policies are considered supportable, and approval is recommended, subject to standard and appropriate conditions to address the above matters.

**10.1.15 Nos. 294 - 296 (Lot 17) Newcastle Street, Perth - Proposed Demolition of Existing Buildings and Construction of a Three-Storey Mixed Use Development Comprising Three (3) Offices and Eight (8) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO1337; 00/33/1859
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Palassis Architects on behalf of the owners Milestone Enterprises Pty Ltd for the proposed demolition of existing buildings and construction of a three storey mixed-use development comprising three (3) offices, eight (8) multiple dwellings, and associated car parking on Nos. 294 - 296 (Lot 17) Newcastle Street, Perth, as shown on the plans stamp dated 8 October 2002 and 9 December 2003 (Site Plan), subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (v) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$13 000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) prior to the issue of the Building Licence revised plans shall be submitted and approved demonstrating:*

- (a) *the vehicle access/ driveway to Newcastle Street being a minimum width of 5.5 metres;*
- (b) *the bin stores being relocated, and visitors bays being deleted, to allow for the driveway widening, and the bin stores being appropriately screen from public view; and*
- (c) *the building being provided with continuous and complementary awnings being provided over the adjacent footpath;*

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

- (vii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

*"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*

- (viii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (ix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (x) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xii) *subject to first obtaining the consent of the owners of Nos. 288 - 292 and No. 300 Newcastle Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 288 -292 and No. 300 Newcastle Street in a good and clean condition;*
- (xiii) *if applicable, prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or Western Australian Planning Commission, whichever is applicable, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town. If this written consent cannot be obtained, revised plans shall be submitted and approved demonstrating the proposed balconies being contained entirely within the lot boundaries and adjacent to Newcastle Street and shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (xiv) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, and the visitors car parking spaces, shall be clearly marked and signposted for the exclusive use of the residents and visitors, respectively, of the development and shall not be in tandem arrangement unless the car parking spaces for the residential component service the same residential unit/dwelling;*
- (xv) *the gross floor area of the office component shall be limited to a maximum of 318 square metres;*
- (xvi) *prior to the first occupation of the development, two (2) class two (2) bicycle parking rail(s) shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xvii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balconies to Unit 1, Unit 4, Unit 5 and Unit 8 on the northern elevation on the first and second floor level of the proposed multiple dwellings shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished first and second floor levels respectively. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xviii) *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;*
- (xix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xx) *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;*
- (xxi) *a detailed landscaping plan, including a schedule of plant species, 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);*
- (xxii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (xxiii) *a road and verge security bond or bank guarantee of \$2750 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;*

- (xxiv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Newcastle 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;*
- (xxv) *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);*
- (xxvi) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xxvii) *any proposed vehicular entry gates adjacent to Newcastle Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xxviii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (xxix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*
- (xxx) *doors and windows and adjacent floor areas fronting Newcastle Street shall maintain an active and interactive relationship with this street;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.15**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**LANDOWNER:** Palassis Architects  
**APPLICANT:** Milestone Enterprises Pty Ltd  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No 1: Commercial (R 80)  
**EXISTING LAND USE:** General Industry

**COMPLIANCE:**

Use Class	Multiple Dwelling and Office Building
Use Classification	"AA" "P"
Lot Area	1007 square metres

Requirements	Required	Proposed
Car Parking and Access	Driveway should be 5.5 metres wide.	Driveway is only 3.2 metres wide (however, this can be increased).
Front Setbacks	Following existing setbacks along the street.	Forward of existing setbacks along the street.
Awnings	Continuous and complementary awning over footpath.	No awning over footpath.

**SITE HISTORY:**

19 December 2000 Conditional Planning Approval was granted by the Council for demolition of existing buildings and construction of a three-storey mixed development comprising three offices and eight (8) multiple dwellings, and five (5) two storey grouped dwellings.

Condition (xviii) of this previous Planning Approval was:

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

- (a) *the first floor front balconies having a minimum dimension of 2.0 metres; and*
- (b) *the provision of an additional 2 car bays on site or deletion of 1 grouped dwelling;"*

26 February 2002 The Council refused a further planning application that involved alterations and additions to the previous Planning Approval, including semi-basement car parking and lofts to three of the five grouped dwellings for the following reason:

*"The extent of non compliance is considered excessive".*

14 May 2002 The applicant sought reconsideration by the Council of the Planning Application refused by the Council at its 26 February 2002 Ordinary Meeting, which involves alterations and additions to the previous Planning Approval. The application was again refused by Council.

**DETAILS:**

The applicant seeks approval for the three (3)-storey mixed-use development comprising three (3) offices (318 square metres of office space), eight (8)-multiple dwellings and associated car parking bays at the rear.

The applicants have significantly reduced the bulk and scale of the proposed development from the previous applications, which was refused by Council.

The applicants submitted the following justification in support of the proposed development:

- *"The development located on Newcastle Street to provide for a continuous development along the street."*
- *"the building has a mixed use with commercial usage at street level and with self contained residential units above".*
- *"The residential units have views from the south to the City skyline. The north face of the units allow for northern sun and are well setback from the rear boundary. There is no overlooking".*
- *"The car parking is screened from Newcastle Street and secured from the street."*

- *"The units have two bedrooms with individual balconies and large living area. They provide for north and south views and are elevated of street level."*
- *"The façade of the building has been modulated and articulated to provide interest and relief in the street. This includes variety of forms in the balustrades, colours and wall forms".*
- *"The units comply in most regard to height, plot ratio, carparking and policy of Council for the area".*

**CONSULTATION/ADVERTISING:**

The proposal was advertised for a period of 14 days commencing from 4 November 2003 to 18 November 2003. One submission was received, which is stated below:

- *"I wish to object to any conditions that do not meet the acceptable development requirements of the Residential Design Codes (R-Codes)."*

The above statement is considered vague, as the objector does not raise any specific concerns with the proposed development. Also, there is only a minor front setback variation to the Town's Street Setback Policy, however, the applicants do not propose any variations to the Residential Design Codes (R-Codes), as the development requirements for Commercial zoned land are predominantly controlled by the Town's Beaufort Precinct Policy.

**FINANCIAL/ BUDGET IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**LEGAL/POLICY:**

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

**COMMENTS:**

The site falls within the Beaufort Precinct, where multiple dwellings and offices are permitted.

**Carparking and Vehicular Access**

The proposal was advertised with a car parking shortfall of 2 bays. However, following a reassessment of the proposal, it was discovered that the proposal actually complies with the car parking requirement.

A calculation of the car parking requirement is tabled below:

Requirements	Required	Provided
<b>Office</b> 1 bay per 50 square metres of gross floor area	318 square metres of gross floor area = 6.36 = 6 bays	
<b>Residential</b> Clause 4.2.1 of the R-Codes for Dwellings in Mixed-Use Development states that, <i>"on-site car parking- as for Multiple Dwellings, may be reduced to one per dwelling"</i>	8 Dwellings = 8 bays	

<i>where on-site parking required for other uses is available outside normal business hours."</i>		
	<b>Total Car Parking Required = 14 bays</b>	<b>Total Car Parking Provided = 18 bays</b>

In light of the above, and given that the car parking bays for the office use will be available after hours, only one car bay is required per multiple dwelling. Given this, the car parking provisions comply with the required amount of bays, and cash in lieu of car parking is therefore not required.

However, given that the visitors bays are to be removed for the driveway widening, two bays should be permanently marked for visitors. Furthermore, the bin stores need to be relocated to allow for the driveway widening, and the bins should be appropriately screened.

In light of the above, conditions have been recommended to address the driveway widening, bin store relocation, bin store screening and the visitors bays.

The Town's Engineering Services have indicated that a minimum vehicular access width of 5.5 metres should be provided to facilitate simultaneous entry/exit to the development from Newcastle Street. This will require the visitors bays to be deleted, however, such bays have not been included in the car parking provisions, thus their deletion will not affect the provision of car bays.

**Bicycle Parking Facilities:**

<b>Requirements</b>	<b>Required</b>	<b>Provided</b>
<b>Office</b>		
1 per 200 (proposed 318) square metres public area for employees (class 1 or 2).	1.59 spaces	No bicycle parking shown on plans

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of two (2) class 1 or 2 bicycle parking bays rounded to the nearest whole number, for employees. However, no visitors bicycle parking facilities are required. As such, an appropriate condition should be applied accordingly.

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

**Bulk, Scale and Height**

The Beaufort Precinct Policy states that *"buildings with two storeys (including loft) are strongly encouraged, a third storey (including loft) can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk, and a fourth storey (including loft) can be considered along Newcastle Street, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk"*.

The intention of the plot ratio requirement is to control bulk and scale of the development, and the development complies with the plot ratio requirement of 1.0, and generally complements the bulk and scale of similar development in the area.

The proposed three-storey development is not considered out of character with the general height of the surrounding commercial, industrial and residential developments, such as the development at the rear of the subject land, and the backpackers hostel on the corner of Newcastle and Lake Streets.

### **Setbacks**

The Beaufort Precinct Policy states that, *"the setbacks to other street alignments are to be generally consistent with the building setback on adjoining land and in the immediate locality, and buildings are not required to have any other setbacks, except as required by the Policy relating to Non-Residential Uses in/ or Adjacent to Residential Areas"*.

The proposal represents a variation to the above Policy, as the front setback is generally forward of the immediately adjoining properties. However, the development has been set forward in order to locate the car parking provisions at the rear, thus screening the car parking bays from the street. Furthermore, the backpackers hostel on the corner of Lake Street and Newcastle Street is set forward of existing developments in the area, and there are numerous other developments in the immediate locality, along Palmerston Street and Lake Street, that have nil setbacks to the primary street.

In light of the above, and given that the proposal complies with the side setbacks, as the Town's Policy does not require any side setbacks for commercial developments on Commercial zoned land, the proposal is not considered to unduly impact on the amenity of the adjoining neighbours, the streetscape or the locality in general.

The development should have a continuous and complementary awning over the footpath in accordance with the Town's Beaufort Precinct Policy, mainly to improve the Newcastle Street pedestrian environment.

### **Use**

It is considered that the proposed mixed-use building will substantially contribute to the consolidation of this section of Newcastle Street. The standard condition requiring prospective purchases to be notified of the impacts associated with the nearby commercial and non-residential activities should be applied to minimise any future conflicting expectations of activities in the area.

### **Privacy**

Although the R-Codes have no requirements when it comes to overlooking, or overshadowing, onto Commercial zoned land, the Town's Beaufort Precinct Policy aims to protect the privacy of adjoining properties.

Although the adjoining properties currently contain Commercial Uses, in the event that the adjoining lots are developed for residential uses, it is considered necessary to require the provision of screening to the balconies at the rear of the proposed development (Unit 1 , Unit 4, Unit 5 and Unit 8 only).

In light of the above, a standard screening condition has been recommended.

### **General Provisions**

Clause 4.2.1 of the R-Codes does not require any communal open space or open space provisions for the residential component of the development. However, each multiple dwelling has been provided with a balcony, with an area of 4 square metres, and a minimum dimension of 1.5 metres, in accordance with the R-Codes requirements. Also, each multiple dwelling has been provided with sufficient storage areas and bin stores.

### **Demolition**

The proposed development includes the demolition of existing commercial buildings. The place is not included on the Town's Municipal Heritage Inventory or Interim Heritage Database. Previous approval for the demolition of the existing place was granted at the Ordinary Meeting of Council held on 19 December 2000. Sewerage plans indicate that the site was previously occupied by two brick dwellings until at least 1953.

On the basis of the information available above, it is recommended that the demolition of the existing buildings be approved subject to standard conditions.

**Summary**

In light of the above, it is recommended the Council approve the proposal, subject to standard and appropriate conditions to address the above matters and development of such scale and nature.

**10.1.21 No. 151 (Lot 310) London Street, Mount Hawthorn – Proposed Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO 1503; 00/33/1877
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Turner		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council REFUSES the application submitted by Perceptions on behalf of the owners C Lam and C Luu for a proposed two-storey single house at No. 151 (Lot 310) London Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 2 December 2003, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and preservation of the amenities of the locality and streetscape, as it would add to the building bulk on site and create a streetscape where carports and/or garages are the dominant structure; and*
- (ii) non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks in terms of the proposed garage being located with access off London Street.*

**COUNCIL DECISION ITEM 10.1.21**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**LANDOWNER:** C Lam and C Luu  
**APPLICANT:** Perceptions  
**ZONING:** Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Residential R30  
**EXISTING LAND USE:** Vacant

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Garage access	The Town's Vehicular Access and Street Setbacks Policies requires access from the right of way (ROW).	Primary street (London Street) access to garage.
Setback - North Upper level	1.6 metres	1.2 metres for a length of 8.0 metres
Setbacks for Privacy North Activity /living room	6.0 metres to north boundary	2.4 metres (neighbours written consent provided)

Requirements	Required	Proposed
Balcony	7.5 metres	3.9 metres (neighbours written consent provided)
Bedroom 2	4.5 metres	2.2 metres
South Bedroom 3	4.5 metres	3.82 metres

Use Class	Single House
Use Classification	"P"
Lot Area	448 square metres

**SITE HISTORY:**

The property is vacant with the previous dwelling having obtained approval for demolition under delegated authority on 24 July 2000. There is sealed 4.0 metres wide right of way (ROW) vested in the Town located at the rear of the property.

**DETAILS:**

The applicant seeks approval for a two-storey single house with the garage having access and orientation off London Street, which is the primary street to this property. The garage is proposed to be setback 6.0 metres from the front boundary, which generally complies with the acceptable development standards of the Residential Design Codes (R Codes). However, the location of and access to the garage does not comply with the Town's Vehicular Access and Street Setbacks Policies.

**CONSULTATION/ADVERTISING:**

The proposal was advertised to neighbouring property owners. No objections were received during the consultation period. The applicant submitted two letters of no objection from the southern and northern neighbouring property owners supporting the proposal.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Nature of Development**

The proposal is for a two-storey single house. The proposal includes a garage with access off London Street in lieu of access from the right of way, minor setback variations to the north upper level and variations to the visual privacy setbacks.

### **Garage Access**

The Town's Policies relating to Vehicular Access and Street Setbacks require vehicle access from an existing ROW, thus the location of the proposed garage is required to be located at the rear of the property. In this instance, the vehicular access is proposed to be via the primary street, with the garage being setback 6.0 metres from front boundary.

The subject property has a 4.0 metres wide sealed ROW that is vested with the Town, located at the rear. There is adequate space to locate a garage within the rear yard area that will provide adequate manoeuvring depths and visual truncations.

In addition, London Street is an Other Regional Road, which is considered to have a considerable amount of vehicular traffic. Accordingly, the proposed garage access off London Street is not considered supportable as there is a constructed right of way at the rear of the property and the Town's Policies relating to Vehicular Access and Street Setbacks clearly require access off a right of way, where it is available.

### **Setbacks**

The proposal seeks a minor variation to the upper level setback from the north boundary from a required 1.6 metres to 1.2 metres. The design includes a high lite window to this section of the dwelling, thus negating any potential overlooking impact that a reduced setback may create.

The minor nature of the variation is considered supportable in this instance, as the neighbouring property owners have provided letters of no objection and there is no perceived undue negative impacts from the reduced upper level setback.

The proposed garage has a nil setback to the southern side boundary. The R Codes allow buildings on boundary where the wall is no higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary. The proposed garage complies with the acceptable development criteria of the R Codes and in this instance a zero side setback is supportable.

### **Setbacks for Privacy**

With regard to the potential overlooking from the upper level balcony, living room and bedroom 2 to the northern property, the neighbouring property owner provided a letter of consent to the potential overlooking. The variation in the privacy setbacks are considered supportable given the neighbouring property owner has consented. The proposal is now deemed to comply with the performance criteria of the Residential Design Codes.

It is considered appropriate that bedroom 3 is screened appropriately to ensure no undue overlooking to the southern adjoining property.

### **Conclusion**

The proposed two-storey single house is not considered supportable, as the proposal does not comply with the Town's Vehicular Access and Street Setbacks Policies in that the proposed garage has access off of London Street rather than the ROW. It is considered that the garage structure will add to the building bulk on the property and will dominate the streetscape should it be approved with access off London Street.

**10.1.25 No. 363-365 (Lot 104) Newcastle Street, Northbridge -Proposed Development of a Beer Garden for the La-Bog Inn - Land Within the East Perth Redevelopment Authority (EPRA) Area**

<b>Ward:</b>	Not Applicable	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Not Applicable	<b>File Ref:</b>	ORG 0077
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council advises the East Perth Redevelopment Authority that it has NO OBJECTION to the proposed development of a beer garden for the La-Bog Inn at Nos. 363-365 (Lot 104) Newcastle Street, Northbridge, and as shown on plans stamp dated 18 November 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no amplified or live music in the beer garden area; and*
- (iii) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*

*to the satisfaction of the East Perth Redevelopment Authority.*

**COUNCIL DECISION ITEM 10.1.25**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

The subject vacant site west of the land occupied by the La Bog Inn, is located at No. 363-365 (Lot 104) Newcastle Street, Northbridge, which is under the jurisdiction of EPRA.

**DETAILS:**

Being the adjoining local authority, EPRA has referred a development application to the Town of Vincent for comment for a proposed beer garden (plans attached) for the La Bog Inn at Nos. 363-365 Newcastle Street, Northbridge. The site is located on the south side of Newcastle Street, between Fitzgerald Street and Serich Lane.

Details of the above proposal (attached) have been summarised as follows:

- The area to be used is vacant land to the west, adjoining the La Bog Inn at No. 361 Newcastle Street.
- Entry will be via Newcastle Street and from the adjoining La Bog Inn.

- Shade cloth is proposed including a recreational garden area and associated toilets.
- There will not be any amplified music or live music in the garden area.
- No alcoholic drinks are to be sold in the garden area however, consumption of alcohol will be permitted.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

East Perth Redevelopment Act.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The above proposal seeks to use the adjacent vacant land to the west of the La Bog Inn, which falls within the authority of EPRA, as a recreational garden area ("beer garden"). While alcohol will not be sold within the recreational area, EPRA Officers have advised that customers will be able to purchase alcoholic drinks from the La Bog Inn and consume the liquor in the beer garden. As business days and times are not provided, it is assumed that the days and times the beer garden will be used coincides with the opening and closing times of the La Bog Inn.

The land on the north side of Newcastle Street within the boundary of the Town of Vincent is zoned and developed as Commercial. The proposed development and the manner it is to be utilised and managed is considered acceptable in terms of use. The proposed use is unlikely to unduly affect the amenity of the surrounding area, and in particular the developments on the north side of Newcastle Street, within the Town of Vincent.

On the above basis, EPRA be advised that the Town of Vincent has no objection to the proposed development, subject to standard conditions and a detailed management plan addressing noise, traffic, car parking, litter and anti-social behaviour associated with the development being submitted to and approved by EPRA.

**10.1.26 Review of Existing Policy Relating to Privacy - Interim Report**

<b>Ward:</b>	Both Wards	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0022
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) **RECEIVES** the Interim Report regarding the Review of the Town's Existing Policy relating to Privacy; and
- (ii) **REQUESTS** the Chief Executive Officer to write to the Western Australian Planning Commission (Residential Design Codes Review Panel) expressing the Council's concerns in relation to the practicalities, anomalies and limitations of applying the current Residential Design Codes to privacy and side setbacks.

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**COUNCIL DECISION ITEM 10.1.26**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

The following Notice of Motions were considered and adopted by the Council at its Ordinary Meeting held on 26 August 2003:

*"That Council's Policy No 3.2.9 - Privacy, be reviewed, as a matter of urgency, with regard to its appropriateness and effectiveness in respect of;*

- (i) *overlooking of a property from multiple windows;*
- (ii) *overlooking of a property from more than one dwelling;*
- (iii) *overlooking of a property from windows above the second storey;*
- (iv) *implications of the Residential Design Codes 2002 which define walls with screened windows or with sill height of 1.6 metres as "walls with no major openings", thus allowing significantly reduced setbacks; and*
- (v) *experience with the application of the current policy."*

And:

*"That the Council seeks advice from the Western Australian Planning Commission about the appropriate application of the Residential Design Codes 2002 where screening and/or sill height of windows are used to justify reduced setbacks (as "walls without major openings") for multiple walls in the one dwelling."*

**DETAILS:**

The Residential Design Codes of Western Australia (R-Codes) were gazetted on Friday 4 October 2002. An explanation of the new R-Codes was provided at the Ordinary Meeting of Council held on 22 October 2002 in Item 10.4.7 Information Bulletin IB01.

The R-Codes do not allow for local Planning Policies to vary provisions in all matters and such Policies will only have effect in those situations specified in the R-Codes. The R-Codes do not allow Local Governments to prepare Local Planning Policies to address local requirements relating to privacy.

The R-Codes Advice Note No. 6 states the following in regard adoption and revision of local policies:

*"All local governments should review their local planning policies in light of the R-Codes to ensure that they are consistent with the codes and more particularly, that they accord with the parameters set out in section 2.6 of the Codes.*

*To the extent that a properly adopted planning policy is inconsistent with the R-Codes, the codes automatically prevail. This is implicit in clause 2.6.1 of the codes which states that planning policies must be consistent with the R-Codes*

*If an existing local planning policy is consistent with the R-Codes, as a matter of law, it does not need to be readopted and can continue to operate in a manner consistent with the R-Codes."*

The provisions of Section 2.6 of the R-Codes, states as follows:

*"Local Planning Policies - Requirements*

*2.6.1 Local Planning Policies Consistent with Codes*

*Subject to 2.6.2, a Local Planning Policy that affects residential development shall be consistent with the provisions of the Codes and may not provide for greater or lesser requirements than the Codes unless expressly permitted under the Codes.*

*2.6.2 Scope of Local Planning Policies*

*Local Planning Policies may contain provisions which are:*

- i. more or less stringent than the Codes where expressly permitted under the Codes. The Codes permit Local Planning Policies to be prepared to address local requirements for streetscape, building design, building height, boundary walls, and for areas Coded R-IC (Inner City Housing); or*
- ii. designed to augment the Codes by providing for aspects of residential development not provided for in the Codes; or*
- iii. expressly designed to clarify alternative Acceptable Development provisions to meet Performance Criteria set out in the Codes; or*
- iv. relate to a need specific to a particular region or situation and where the Commission has authorised the variation to the Codes contained within the Local Planning Policy."*

The R-Codes define a major opening as the following:

*"A window, door or other opening in the exterior wall of a habitable room that provides substantial external means of light or view for that room or space, but does not include an opening or openings that:*

- in aggregate do not exceed one square metre in any such wall, (provided that adjoining or contiguous windows at the junction of two walls forming an internal angle of 90 degrees or less shall be aggregated); or*
- are glazed in an obscure material and are not openable; or*
- have a sill height not less than 1.6m above floor level."*

**LEGAL/POLICY:**

The Town Planning Scheme No. 1 and associated Policies, and the R-Codes.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/ BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In respect to the first Notice of Motion, the requirements of the R-Codes are considered reasonable to ensure that there are limited circumstances where overlooking occurs; from both multiple windows, of a property from more than one dwelling, and of a property from windows above the second storey. The R-Codes privacy provisions primary aim is to reduce the impact of unreasonable overlooking, which is done through assessment using the calculation tool of 'cone of vision' through both horizontal and vertical components. The R-Codes require developments assessment to take into account the need that various active areas within dwellings, need to attain a significant separation setback than those of inactive areas within dwellings, and which setback requirements are scaled accordingly, that is, balconies, living rooms and bedrooms. Whilst privacy can be seen as a perceived, subjective and changing concept, it should be acknowledged that absolute privacy cannot expect to be attained in all development applications.

The implications of the R-Codes are that Local Governments are required to adhere to the requirements of the R-Codes, and all development applications are to be assessed accordingly. The Visual Privacy requirements of the R-Codes can be waived only in instances where both of the affected properties benefit, giving Local Governments the ability to determine development application through applying the provisions of the performance criteria. The overarching impacts of the R-Codes are unquantifiable and, as the R-Codes are only in its infancy, it will only be in the following years when possible impacts can be seen and assessed or evaluated as per any previous development and design control. However, the review of the R-Codes is programmed to start at the beginning of 2004 and will be an approximate nine-month study. Therefore, Local Governments will have the ability to provide further comment in relation to the practicalities, anomalies and limitations of applying the current Residential Design Codes.

Essentially the provision for obscured windows allows for the applicant to vary the design of standard blank walls. Although this may result in a reduced setback, it still allows for an interface with neighbouring properties, both allowing for privacy as well as visual relief from solid blank walls.

Previous experience with the Town's Privacy Policy prior to the adoption of the R-Codes saw a general acceptance of the Policy provision by both the Town's officers and the community, favouring the privacy requirements for reduction of overlooking onto adjoining properties. However, with the introduction of the R-Codes it is seen that they have filled a void where the Town's Policy may have left.

With respect to the second Notice of Motion relating to privacy, advice sought from the Western Australian Planning Commission (WAPC) recommended that they are unable to give detailed advice on such issue, as specific interpretation is required for each development application by the Local Government on each individual application and that it is not the role of the WAPC to give detailed advice on the appropriate application of the provisions due to the complexity of such matters at the Local Government level.

Experience with the current R-Codes express that the privacy requirements are seen as more beneficial to both neighbouring properties, with or without reduced setbacks. The provision does allow for setbacks to be lessened, if it is compliant with the definitions provided by the R- Codes to be classified as minor openings. It is acknowledged that a reduced setback may create a "box effect or insubordinate design". However side setbacks are additionally controlled by both length and height of the dwelling walls, and by the setback requirements of the R-Codes. Whereas front setbacks are controlled by the Town's Policies, further reducing potential impacts with regard to bulk and scale on the streetscape.

Within the Town however, it is considered unreasonable to enforce stringent side setbacks in many cases due to the configuration and size of existing lot stock and the creation of new lots through higher densities.

Furthermore, in accordance with Clause 2.6.2 of the R-Codes, the R-Codes do not allow Local Governments to modify the definition of major openings or the means of calculating the side and rear setback requirements, as contained in the R-Codes.

In light of the above, it is recommended that the Council receive the report relating to the review of the Town's Policy relating to Privacy and write to the Western Australian Planning Commission expressing its concerns in relation to the practicalities, anomalies and limitations of applying the current Residential Design Codes to privacy and side setbacks.

**10.1.27 Notice of Motion - Review of Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings - Interim Report**

<b>Ward:</b>	Both Wards	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0022 & PLA0136
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Y Scheidegger		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Interim Report relating to the Notice of Motion - Review of Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*
- (ii) *AUTHORISES the Chief Executive Officer to write to the Insurance Council of Western Australia, Police Department of Western Australia, a sample of insurance companies and local business associations advising them that the Town is reviewing its Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and that comments are being sought prior to the Policy actually being reviewed; and*
- (iii) *AUTHORISES the Chief Executive Officer to review the subject Policy and that a Report be submitted to an Ordinary Meeting of Council to be held in February 2004.*

**COUNCIL DECISION ITEM 10.1.27**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

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

The Council at its Ordinary Meeting held on 9 April 2002 resolved:

*"That Council requests the Chief Executive Officer to prepare a policy for Councils consideration no later than June 2002 that;*

- (i) *permits the fitting of open grilles or roller doors/shutters that have a minimum of 50% visual permeability to the principal street frontage/s of commercial buildings; and*
- (ii) *discourages the fitting of non visually permeable roller doors/shutters to the principal street frontage/s of commercial buildings."*

On 11 June 2002, the Council at its Ordinary Meeting resolved to initiate Amendment No. 5 to the Planning and Building Policies relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings.

The Council at its Ordinary Meeting held on 10 September 2002 resolved to adopt the Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings.

The Council at its Ordinary Meeting held on 7 October 2003 resolved to adopt the following Notice of Motion 11.1 relating to Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings:

*"That;*

- (i) the Town's Policy No 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, be reviewed, with regard to its appropriateness and effectiveness in respect of:
  - (a) experience with the application of the current policy; and*
  - (b) awareness of commercial proprietors within the Town with respect to the current policy; and**
- (ii) the report:
  - (a) considers:
    - methods of measuring permeability;*
    - the ability to enforce policy;*
    - increase permeability from 50%;*
    - listing outstanding breaches/non-compliances;**
  - (b) should not consider decreasing permeability;**
- (iii) the above re-affirms the Council's commitment to Objective 2 of the Policy;*
- (iv) the Chief Executive Officer report back to the Council no later than 2 December 2003 recommending whether the Policy should remain unaltered, be amended, or revoked; and*
- (v) the Town consult with the Town's businesses, the Insurance Council of Australia and the Police Department of WA during the policy review.."*

**DETAILS:**

The subject Policy is summarised as follows:

*"POLICY NO: 3.5.15*

*SECURITY ROLLER SHUTTERS, DOORS AND GRILLES ON NON-RESIDENTIAL BUILDINGS*

*OBJECTIVE*

- 1) To provide the circumstances under which the Town of Vincent may allow the installation of security roller shutters, doors and grilles and the like on facades of non-residential buildings facing streets;*
- 2) To ensure the facades of non-residential buildings facing streets provide ground level surveillance, an active and visually permeable interface, and commercial exposure and visual amenity both during and outside of normal business hours;*
- 3) To minimise the impact of security roller shutters, doors, grilles and the like on facades of non-residential buildings facing streets to ensure that the visual amenity of the streetscape is not adversely impacted on by the installation of these forms of security screening; and*

- 4) *To reasonably protect the rights of the owner and occupier of non-residential buildings in regards to personal and commercial security and safety.*

*POLICY STATEMENT*

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

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

A meeting was held on 8 December 2003 with Councillors' Simon Chester and Helen Doran-Wu and the Town's Officers regarding the matter. At that meeting, it was decided that the following steps would be undertaken as part of the subject Policy review:

1. Letters to be sent to the Insurance Council of Western Australia, Police Department of Western Australia, a sample of insurance companies and local business associations advising them that the Town is reviewing its Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and that comments are being sought prior to the Policy actually being reviewed.
2. The subject Policy will be concurrently reviewed during this time and a Report will subsequently be submitted to the Ordinary Meeting of Council to be held on 10 February 2004. In addition, it is proposed that the Town will include an information sheet relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings as part of the formal advertising required to be undertaken for the Policy review.

In light of the contents of this Report, it is considered appropriate that the Policy remains unchanged until comments have been received from the Insurance Council of Australia, sample of insurance companies, the Police Department of Western Australia and the local business associations, and the Policy comprehensively reviewed.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In light of the above, it is recommended that the Council receives this Report on the review of the existing Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and authorise the above steps to be undertaken as part of the subject Policy review.

**10.1.31 Planning Institute Australia, National Conference 2004**

<b>Ward:</b>	-	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of Planning Officer, Helen Coulter attending the Planning Institute Australia, National Conference, "Planning on the edge", to be held in Hobart, Tasmania from Sunday 22 February to Thursday 26 February 2004, at a cost of \$925.00 for conference registration and field trip.*

**COUNCIL DECISION ITEM 10.1.31**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

The Planning Institute Australia, National Conference will be held in Hobart, Tasmania, between 22 and 26 February 2004. Full conference and program details are "*Laid on the Table*".

The Council at its Ordinary Meeting held on 4 November 2003, considered the above matter and resolved as follows:

*"That the Council APPROVES of the Executive Manager Environmental and Development Services and one (1) Elected Member (namely Cr Ker) be authorised to attend the Planning Institute Australia, National Conference, "Planning on the edge", to be held in Hobart, Tasmania from Sunday 22 February to Thursday 26 February 2004, at an approximate cost of \$ 2,675 per person."*

**DETAILS:**

From 22 to 26 February 2004, the Tasmanian Division of the Planning Institute of Australia is hosting the Planning Institute's Annual Conference in 2004, the Year of the Built Environment.

The theme of the Conference 'Planning on the edge' is not only indicative of the geography of the venue in Hobart, but also the opportunity presented for the profession to display its leading edge thinking and practice as reflected in the Institute's new structure.

Three sub-themes have been identified that are considered particularly appropriate to Hobart and the Year of the Built Environment. The Conference will coincide with the marking of the Bicentenary of European settlement of Sullivans Cove on 20 February 2004.

A range of speakers is being sought to reflect not only the overall conference theme but also the three sub-themes – the Built Environment, Cultural Heritage and Resource Management.

A number of people from within and outside the ranks of the profession have been invited to present papers, as either plenary ‘keynote’ speakers or to ‘lead’ parallel sessions under the sub-themes.

To try to provide the greatest possible appeal and professional development benefit to members of the Institute and others involved in planning, such as local Elected Members, the following topics have also been selected within the sub-themes:

#### Resource Management

- Managing People and Development: National Parks and Wilderness Areas;
- Restoring the Environment and River Flows;
- Resource Utilisation;
- Coastal and Marine Resource Development and Management;
- Antarctic and Southern Ocean Developments;
- Planning for Climate Change;
- Planning for the Natural Environment/Bushland within Urban Areas;
- Bushfire Prevention and Mitigation and the Urban Interface;
- Planning Wind Farms – Issues and Solutions;
- Water Resource Planning;
- Integrated Catchment Planning and Management; and
- Planning at Bioregional and Landscape Scales.

#### Built Environment

- Globalisation: Urban Renaissance;
- Sustainable Building and Transport;
- City Growth – Expansion;
- Managing Urban and Regional Growth;
- Liveable and Equitable Urban and Rural Communities;
- Strategic and Community Planning;
- Infrastructure Planning for the Information Age;
- Planning for Alternative Transport – Bikes, Boards and Skates;
- Building Communities in Areas of Social Difficulty or Decline;
- Affordable Housing – Innovation and Implementation; and
- Residential Development – Consolidation and Infill.

#### Cultural Heritage

- Managing and Developing Historic Areas;
- Cultural Tourism – Opportunities and Impacts;
- Managing Landscape Settings;
- Conserving and Developing Historic Waterfronts;
- Cultural Landscapes – Future Inheritance; and
- Managing, Protecting and Interpreting Cultural Heritage Sites.

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

Not applicable.

#### **STRATEGIC IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Cost per person;

Conference registration (Non Member Early bird fee - to be paid before 16 January 2004)	\$ 875
Field Trip	\$ 50

**Total: \$ 925**

The Town has allocated \$130,000 for Town Planning Scheme Amendments and Policies, including the Town Planning Scheme Review, in the 2003/2004 Budget. The above cost is proposed to be funded from this allocation.

The Officer is willing to meet the airfare and accommodation costs.

**LEGAL/POLICY IMPLICATIONS:**

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 on 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 has an opportunity to raise questions."*

**COMMENTS:**

During discussions relating to the subject conference at the Ordinary Meeting of Council held on 4 November 2003, the conference was identified as being of particular interest and relevance to the review of the Town Planning Scheme, of which the subject Planning Officer is currently undertaking. It is considered that the conference content, opportunities for networking and proposed field trips will be of particular relevance to the Town Planning Scheme Review. The Planning Officer is willing to self-fund the airfare and accommodation costs in order that the venue location does not prejudice the opportunity to attend. If the conference was held in Perth, the cost to the Town would be the same.

It is recommended that approval be granted for Planning Officer, Helen Coulter, to attend the Conference.

**10.1.33 Temporary Restricted Fee Paying Parking in Brisbane Street Car Park and Brewer Street to Perth Glory Soccer Club on Perth Glory Soccer Game Days, until 1 February 2004**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PKG0049
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	J McGee, S Beanland, R Lotznicher		
<b>Checked/Endorsed by:</b>	R Boardman John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the exclusive temporary use by Perth Glory Soccer Club of all 213 bays in the Brisbane Street Car Park and the 70 angled parking bays in Brewer Street on 27 December 2003 and 3, 7, 10, 17, 21 and 31 January 2004, subject to;*

- (a) the payment of all associated costs (estimated to be \$8,264) as outlined in the report;*
- (b) the payment for the provision of Town of Vincent personnel at the Brisbane Street Car Park on the dates outlined in clause (i) to control entry into the car park and direct patrons to other suitable parking locations;*
- (c) reimbursement to the Town for all associated costs incurred as a result of the proposal; and*
- (d) Perth Glory Soccer Club providing adequate and trained Traffic Management Personnel to control access to Brewer Street during match days, at their full expense estimated to be \$2,560;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.33**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**REFER TO PAGE 319 AS THE ITEM WAS RECOMMITTED**

**BACKGROUND:**

The Members Equity Stadium is the home of the Perth Glory Soccer Club (PGSC). During previous seasons, the VIP's of the PGSC, and their Gold Members have utilised the area of land within the former Perth Oval (Loton Park Reserve) for parking purposes. However, the ground is currently not available due to the redevelopment of the Public Open Space, which is currently in progress, rendering the area unsuitable for parking until at least February 2004.

The PGSC wrote to the Town on 8 December 2003 (attached) that alternative parking facilities be made available for their VIP and Gold Members' until Loton Park is available.

**DETAILS:**

**Brisbane Street Car Park**

The Brisbane Street Car Park has been identified as a possible alternative temporary parking area for until Loton Park is available.

The Brisbane Street Car Park is located approximately 400 metres from the Members Equity Stadium, making it suitable for the requested purpose. The Car Park contains 213 parking bays, and as the PGSC require 350 bays, this will satisfy over 50% of their requirement.

Due to the Residential Parking Restrictions in the surrounding streets, the Brisbane Street Car Park has been utilised to its fullest capacity on Perth Glory Soccer days by the spectators attending the games. Excluding the general public (supporters) from using the Car Park may have an impact on the availability of parking. It is suggested that should the proposal be approved, Town of Vincent staff be provided at the car park to control entry on match days and to redirect the general public to other appropriate parking facilities in the area.

In order to allow for the exclusive use of Brisbane Street Car Park for PGSC, the entry/exits to the car park will need to be staffed and signposted. As the car park is under the care and control of the Town, it would be the Town's responsibility to provide the staffing on the relevant days.

The costs involved with providing exclusive use of the Brisbane Street Car Park include:

Staff x 2	4 hours @ \$25.00 each	\$100.00 per game	\$1,400
Signs	6	\$100.00 each	\$600
Bays x 213	5 hours @ \$0.80	\$852.00 per game	\$5,964
Supply / install barricades			\$300
<b>Total</b>			<b>\$8,264</b>

This cost of \$8,264.00 would be paid to the Town by the PGSC.

**Brewer Street Angled Parking**

Another area that has been identified as a possible alternative temporary parking area is the Brewer Street angled parking.

This area comprises 70 parking spaces and is located at the southern perimeter of the MES. The proposal is that on match days PGSC traffic management personnel would be required to place temporary road closure barriers at both ends of Brewer Street (at Lord and Pier Streets) and at Thorley Street. Only PGSC VIP and Gold Members, including local residents and emergency vehicles, would be allowed access to the street during matches. The south side of Brewer Street will still remain resident only parking during this period.

The Town would supply and erect temporary signage. The PGSC traffic management personnel would be required to control access during matches.

The costs involved with providing exclusive use of the Brewer St angled parking include:

PGSC responsible for hiring Traffic Management Staff			<i>Nil cost to the Town</i>
Signage / erection			\$600
Bays x 70	5 hours @ \$0.80	\$280.00 per game	\$1,960
<b>Total</b>			<b>\$2,560</b>

**CONSULTATION/ADVERTISING:**

The use of the Brisbane Street Car Park is not required to be advertised, although the area is required to signposted to the above effect, and the "Public Car Parking" signs will need to be covered on the dates.

**LEGAL/POLICY:**

In order to provide an exclusive facility at the Brisbane Street Car Park, it is a requirement for the Town to staff the car park and enforce the signage erected.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

As the PGSC will be required to reimburse the Town \$11,524, there will be no cost implications for the Town.

**COMMENTS:**

This temporary measure has become a matter of necessity due to the works currently in progress at MES surrounds and Loton Park, which are likely to be completed in mid/late December 2003. However, to allow the lawn to become established, the land would not be available before the end of January 2004.

There could possibly be an objection to this proposal by the Perth Glory Supporters Club being denied access to the Brisbane Street Car Park and Brewer Street, however with proper management and promotion of alternative Transport to the venue it is considered that the short term inconvenience could be accommodated. Accordingly, the proposal is recommended for approval.

**10.2.1 RoadWise White Ribbons for Road Safety 2003 Campaign**

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0173
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) receives the report on the RoadWise White Ribbons for Road Safety 2003 campaign;*
- (ii) APPROVES the Town's vehicles being fitted with a white ribbon for the duration of the campaign; and*
- (iii) advises Roadwise of its resolution.*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

**This Item was DEFERRED at the Ordinary Meeting of Council held on 2 December 2003, due to the lateness of the hour.**

As in previous years, RoadWise, under the auspices of the Western Australian Local Government Association (WALGA), has invited the Town to participate in the 2003 White Ribbons for Road Safety campaign. The aim of the campaign is to raise public awareness of road safety over the 2003/2004 Christmas and New Year period and is a joint WALGA and Road Safety Council initiative. The campaign began in 1986, gaining momentum annually so that in the past five (5) years the number of ribbons distributed has increased from 20,000 to over 75,000.

**DETAILS:**

The major objective of the annual White Ribbons campaign is to place road safety on the public agenda. The concept was developed to raise awareness of the need for all Western Australians to be responsible for their safety on the roads.

The wearing of a White Ribbon, or by fixing to one's vehicle, indicates the undertaking of a personal commitment to uphold road safety throughout the Christmas and New Year season.

As further encouragement for the public to be mindful of road safety over the festive period RoadWise are also introducing White Ribbons 'post cards'. The free post cards, which are yet to be released, can be sent to family and friends with your own personal Christmas greetings but will incorporate road safety messages such as asking the community to 'look out for each other this Christmas' and 'don't drink and drive'.

It is also the intention of the campaign to highlight the role of Local Government in reducing road crashes and related trauma in Western Australia. It is the opinion of WALGA that:

*"Too often the community does not realise or understand the important engineering and environmental interventions being put into place by Local Government to create safer roads and road users."*

This will be the eighth White Ribbons campaign and will be officially launched on Wednesday 3 December 2003 and will run throughout the festive season. As with previous campaigns, the theme of the 2003 promotion is to again acknowledge and thank those agencies, such as Local Government, the WA Police Service, Fire and Rescue Service, St John's Ambulance, Main Roads WA, Department of Planning and Infrastructure, Royal Flying Doctor and State Emergency Services, who work together to save lives on our roads.

**CONSULTATION/ADVERTISING:**

RoadWise will launch this year's White Ribbons campaign on Wednesday 3 December 2003 and, in conjunction with the Road Safety Council, will be promoting it with television and newspaper coverage.

**LEGAL POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area Two of the Strategic Plan 2003-2008 - 2.5 Develop and implement community programs for law, order and safety. *"e) Develop partnerships with Government Agencies, businesses and the community."*

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no costs to the Town for participation with the program.

**COMMENTS:**

As a symbol of Council's commitment to road safety over the coming festive season, a white ribbon will be provided for Elected Members, the Town's Officers and the public to either wear or attach to their preferred mode of transport. The campaign will run from Wednesday 3 December 2003 and continue throughout the festive season.

**10.2.3 Proposed State "Black Spot" Improvement Project – Intersection of Curtis and Walcott Streets, Mt Lawley**

<b>Ward:</b>	South	<b>Date:</b>	25 November 2003
<b>Precinct:</b>	Forrest Precinct P14	<b>File Ref:</b>	TES0007/TES0173
<b>Attachments:</b>	<a href="#">001:</a>		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) receives the report on the proposed State "Black Spot" improvement project at the intersection of Curtis and Walcott Streets, Mt Lawley;*
- (ii) endorses the LATM Advisory Group's recommendation that the "Black Spot" improvement project be implemented;*
- (iii) APPROVES the permanent installation of the "half seagull" island as shown on attached Plan No. A4-00-085, preventing the right turn movement out of Curtis Street into Walcott Street, at a cost of \$10,000; and*
- (iv) advises the respondents of its resolution.*

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**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

At its Ordinary meeting of 24 April 2001 the Council received a report on the outcome of the Town's 2001/02 submission for Federal "Black Spot" improvements funding. A total of eight (8) projects were nominated, of which only one at the time, the proposed Curtis / Walcott Street intersection improvement project, was successful.

With regard to the Curtis / Walcott Street project, Council resolved the following:

*"That;*

- (i) the Council receives the report on the outcome of the Town's 2001/2002 Federal Black Spot Program submissions;*
- (ii) the Council approves in principle the proposed intersection modifications at the intersection of Curtis and Walcott Streets, Mt Lawley, as shown on attached plan A4-00-085;*

- (iii) *comments be sought from the Department of Transport as the proposal will impact on the Perth Bicycle Network route N26;*
- (iv) *the proposal be advertised for public comment for a period of twenty one (21) days, inviting written submissions from the public;*
- (v) *a further report be presented to Council at the conclusion of the consultation period; and*
- (iv) *lists an amount of \$20,000 for consideration in the 2002/2003 draft budget and the matter be further considered during the budget process."*

In accordance with clause (iv) above \$20,000 was included in the 2002/03 budget for the proposed works.

However as the works were not to be funded until the 2002/03 financial year, public consultation was not undertaken until May 2002 rather than 2001 to ensure the comments received were both current and relevant at the time of the proposed works.

At its Ordinary Meeting of 13 August 2002 the Council received a report on the outcome of the community consultation.

At the conclusion of the discussion the Council adopted the following resolution:

*"That the Council;*

- (i) *receives the report on the proposed Federal "Black Spot" improvement project at the intersection of Curtis and Walcott Street, Mt Lawley;*
- (ii) *implements a trial half closure as shown on attached Plan No. A4-00-085, using water filled barriers for a period of eight (8) weeks and carries out a detailed traffic assessment of Barlee, Roy, Gerald, Curtis and Harold Streets between Curtis and Lord Streets during the trial;*
- (iii) *refers the findings of the trial and the issues raised by the Roy Street petitioners, to the Town's Local Area Traffic Management Working Group prior to receiving a further report on the matter;*
- (iv) *writes to Main Roads WA requesting an extension of the "Black Spot" funding to enable the matter to be further determined; and*
- (v) *advises the respondents of Council's resolution."*

In June 2002 Main Roads WA (MRWA) advised the Town that the works had to be concluded by 31 December 2002 or the funding would lapse.

The water filled barriers, which were installed in December 2002 in accordance with the Council's resolution, were scheduled to be removed in February 2003. However as directed by the Council, during the trial period Technical Services wrote to, and held discussions with, MRWA in an to endeavour to have the funding maintained if the trial proved successful.

MRWA subsequently advised that the 2002/03 funding had been withdrawn but that they would reinstate it in the 2003/04 State 'Black Spot' program and that the Town would not be required to make any further submissions.

As a result of the above discussions with MRWA it was considered prudent to leave the water filled barriers in place until the matter was resolved either by making the changes permanent removing the restriction.

With the reinstatement of the Black Spot funding clauses (i), (ii), (iv) & (v) of the above resolution had been actioned leaving only clause (iii) outstanding.

To this ends, in accordance with clause (iii) (*the findings of the trial and the issues raised by the Roy Street petitioners, to the Town's Local Area Traffic Management [LATM] Working Group prior to receiving a further report on the matter*), the matter was referred to the LATM Advisory Group at its meeting of the 3 December 2003.

#### **DETAILS:**

##### **Roy Street Petition**

When public consultation was undertaken in May 2002 Roy Street and Gerald Street were not included as it was considered at the time that the proposed changes would not have a significant impact upon either street. However when the residents of Roy Street, and to a lesser extent Gerald Street, became aware of the likely changes a petition containing 35 signatures was presented to Council objecting to the lack of consultation and the perceived impact the changes would have upon their streets.

In essence the residents of felt that there was an existing problem with motorists using Roy Street as a 'rat run' to avoid the signals at the Walcott & Beaufort Street intersection and that the proposed Curtis and Walcott "Black Spot" improvement would exacerbate the problem.

The petitioners submitted the following:

*"We, the undersigned residents of Roy Street, Mt Lawley, request some action on the part of the Council in regulating the speed of traffic which uses the street. Roy Street is used as a 'rat run' by traffic wishing to avoid the Walcott/Beaufort Streets traffic lights. The amount of traffic exceeds that of other streets in the vicinity for this reason. Either in spite of, or because of, it being an extremely short street, traffic exceeds considerably (sic) the speed limit of 50kmh, thus putting residents at risk. There have been many 'near misses' observed over the years, also some collisions have occurred.*

*Therefore we request the Council implement a check on the volume of traffic using the street. Also to consider the installation of a speed regulator such as speed bumps (sic), similar to those in Barlee or Clarence Streets."*

##### **Traffic Data**

Following receipt of the petition, vehicle classifiers were deployed in Roy and Gerald Streets that in June 2002, after the public consultation and prior to the trial, and again in February and May 2003, after the partial Curtis/Walcott closure had been installed.

The data indicated that in respect of Roy Street that in June 2002 of the 528 vehicles being the average weekday traffic (AWT) using Roy Street some 69% or 365 vehicles were south or city bound. A combination of data and observation suggests a significant portion of this traffic is endeavouring to avoid the left turn que from Walcott Street into Beaufort Street south at the signals. The 85% speed\*<sup>1</sup> was 39 kph while the average speed was 33 kph.

In February 2003 the AWT had decreased by 25% to 422 vehicles of which the percentage of south bound traffic was constant. Similarly in May 2003 the AWT was 418 vehicles thereby maintaining the 25% overall decrease\*<sup>2</sup> in traffic to that of June 2002.

\*<sup>1</sup> The maximum speed that 85% of the traffic travels less than.

\*<sup>2</sup> This decrease can be in part attributed to changes to the Barlee Street carpark access as discussed below.

In respect of Gerald Street the trend was reversed with a nominal increase in traffic. However Gerald Street was coming off a very low base 188 AWT in June 2002 rising to 217 AWT in May 2003 an increase of 15%. As with Roy Street a significant majority of this traffic was south or city bound.

Therefore the above data indicates that while there has been a changes in the traffic volumes using both Roy and Gerald Street, since the partial closure at Curtis and Walcott Streets, the majority of the traffic is still south or city bound and was not unduly affected by the changes.

### **Barlee Street carpark access**

Subsequent to the above the Town was lobbied by residents of Roy and Barlee Street to close the Barlee Street entrance to the Barlee Street carpark to prevent north bound Beaufort Street motorists using Barlee Street as a 'de facto' right turn into Walcott Street.\*<sup>3</sup>

\*<sup>3</sup> There is a permanent 'no right turn' restriction from Beaufort Street into Walcott Street. Further, there is a raised median in Beaufort Street preventing the right turn into and out off Barlee Street. With opening of the Barlee Street carpark, with full access off both Barlee Street and Beaufort Street, it provided an opportunity for motorists to circumvent the 'no right turn'.

Data collected at the time indicated that in the evening peak period between 4.00pm and 6.00pm an average 10 vehicles per weekday may have been using the carpark as a 'rat run' to avoid the Beaufort / Walcott intersection.

In response to the residents concerns a trial closure of the Barlee Street entrance/exit to the carpark was implemented, again using water filled barriers. The results indicated a nominal decrease in traffic using Barlee Street and by association Roy Street. However, the closure had limited impact upon the amenity of the Barlee Street carpark, with patrons who would previously access the carpark from Barlee Street merely having to turn left into Beaufort Street and left again into the carpark. When exiting the Carpark, motorists can turn either left or right into Beaufort Street reducing the traffic on the adjoining access roads.

The closure of the Barlee Street entrance/exit has since been made permanent.

### **Curtis Street**

The traffic data collected, prior to the closure of the right turn movement, indicated that some 61% of all vehicles travelling north in the evening peak period using (predominately) Curtis Street, Gerald and Roy Streets turned left (west bound) into Walcott Street.

Since the right turn movement at Walcott Street was banned, the total volume of traffic using Curtis Street has decreased marginally by 2.3%. However there has been a significant reduction in the queuing in Curtis Street, approaching Walcott Street. This can be attributed to the elimination of the right turn movement, as a vehicle turning right waits, on average, longer to complete the manoeuvre. Therefore as only the left turn movement is now possible the flow of traffic is smoother. As a result of the reduction in the average que length (in Curtis Street) has made Roy and Gerald Streets a less attractive option, which in part explains the reduction in traffic volumes in Roy Streets.

Of the traffic that previously turned right into Walcott Street from Curtis Street it appears to have been dispersed over the wider road network and not concentrated in any one street. Whilst Harold Street would be the logical alternate route for the displaced traffic a significant increase has not eventuated. This can be in part attributed to the series of speed humps installed in Harold Street between Curtis and Lord Streets in 2002 in conjunction with the 90 degree angled parking adjacent to Forrest Park, discouraging its greater use.

### **"Black Spot" Improvements**

"Black Spot" improvements, by definition, are safety improvements at locations at which there is a history of accidents. The "Black Spot" program is not intended to be a means to address Local Area Traffic Management issues. The proposed intersection modifications, as shown on drawing A4-00-0085, will eliminate 'right angle through' accidents at what is a designated "Black Spot".

### **CONSULTATION/ADVERTISING:**

Affected residents and business proprietors to be advised of impending works in accordance with Council Policy No. 4.1.21 "Community Consultation".

### **LEGAL/POLICY:**

Works to be undertaken in accordance Main Roads WA approval.

### **STRATEGIC IMPLICATIONS:**

In accordance with the Strategic Plan 2003-2008, Key Result Area One: Environment and Infrastructure "*Traffic and Parking Management*".

### **FINANCIAL IMPLICATIONS:**

A preliminary estimate of costs of the works is \$10,000 of which 2/3 or \$6,667.00 will be State 'Black Spot' funded while the Town is responsible for the remaining 1/3 or \$3,333.00. As a specific budget allocation was not included in the 2003/04 budget, it is proposed to fund the Town's portion (\$3,333.00) from the *Miscellaneous Traffic Matters* budget.

### **COMMENTS:**

The Roy Street petitioners concerns were considered by the LATM Advisory Group at its meeting of 3 December 2003. All the aforementioned information was discussed at which the group reach the following conclusion:

It is considered that there is little to be gained by motorists using Roy or Gerald Streets as an alternate route to that of Curtis Street. A majority of traffic currently using Roy and Gerald Streets is south or city bound and not affected by the proposed changes. Further Curtis Street will still accommodate both the left turn in and out movement and right turn in from Walcott Street. The proposed 'Half Seagull', as shown on plan A4-00-085, also provides an opportunity to improve pedestrian access and safety to Forrest Park.

In respect of public comments since the trial was installed there have been very few enquiries. In the initial months the Town received some complaints from residents on the City of Stirling side of Walcott Street advising that motorists unaware of the restriction were turning around in their driveway. However it would appear that as motorist are now familiar with the change the incidences of this occurring have greatly diminished.

It is therefore recommended that the Council receives the report on the proposed State "Black Spot" improvement project at the intersection of Curtis and Walcott Streets, Mt Lawley, endorses the LATM Advisory Group's recommendation that the "Black Spot" improvement project be implemented, approves the permanent installation of the "half seagull" island as shown on attached Plan No. A4-00-085, preventing the right turn movement out of Curtis Street into Walcott Street, and advises the respondents of Council's resolution.

**10.3.2 Authorisation of Expenditure for the Period 01 - 30 November 2003**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Forte		
<b>Checked/Endorsed by:</b>	N Russell	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) Schedule of Accounts for the period 1 November – 30 November 2003 and the list of payments;*
- (ii) direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) direct lodgement of Child Support to the Australian Taxation Office;*
- (v) direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

*as shown in Appendix 10.3.2.*

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**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**DECLARATION OF INTEREST**

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

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$1,000,000.00
	EFT	\$410,706.96
	EFT	\$857,977.80
	EFT	\$272,977.84
	EFT	\$525,348.19
<b>Total Municipal Account</b>		<b>\$7,067,010.79</b>
<b>Advance Account</b>		
Automatic Cheques	45288-45290, 45292-45449, 45450-45452, 45453-45609	\$581,638.91
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 162, 164-174		\$4,815,821.94
Transfer of PAYG Tax by EFT	November 2003	\$130,454.40
Transfer of Child Support by EFT	November 2003	\$491.54
Transfer of Superannuation by EFT City of Perth		\$0.00
Local Government		\$0.00
<b>Total Advance Account</b>		<b>\$5,528,406.79</b>
<b>Transfer of Payroll by EFT</b>	November 2003	<b>\$442,877.24</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$6,082.01
Lease Fees		\$1,540.10
Corporate MasterCards		\$4,370.68
Australia Post Lease Equipment		\$311.77
2 Way Rental		\$3,229.60
Loan Repayment		\$61,670.26
Investment CBA Transfer		\$1,000,000.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$1,077,204.42</b>
<b>Less GST effect on Advance Account</b>		<b>\$0.00</b>
<b>Total Payments</b>		<b>\$14,115,499.24</b>

**STRATEGIC IMPLICATIONS:**

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

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

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

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

**10.3.4 Mindarie Regional Council – Deed of Variation to Constitution  
Mindarie Regional Council Power to Borrow**

<b>Ward:</b>	Both	<b>Date:</b>	2 December 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	ORG0054
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a> <a href="#">003</a>		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that the Mindarie Regional Council has sought a loan of \$3.5 million for part funding of construction of Stage 2A landfill excavation at Tamala Park Waste Management Facility; and*
- (ii) *AUTHORISES the Chief Executive Officer and Mayor to sign the Deed of Variation of the Constitution of Mindarie Regional Council (and affix the Common Seal) that will permit the Mindarie Regional Council to borrow funds in accordance with the Local Government Act 1995.*

**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

The Mindarie Regional Council (MRC) resolved at their Ordinary Council Meeting dated 16 October 2003

*That Council:*

- (i) *approve Commonwealth Bank of Australia (CBA) as the preferred finance provider for \$3.5M loan for the part funding of construction of stage 2A landfill excavation at Tamala Park Waste Management Facility subject to State Treasury approval as required by Section 6.21 of the Local Government Act 1995*
- (ii) *commence further negotiations with CBA, subsequent to this approval, to prepare appropriate legal documentation for presentation to the December 2003 Ordinary Council meeting.*

**DETAILS:**

Subsequently, during the process of preparation of legal documentation by the CBA for the above loan, legal advice from its solicitors suggests that there is doubt as to whether the power to borrow in the form proposed by CBA exists under the current constitution agreement. A summary of the background to these circumstances is provided in a letter from MRC solicitor John Woodhouse, as attachment 1.

The Draft Establishment Agreement which is still under consideration of the participants, contains provisions (at clause 14) which is to the effect that Part 6 Division 5, Subdivision 3 of the Local Government Act 1995 applies i.e. provides that the MRC may borrow money.

However, the current constitution that exists through the transition provisions from the Local Government Act 1960 to the new Local Government Act 1995, provides for borrowing (clause 6.7) that is to be "by the issue and sale of debentures" and that the provisions of Division 3 of Part XXVI of the Local Government Act 1960 shall apply.

The Local Government Act 1960 was repealed upon the introduction of the Local Government Act 1995.

Consequently, the CBA's solicitors are of the view that MRC does not have the power to borrow by way of the charge document that is proposed.

As the loan funds are required to part fund the construction of stage 2 excavation that has commenced, and the Draft Establishment Agreement is still under consideration by member participants, it is proposed that a Deed of Variation as detailed at attachment 2, be executed by participant members, to allow MRC to meet this loan, and future loan, acquisition criteria.

The proposed Deed of Variation has been presented to CBA solicitors who have indicated their approval of the Deed. Refer attachment 3.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The approval of the various Member Councils is required to legally enable the loan documentation to comply with the requirements of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 Key Result Area One – Environment and Infrastructure

*1.1 Protect and enhance the environment and biodiversity.*

*l) A waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and that has positive environmental outcomes.*

**FINANCIAL/BUDGET IMPLICATIONS:**

No financial implications for the Town of Vincent.

**COMMENTS:**

The MRC has previously approved CBA as the preferred loan provider for a \$3.5M loan. The Draft Establishment Agreement still under consideration by participants provides MRC the power to borrow funds. However, as it is unlikely that this Draft Establishment Agreement will be in place by early 2004, when the loan funds will be required, it is proposed that a Deed of Variation to the constitution be recommended to participants to specifically give the power to borrow funds under the Local Government Act 1995.

It is therefore recommended that the Town of Vincent sign the Deed of Variation to ensure that Stage 2A landfill excavation at Tamala Park Waste Management Facility is not subject to delay.

**10.3.5 Headquarters (HQ) Youth Facility – Frame Court**

<b>Ward:</b>	South	<b>Date:</b>	3 December 2003
<b>Precinct:</b>	Oxford Centre Precinct P4	<b>File Ref:</b>	PRO0070
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a> <a href="#">003</a> <a href="#">004</a>		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*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.*

**COUNCIL DECISION ITEM 10.3.5**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

*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.*

That this item “Lie on the Table” until reports are provided.

**DETAILS:**

This report has been delayed awaiting the finalisation and audit of the 2002/03 Financial Statements.

However, since the preparation of the previous report in June 2003 there has been considerable improvement in the performance of the operation of the HQ facility.

This can be attributed to a number of factors:

- The new Manager of the facility has been employed at the facility for nearly 12 months and the impact of the introduction of improved processes and procedures are now having an effect.
- The increased number of Work Experience Programmes (WEP).
- The significant funding from the Department of Training.
- The increase in the variety of programmes available at the centre, including the Internet Centre, the opening of the Art Gallery and the use of the Café by TAFE courses.
- Increase in skate-board competitions held at the venue.
- The improved marketing of the facility through local newspapers promoting events, flyers through schools.
- The structured music programme including gig management.

The annual report for the year 2002/2003 identifies the success of the centre during the year. This document is included in Attachment 1.

The Financial position as at 30 June 2003 shows a net operating profit of \$159,416 for the year ending 2003, compared to a profit of \$133,137 for 2002, Attachment 2.

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. Currently the Manager's salary is funded by a Lotterywest Grant which expires this financial year.

The budget for 2003/2004 forecasts a cash trading surplus of \$2,296 without project and grant funding but with a contribution from the Town of Vincent, as in Attachment 3.

The Town has allocated \$45,000 in the 2003/2004 budget to fund or contribute to the operation of the facility.

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.

#### **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 allocated to the HQ youth facility as a contribution to their operating costs.

#### **COMMENTS:**

The Town has invested considerable amount of funds into the construction of this facility and has supported the concept and visions of this place since its inception.

Given the improved performance of the facility and the options available for the Town is considered be prudent to defer consideration of ownership and management for the HQ Youth facility for consideration prior to the next round of budget meetings.

This would enable any change, if adopted, to occur at the start of a financial year which has significant administrative advantages.

### 10.3.7 Halvorsen Hall Lease Negotiations

<b>Ward:</b>	North Perth	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Hyde Park Precinct P14	<b>File Ref:</b>	RES0003
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Anthony		
<b>Checked/Endorsed by:</b>	J Anthony, M Yoo	<b>Amended by:</b>	

#### **OFFICER RECOMMENDATION**

*That the Council APPROVES of a three (3) year lease term with an option period of a further three (3) years with Graham Hay and co-artists for Halvorsen Hall situated at Robertson Park, Fitzgerald Street, subject to satisfactory negotiations being carried out by the Chief Executive Officer.*

#### **COUNCIL DECISION ITEM 10.3.7**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

#### **BACKGROUND:**

At the Council meeting of 18 January 2000, the following recommendation was adopted:

*"That the Council:*

- (i) authorises the Chief Executive Officer to commence negotiations with; and*
- (ii) approves of a one (1) year lease being granted with a further option to renew annually for a further four (4) years which will be reviewed dependant on the Robertson Park Redevelopment Plan, subject to satisfactory negotiations being carried out by the Chief Executive Officer."*

At the Council meeting of 27 February 2001 and 12 March 2002, the following recommendation was adopted:

*"That the Council approves of a one (1) year option to renew on the lease for Halvorsen Hall to Graham Hay and co-artists, subject to satisfactory negotiations being carried out by the Chief Executive Officer."*

#### **DETAILS:**

Graham Hay and co-artists have leased Halvorsen Hall since January 2000, operating as a collective of visual artists who, for the last seven years, have been making sculptures, paintings, creating music and running art classes.

The group has generated a number of community projects from the premises including a well patronised exhibition and involvement in the Town's public art project for Headquarters.

**FINANCIAL/BUDGET IMPLICATIONS:**

The lease option will be based on the same costs negotiated as part of the lease agreement subject to the Consumer Price Index.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003- 2008

Key Result Area 2 - Community Development

*2.1 a) Seek community initiatives and involvement in the development of programs and provide facilities and other recreational resources appropriate to the Town's needs.*

**COMMENTS:**

The artists have utilised the premises in an effective manner, organising a number of community workshops and workspace for artists. The Town's relationship with the artists has been extremely positive over the past three years.

**10.3.8 State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 2**

<b>Ward:</b>	Both	<b>Date:</b>	26 November 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0313
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Rootsey, R Lotznicher		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 2;*
- (ii) *NOTES the funding options available to the Town for the financing of this project; and*
- (iii) *RECEIVES a further progress report to include the preferred funding option for the project no later than March 2004, after further investigation and liaison with the Town’s consultant.*

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**COUNCIL DECISION ITEM 10.3.8**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**BACKGROUND:**

*At the Council meeting of 7 October 2003 it was resolved that Council;*

- “(i) RECEIVES the report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 2,*
- (ii) NOTES the timeline for the proposal, as outlined in the report, and in particular the proposed November 2005 physical project commencement date; and*
- (iii) NOTES that further progress reports and other detailed reports will be submitted to the Council as required.*
- (iv) NOT limit the funding options to assessment based on GRV but considers other options to apportion costs fairly between different types of properties; and*
- (v) RECEIVES a report outlining the full range of available funding options including those that have been most successfully implemented by other WA councils for the project by no later than December 2003.”*

**DETAILS:****Timeline and Responsibilities**

The following table outlines the time lines and responsibilities with regards the State Underground Power Program (SUPP) - Round 3, Proposed Highgate East project was noted at the Council meeting on 7 October 2003.

The project start date falls within the 2005/2006 financial year.

<b>Task</b>	<b>Responsibility P = Primary Party Responsible</b>	<b>Action Date</b>
1. Advice to ratepayers/residents	Town of Vincent (P)	Ongoing
2. Resolution of boundary issues with neighbouring LGAs if applicable	Town of Vincent (P) Western Power Office of Energy	9 August 2004
3. Transformer, switchgear sign off by Town of Vincent (P)	Town of Vincent (P) Western Power	27 August 2004
4. Project design completed	Western Power (P) Town of Vincent	1 November 2004
5. Cost estimate prepared including project, direct costs, and equivalent cost determination	Western Power (P)	15 November 2004
6. Detailed community support survey completed and reported	Town of Vincent (P) Office of Energy	10 January 2005
7. Draft Agreement prepared and approved in principle	Office of Energy (P) Western Power Town of Vincent	7 February 2005
8. Tenders called for Project Labour	Western Power (P)	8 August 2005
9. Agreement signed by all parties and financing/cash process finalised	Office of Energy (P) Western Power Town of Vincent	31 October 2005
10. Project start	Western Power (P)	14 November 2005

**Detailed Proposal Stage**

The tasks listed below are required to be undertaken:

- Finalise the project boundaries, the number of lots included, and gain the approval of the SUPP Steering Committee.
- Agree on the charging method to be used to recoup funds from ratepayers.
- Conduct an inspection of the proposed project area to confirm the type of properties present (single residence, duplex, multi unit dwellings, vacant land, commercial properties etc.), and the power supply arrangements. Some properties will have overhead connections, others underground services, pillars, and/or underground mains may also be present. These details will need to be available when levying the ratepayer charges, as discounts are usually given for these facilities.
- Prepare a newsletter and survey document, for conducting a ratepayer survey.

- Conduct the survey, either in-house or using an external market research company, to obtain the views of the ratepayers.
- Prepare a final submission to the SUPP Steering Committee (SUGPS) to gain final approval for the project to proceed.

### **Update on detailed proposal**

Within the terms of the SUPP, application is made by a Local Government for a specified area to have above underground power installed and overhead power cables removed. Whilst Western Power provides 50% of the funding for the project it is essential to recognise that certain costs may fall outside the “project” and are to be funded separately by the relevant Local Government.

### **Cost Estimates**

Western Power’s initial estimates place costs at approximately \$4,000 per lot. This estimate has remained fairly static for several years. When seeking expressions of interest in the Scheme from ratepayers through surveys, local governments have tended to use the \$4,000 per lot as an indicative cost, with the ratepayer responsible to pay 50% i.e. \$2,000.

Some views are that the \$4,000 per lot is perhaps low. There should now be enough evidence to get a good handle on what the average cost per development should be. A comparison of projected cost would be a very cheap form of insurance for the officers directly involved.

For this round of projects Western Power have increased the cost estimate to \$4,500 per lot.

### **Cost components**

In general, the costs of undertaking the underground power works may be viewed as having a number of separate components.

#### Project Management Costs

The \$4,500 per lot includes an element to cover project management costs. Various ancillary costs may be included. These costs are included in determining the 50% Western Power funding.

#### General “reticulation” or “backbone” costs (Works costs)

The general reticulation costs are recognised as serving the entire community and as such these “common” costs have been separated for distribution as a general cost. These costs are included in determining the 50% Western Power funding.

#### Connection costs (Works costs)

Connection costs are incurred in making the connection from the reticulation point (previously the pole) to the building meter box. These costs may vary, depending upon such factors as to whether the building currently has an existing underground connection to the reticulation point, whether the connection services multiple buildings eg: units etc. Commercial applications may have a higher connection cost due to its particular power load factors.

These costs are included in determining the 50% Western Power funding.

In terms of recovering monies from ratepayers, the connection costs have been charged separately in order to recognise the individuality of the underground service to the property. It can be contended that this portion is a “service” to the property and is subject to GST.

#### Other Non Works Costs

Other non-works costs may include changes to computer systems to accommodate business functions including – invoicing / application of interest and finance charges / accounts receivable. Local Governments should assess which costs fall outside the scope of the project and would be borne by the Local Government alone.

An assessment should be undertaken as to the funding of these additional costs – from those benefiting from this program or from general Municipal funds.

It is essential that the relevant Local Government review its system capabilities to ensure that its systems can cope with the additional charge, the application of a different interest rate to this charge and to allocate payments received against the charge / debt. Such additional systems and administration charges may prove to be significant over time.

### **Funding Options**

#### General Purpose Funds – loans

The Local Government funds the underground power project from its General Purpose funds rather than raising charges against properties affected. The program is similar to provision of library services, parks, roads, footpaths, town planning and all other services where there is no direct user pay charge or where the service is heavily subsidised by the community. The City of Subiaco has used this option.

There are some self-evident advantages and disadvantages of this. Politically it is very popular with the Council and we have had relatively few complaints from the community about this method. It is also very simple to administer. However, the whole community is paying for the undergrounding of power and similarly property owners are paying for long periods before they receive benefit.

The current program will be funded by raising loans, paid off over relatively short periods, five years. Local government have slowly increased rate income over the past three years for this project, and “quarantined” the funds by placing the equivalent amounts required for loan repayments into reserve funds each year. The purpose of this was to insulate the community from a massive increase in one year to fund the project and to preserve equity of meeting the cost burden over time.

Where councils have applied the user pays principle, a variety of basis for the charge has been applied.

Very careful consideration needs to be given to charges that are applied to properties adjacent to transmission lines. Owners of adjacent properties resent paying any charge. It is suspected that they would not be satisfied if there was no charge as they still have a perception of discrimination which may be reflected in additional value. Promotion material must clearly spell out what will be done and what will not be done.

### Flat Charge

A flat charge applies to spread the cost of the project across all properties receiving the benefit. In determining the use of a flat charge, consideration should be given to the following:

- Separation of reticulation versus connection costs
- Payment for council properties and State or Federal Government properties that are being serviced (the whole community or is this being charged across those in the project only)
- The ability to pay
- Relative benefit gained by each property (as with bins)
- Council must refund any balance of funds.
- Pensioner rebates will not apply to service charges and therefore the local government will fund the full rebate.

This option has been taken by the Towns of Claremont, Cottesloe, Victoria Park and City of Nedlands.

### Special Area Rate based on property valuations

Local Governments may, pursuant to the Local Government Act 1995 implement a Special Area Rate (SAR) to cover the cost of undertaking such works.

A number of Local Governments have used a SAR based on property values. In determining the use of a SAR rate based on property values, consideration should be given to the following:

- The separation of reticulation versus connection costs.
- Payment for council owned properties that are being serviced (the whole community or is this being charged across those in the project only).
- Payment for State and Federal Government properties.
- The higher cost to those that have the ability to pay (an implicit assumption that higher property values equals wealth and ability to pay).
- There is no relationship between property value and the cost of installing underground power.
- Relative benefit gained by each property. A Western Power study suggests that property values increase in the range of 5-8% due to having underground power.
- Pensioners receive a rebate on the SAR portion.
- The receipt of any balance of funds on completion of the project.
- GRV based charges may be ok if area values are fairly consistent.

### Capping SAR's

The capping of the SAR provides for some equity in the cost of the service. Whilst the cost of the "reticulated" portion is in the main the same for all properties, a levy based on a SAR using a Rate-in-the-dollar linked to the property value means that some properties will pay more for the same service. Western Power suggests that the value of underground power increases property values by approximately 5-8%. Using a SAR based on the GRV supports the contention that the higher GRV properties stand to gain the most and that no capping of the charge should exist.

It appears that providing upper and lower ceilings for properties (capping) is not allowed under the Local Government Act (1995).

A maximum rate can be achieved by using provisions for granting a waiver or concession. Where a waiver is provided, this must be recorded against General Municipal Funds and not the specific underground power project.

The Cities of Melville and Stirling and Town of Cambridge have used this method.

### **Refunds / Shortfalls**

Who receives any balance of funds on completion of project? Other areas it leads to a substantial surplus at the end of the project on what is the surplus to be distributed. Reimbursing funds adds administrative costs. In some instances the Project Brief is expanded to specify that any surplus will be used to provide additional streetlighting and streetscaping.

However if there is a funding shortfall, this is more difficult to explain and to deal with, leading to the Council or ratepayers funding the balance.

### **Terms of repayment**

Local Governments have offered variety of repayment terms and periods ranging from up front payments with discount (5-10%) and 2-10 year repayment periods. Alternative instalment payment options include quarterly, bi-annually and annually. Extended terms add an additional administrative burden and such collection costs should arguably be covered with the costs of that project.

### **Discount for early payment**

Several Councils offer discounts for early payment. 5-10% has been offered for once of payments and also for the early payment of the annual charge (where the term exceeds one year).

### **Interest**

Where Council funds the payment for the service and offers extended repayment terms the "cost of money" should be recognised. The overall "borrowing costs" or "cost of money" (foregone interest) should be factored into the overall project and recovered from the ultimate beneficiaries of the service. Cash flow models with estimated interest rates would indicate projected interest costs. It appears that Councils have in the main applied fixed interest charges. Such interest rates will depend on the source of funding – internal or external borrowings.

### **Pensioner's discounts**

Pursuant to the Pensioners Rebate Act, pensioners receive a rebate on general rates but not on charges.

Where the cost of providing underground power is charged through a SAR, the pensioner rebate continues to apply and the pensioner ratepayer is in effect subsidised by an additional 50%. In such instances, the total cost of the service is borne as follows: 50% Western Power, 25% State Government and 25% pensioner Ratepayer.

### **Funding**

Ultimately, the source of funding for this programme is dependent on council's resources at the point in time and council's future intentions regarding its reserves and cash flows.

**CONSULTATION/ADVERTISING:**

Extensive consultation with affected residents/businesses will be carried out as part of the process.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In line with Key Result Area One of the Draft Strategic Plan 2003-2008

1.4 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment and f) Develop a strategy for the implementation of underground power - investigate alternative mechanisms for funding (e.g. loans, differential rates, deferred charges, etc. - develop a mechanism for assigning priorities to areas.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council should be aware that funding arrangements will need to be in place prior to the finalisation of the 2005/2006 budget to cover half the projected cost (\$2.8 million) of the project. In addition the financial implications will be further developed once the Council has determined the charging method to be used to recoup funds from ratepayers.

**COMMENTS:**

As previously reported to Council, the process includes the EOI and detailed submission stage. The Town has been invited to prepare a detailed submission and has been given a timeline of the process.

It is therefore recommended that the Council receives the report on the State Underground Power Program - Round Three (3) Major Residential Project - Progress Report No. 2 as this is the alternative funding option available for underground power projects, and receives further progress reports and other detailed reports as required.

**10.4.2 Progress Report No. 3 - Construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) – Leederville Oval, No. 246 Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0062
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 3 as at 10 December 2003, relating to the construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) at 246 Vincent Street, Leederville; and*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of the project.*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**BACKGROUND:**

**This Item was DEFERRED at the Ordinary Meeting of Council held on 2 December 2003 due to the lateness of the hour. The progress report has been updated to reflect works as at 10 December 2003.**

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.

Meetings have been held with the Architect and Builders and siteworks commenced on 17 November 2003. Demolition of the old gatehouse took place on 21 November 2003 and removal of excess soil also commenced and is almost completed.

A 4 metre accessway has been provided to Leederville Oval from Vincent Street and negotiations have commenced with the Schools of Isolated and Distance Education (SIDE) to use alternative access through their carpark via Oxford Street.

A temporary footpath on the north side of Vincent Street adjoining the construction site has been installed and is working satisfactorily.

**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.

**10.4.7 Authorised Officer – Murray Matthews**

<b>Ward:</b>	Both Wards	<b>Date:</b>	27 November 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PF
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J McGee		
<b>Checked/Endorsed by:</b>	J Maclean, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPOINTS Murray Matthews as an authorised officer (in a temporary capacity) of the Town of Vincent, effective from Friday 28 November 2003 under the provisions of the;*

- (i) Litter Act 1979 and all subsidiary legislation made under that Act;*
- (ii) Dog Act 1976 and all subsidiary legislation made under that Act;*
- (iii) Local Government Act 1995;*
- (iv) Control of Vehicles (Off Roads Areas) Act 1978;*
- (v) Bush Fires act 1954;*
- (vi) Town of Vincent Parking Facilities Local Law; and*
- (vii) following Town of Vincent Local Laws;*
  - (a) Relating to Streets and Footpaths;*
  - (b) Relating to Display of Items on a Footpath;*
  - (c) Relating to Eating Areas;*
  - (d) Relating to Dogs;*
  - (e) Relating to Street Trading;*
  - (f) Relating to Parks and Reserves; and*
  - (g) Relating to the Removal of Obstructing Animals or Vehicles.*

**COUNCIL DECISION ITEM 10.4.7**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**DETAILS:**

The Town of Vincent has the responsibility for the enforcement of various Acts, Regulations and Local Laws. These include Local Laws, the Local Government Act, the Dog Act, the Litter Act, the Control of Vehicles (Off Road Areas) Act, the Bush Fires Act and all subsidiary legislation relating thereto.

It is a requirement that all officers acting in the position of Ranger of the Town of Vincent be authorised under the various statutes to enable them to effectively perform their duties.

Murray Matthews has been employed on a temporary basis to perform the duties of a Ranger, and in particular enforce the provisions of the Town of Vincent Parking Facilities Local Law.

**LEGAL/POLICY:**

Section 3.24 of the Local Government Act 1995 requires any person, who will act on behalf of a Local Government, to be expressly authorised by it to do so.

**STRATEGIC IMPLICATIONS:**

Appointments of this nature are in accordance with Key Result Area One of Strategic Plan 2003 - 2008 *'Develop and implement a comprehensive strategy for law, order and public safety'*.

**ADVERTISING:**

There will be a need to advertise the appointment in the Government Gazette.

**FINANCIAL/BUDGET IMPLICATIONS:**

Other than the advertising costs and the provision of uniform, there will be no cost associated with this appointment. The total cost is expected to be approximately \$100.00.

**COMMENTS:**

The appointment of Murray Matthews to the position of Temporary Ranger will ensure that the Law and Order Services Section can maintain the present coverage, thereby continuing to meet the expectations of the community. At this stage, he will be acting in the capacity of Temporary Ranger during the next three months and the appointment is therefore recommended for approval.

**10.3.6 Britannia Reserve - Usage**

<b>Ward:</b>	North	<b>Date:</b>	4 December 2003
<b>Precinct:</b>	Mount Hawthorn P1	<b>File Ref:</b>	RES0001
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey/R Lotznicher		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	John Giorgi

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the usage of Britannia Reserve;*
- (ii) *AUTHORISES the Chief Executive Officer:*
  - (a) *to allow dogs off leash on the area of Britannia Reserve to the north of the prolongation of Namatijra Place to where it meets the Mitchell Freeway, during the times when the Subiaco Football club is training on the southern portion of the reserve;*
  - (b) *to set up a Working Group comprising:*
    - *up to two (2) Elected Members (Cr ....., {Chair} and Cr .....);*
    - *Executive Manager Corporate Services;*
    - *Executive Manager Technical Services;*
    - *two (2) representatives of the Subiaco Football Club; and*
    - *two (2) community representatives (nominations to be advertised);*
  - to investigate the best options for the use of the reserve for all users for the Council's consideration;*
- (iii) *APPOINTS Cr ..... (Chair) and Cr ..... to the Working Group; and*
- (iv) *NOTES a further report will be submitted to the Council in February 2004, once the Working Group has considered the matter.*

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

*That the recommendation be adopted subject to a new dot point being added after "Executive Manager Technical Services" in clause (ii)(b) as follows:*

- *"Manager Law and Order Services and/or Senior Ranger;"*

Debate ensued.

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

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

- "(v) *REQUESTS the Chief Executive Officer to confirm with all sporting clubs what their training times are.*"

**AMENDMENT CARRIED (8-0)**

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

**Moved Cr Chester, Seconded Cr Lake**

*That;*

(i) *the words "as an interim short term solution" be added to the end of clause (ii)(a);*

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

*"(b) to set up a Working Group comprising:*

- up to two (2) Elected Members (namely Cr ....., {Chair} and Cr .....);*
- Executive Manager Corporate Services;*
- Executive Manager Technical Services;*
- Manager Law and Order Services and/or Senior Ranger;*
- two (2) representatives of the Subiaco Football Club (one with voting rights); ~~and~~*
- two (2) community representatives (nominations to be advertised);*
- one (1) representative from winter code sports club users; and*
- one (1) representative from summer code sports club users;*

*to investigate the best options for the use of the reserve for all users for the Council's consideration;"*

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

*"(vi) REQUESTS the Chief Executive Officer to arrange a meeting between nominated Councillors, the Britannia Users Group and the Town's Officers for early January 2004 to identify key issues of the current arrangement."*

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

Nominations for the two (2) Elected Member representatives on the Working Group were called.

Crs Chester and Doran-Wu put their names forward.

**CARRIED**

Cr Doran-Wu was nominated as "Chair".

**CARRIED**

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

(Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.3.6**

*That the Council;*

- (i) ***RECEIVES*** the report on the usage of Britannia Reserve;
- (ii) ***AUTHORISES*** the Chief Executive Officer:
- (a) *to allow dogs off leash on the area of Britannia Reserve to the north of the prolongation of Namatijra Place to where it meets the Mitchell Freeway, during the times when the Subiaco Football club is training on the southern portion of the reserve as an interim short term solution;*
- (b) *to set up a Working Group comprising:*
- *up to two (2) Elected Members (namely Cr Doran-Wu {Chair} and Cr Chester);*
  - *Executive Manager Corporate Services;*
  - *Executive Manager Technical Services;*
  - *Manager Law and Order Services and/or Senior Ranger;*
  - *two (2) representatives of the Subiaco Football Club (one with voting rights); and*
  - *two (2) community representatives (nominations to be advertised);*
  - *one (1) representative from winter code sports club users; and*
  - *one (1) representative from summer code sports club users;*
- to investigate the best options for the use of the reserve for all users for the Council's consideration;*
- (iii) ***APPOINTS*** Cr Doran-Wu (Chair) and Cr Chester to the Working Group;
- (iv) ***NOTES*** a further report will be submitted to the Council in February 2004, once the Working Group has considered the matter;
- (v) ***REQUESTS*** the Chief Executive Officer to confirm with all sporting clubs what their training times are; and
- (vi) ***REQUESTS*** the Chief Executive Officer to arrange a meeting between nominated Councillors, the Britannia Users Group and the Town's Officers for early January 2004 to identify key issues of the current arrangement.

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**BACKGROUND:**

As part of discussions with both the Subiaco Football Club (SFC) and the East Perth Football Club (EPFC) to establish a Football Centre of Excellence at Leederville Oval, reference was made to the requirements for both clubs to have available alternative training venues.

The requirement for alternative training venues was necessary as with two clubs, each with three full squads training, and playing at Leederville Oval, the ground would not be able to sustain such a level of use. This would result in a significant increase in ground maintenance costs and affect the long term condition of the playing surface.

Both clubs were offered alternative venues. In SFC's case, they were offered for consideration, Charles Veryard Reserve, Les Lilleyman Reserve and Britannia Reserve subject to availability.

The Charles Veryard Reserve was considered unsuitable as the reserve is jointly leased to the Tuart Hill Cricket Club and Modernians Hockey Club. Les Lillyman Reserve was suggested as a suitable training venue by the officers, however the club considered it to be too far away from Leederville for transport for the players, especially the colts squad who arrive by train and public transport. This reserve is used by Tuart Hill Cricket Club in the summer and has now been booked for the winter season by Perth Azzurri and Perth Soccer Clubs for training and soccer matches. Britannia Reserve was Subiaco's preferred option.

**DETAILS:**

Britannia Reserve is bounded by Britannia Road to the north, Bourke Street to the south and the Mitchell Freeway to the west and comprises an area of approximately 141,000m<sup>2</sup> or 14.1Ha.

The reserve is a multi use facility with cricket, soccer, baseball, rugby and other minor groups using the reserve at different times of the year. The reserve is also currently used as a dog exercise area with the northern part of the reserve (*prolongation of Namatijra Place to where it meets the Mitchell Freeway*) designated as a dogs 'on leash' area and the area to the south of the line currently designated as a dogs 'off leash' area. (*refer attached plan No A1-2239-CP-1*).

As part of ongoing discussions with Junior Rugby and SFC the Town's administration granted SFC a seasonal hire of the southern portion of the reserve for evening training Monday to Friday. As a result SFC, commenced pre-season training at the Reserve on 17 November 2003

Regrettably SFC training has caused some concern with the local community, in particular the dog users of the reserve. The available 'off leash' dog area has been significantly reduced as a result of the marking out of the foot ball training area for SFC's use.

Outlined below is information relating to the use of Britannia Reserve.

**Local Law**

*Seventh Schedule - Town of Vincent Local Law Relating to Dogs  
Unrestricted Time Limits*

<i>Item No</i>	<i>Description of Public Place</i>
<i>1.</i>	<i>Britannia Road Reserve: Between Velodrome and Freeway Reserve, north-east of Velodrome, Leederville.</i>

*Eighth Schedule - Town of Vincent Local Law Relating to Dogs  
Dog Exercise Areas During Specified Times only*

<i>Item No</i>	<i>Description of Public Place</i>	<i>Times During Which Place is a Dog Exercise Area</i>
<i>5</i>	<i>Britannia Road Reserve South: Bounded by the Mitchell Freeway, Richmond Street and the prolongation of Namatijra Place where it meets the Mitchell Freeway.</i>	<i>At all time except where the public place is used for a function, sports training or activities approved by the Council.</i>

**Football Area**

Discussions were undertaken with the major sporting user of the reserve, that is WA Junior Rugby Union to determine whether both clubs could be accommodated on the reserve.

The main factor with the two clubs co existing on the reserve was the existence of rugby goal posts during the rugby season. Other factors were the location of the concrete cricket pitches, existing lights etc.

As a result of these discussions it was decided to mark out the football oval on the southern end of the reserve, to determine whether permanent football goal posts could be accommodated during the winter season.

In accordance with the WA Department of Sport and recreation *Dimension for sport playing areas* guidelines the size of a football oval can vary in size from between 135m to 185m in length to between 110m to 155 m in width. The area currently marked out on Britannia Reserve is 165m long by 135m wide (*as recommended by the National football association*) covering an area of 17,495 sqm.

**Dog Area**

As previously mentioned the reserve comprises a total area of approximately 141,100m<sup>2</sup> and is divided in two areas, for dogs 'on leash' and dogs 'off leash'. The off leash area comprises approximately 41,950m<sup>2</sup> at the southern end of the reserve and the 'on leash' area comprises approximately 99,142m<sup>2</sup> at the northern end of the reserve (*refer attached plan No A1-2239-CP-1*).

**Usage at Britannia Reserve by Sporting Clubs**

<i>Leederville Cricket Club (summer season)</i>		
Training (in the nets)	Tuesday/Wednesday	5.00pm – 7.00pm
Matches (on the cricket pitches)	Saturday	12.30pm – 6.30pm
Final matches (March only)	Sunday	12.30pm – 6.30pm
<i>WA Junior Rugby Union – April to October (Winter Season)</i>		
Matches	Saturday	8.00am – 2.00pm
Matches	Sunday	9.00am – 1.00pm
<i>Floreat Athena Soccer Club – early January – September</i>		
Training	Tuesday/Wednesday/Thursday	6.30pm – 8.30pm
Matches	Sunday	8.00am – 11.00am
<i>Subiaco Football Club – late November to mid September</i>		
Training	Monday to Friday	5.00pm – 7.30pm
(Pre-season training)	Monday/Tuesday/Thursday	5.00pm – 7.30pm

**Floodlights**

An amount of \$65,000 is included on the 2003/04 budget for the upgrade of lighting at Britannia Reserve. The proposal is to relocate the two light towers from Leederville Oval. This matter has yet to be reported to Council and the community will be consulted on this matter.

### **Change rooms**

During the initial discussions with Subiaco Football Club, a request was made by the club for consideration to building a change rooms for players. This was taken on board by the Town for future consideration. At this point in time, no funds have been allocated on the 2003/04 budget.

If this project was to proceed it would have to be listed for consideration on any future budget, which would be required to have Council approval. The community would be consulted prior to any commitment being made.

### **Public Meeting**

A public meeting was arranged by concerned residents and held at the southern end of the Britannia Reserve on Saturday 6 December 2003. Approximately 80 residents were in attendance including the Mayor, five (5) elected members and two (2) of the Town's Executive Managers.

At the meeting members of the public raised concerns regarding the encroachment of the football training on the 'off leash' dog training area, proposal to construct change rooms and toilets at the southern end of the reserve, proposal to erect training lights, possibility of increased vandalism and anti social behaviour as a result of the proposal and lack of consultation.

The Mayor and officers advised the members of the public present that all that had been approved to date was a seasonal hire agreement with SFC allowing them to train on the reserve up to five (5) nights per week (however SFC have advised they only plan to use the ground three (3) nights per week) and that all other proposals were subject to Council approval and as part of the process would comprise 6 weeks community consultation.

The Mayor advised members of the public present at the meeting that in hindsight they should have been consulted with regards the issuing of a seasonal hire of the reserve to the SFC.

The meeting concluded with the Mayor and officers giving an undertaking that the following would be recommended to Council at the Ordinary Meeting of Council to be held on 16 December 2003.

- Recommendation to allow dogs off leash on the area of Britannia Reserve to the north of the prolongation of Namatijra Place to where it meets the Mitchell Freeway, during the times when the Subiaco Football club is training on the southern portion of the reserve
- Recommendation to set up a working group comprising elected members, officers, and representatives of the Subiaco Football Club and the community to determine the best option for the use of the reserve for all users for the Council's consideration.

### **CONSULTATION/ADVERTISING:**

Community consultation in accordance with Community Consultation Policy.

### **LEGAL/POLICY:**

Local Law relating to Dog Use:

- Seventh Schedule – Unrestricted Time Limits
- Eighth Schedule – Dog Exercise areas during specified times only

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003 – 2008

Key Result Area 2 – Community Development

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

- a) *Seek community initiatives and involvement in the development of programmes and provide facilities and other recreational resources appropriate to the Town's needs.*

**FINANCIAL/BUDGET IMPLICATIONS:**

Seasonal hire users are charged fees in accordance with the adopted Fee and Charges 2003/04 schedule. An amount of \$65,000 is included in the 2003/04 budget for the upgrade of lighting at Britannia Reserve.

**COMMENTS:**

This matter has caused some concerns with the local community, whilst it is acknowledged that the booking of seasonal hire usage of any of the Town's ovals for sporting clubs does not require community comment in this situation the provision of community information may have allayed the initial cause of negative comments.

It is therefore recommended that the Council authorises the Chief Executive Officer to allow dogs off leash on the area of Britannia Reserve to the north of the prolongation of Namatijra Place to where it meets the Mitchell Freeway, during the times when the Subiaco Football club is training on the southern portion of the reserve.

It is further recommended that the Council sets up a working group comprising of up to two (2) Elected Members, the Executive Manager Corporate Services, Executive Manager Technical Services, two (2) representatives of the Subiaco Football Club and two (2) community representatives to determine the best option for the use of the reserve for all users for the Council's consideration and that a further report be presented to the Council in February 2004 once the working group has considered the matter.

*CEO's Comment*

*The CEO amended this report to allow for the proposed Working Group to comprise of up to two (2) Elected Members (instead of one) and for two (2) representatives of the Subiaco Football Club (instead of one). It is considered that this number will provide a more equitable representation and allow for a greater input of ideas.*

Mayor Catania advised that Acting Executive Manager, Craig Wilson had declared a proximity interest in this Item. Mr Wilson departed the Chamber at 7.35pm.

**10.1.34 No. 29 (Part Lot 8 and Lots 9-12) Kayle Street, North Perth - Len Fletcher Pavilion: Interim Report**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PRO0157
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	D Brits, A Bosworth		
<b>Checked/Endorsed by:</b>	R Lotznicher, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Interim Report in relation to the Len Fletcher Pavilion; and*
- (ii) *NOTES that a further report will be submitted to the Ordinary Meeting of Council to be held in February 2004.*

---

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Farrell**

*That a new clause (ii) be added as follows and the existing clause (ii) be renumbered to (iii):*

*"(ii) REAFFIRMS its previous decision to demolish the Len Fletcher Pavilion; and"*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

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

(Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.1.34**

*That the Council;*

- (i) *RECEIVES the Interim Report in relation to the Len Fletcher Pavilion;*
- (ii) *REAFFIRMS its previous decision to demolish the Len Fletcher Pavilion; and*
- (iii) *NOTES that a further report will be submitted to the Ordinary Meeting of Council to be held in February 2004.*

**BACKGROUND:**

At the Ordinary Meeting of Council held on 21 November 2000 it was resolved that:

*“That the Council;*

- (i) APPROVES IN PRINCIPLE the concept plan no. A4-00-136 (attached as Appendix 10.4.1(a)) for the upgrade of Smith’s Lake Reserve, future demolition of Len Fletcher Pavilion, and the houses and proposed seven (7) lot subdivision of the land at Lot 13 (No. 24 Emmerson Street), Lot 3 (No. 4) Elven Street and vacant land on Lots 14 and 15 Emmerson Street, extension of the lake and the road treatment for the adjoining streets, as shown in Option No. 7;*
- (ii) authorises the Chief Executive Officer to;*
  - (a) further investigate the concept plan and subdivision;*
  - (b) negotiate with the Water Corporation of Western Australia concerning the extension to the lake, financial contribution to the implementation of the plan, and compensation for the removal of Len Fletcher Pavilion;*
  - (c) identify the demand and needs of residents of the Town for a gymnastics facility within the Town;*
  - (d) investigate options that would satisfy local demand and needs for a gymnastics facility;*
  - (e) receive a further report on the details of (ii) (c) & (d) before July 2001;*
  - (f) liaise/lobby with the Minister for Sport to achieve the medium and long-term goals of the WA Gymnastics Association (in liaison with the Mayor); and*
- (iii) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owners, the Town of Vincent, for the demolition of the existing buildings on Lots 13 (No. 24), 14 and 15 Emmerson Street and Lot 3 (No. 4) Elven Street, North Perth, and as shown on plans dated 14 November 2000 and for the demolition of the pavilion to be carried out after 1 July 2002;*
- (iv) APPROVES IN PRINCIPLE of a lease to the Gymnastics WA for the period 1 December 2000 to 30 June 2002, only after all double-decker buses and miscellaneous items being removed from the site;*
- (v) authorises the Chief Executive Officer to negotiate the terms and conditions of the lease and a further report be submitted to Council for further consideration;*
- (vi) advertises the preferred concept plan Option 7 for public comment for a period of 30 days inviting written submissions from the public and for the Council to consider any submissions at the conclusion of this period; and*
- (vii) invite the Claisebrook Catchment Group to submit to the Town for its consideration a Briefing Document of Design Principles it considers necessary in the upgrade of Smiths Lake Reserve.”*

At the Ordinary Meeting of Council held on 7 October 2003, the Council considered a Notice of Motion from Councillor Simon Chester and subsequently resolved as follows:

*"That the Council:*

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate funds to carry out a Structural Engineer's Report for Len Fletcher Pavilion as detailed in Clause (ii);*
- (ii) *RECEIVES, no later than the Ordinary Meeting of Council to be held on 16 December 2003, a report from a Structural Engineer (with a demonstrated professional experience in the successful stabilisation of buildings) to assess the Len Fletcher Pavilion for;*
  - (a) *its structural integrity, including the extent of differential settlement and the impact on structural integrity;*
  - (b) *feasible options to stabilise the building and cost estimates;*
  - (c) *life expectancy;*
  - (d) *urgent and necessary works required to address health and safety matters;*  
*and*
  - (e) *a Maintenance Program for the building."*

The Len Fletcher Pavilion is named after a previous City of Perth Councillor and is located at No. 30 Kayle Street, North Perth. It was constructed in 1969 for the purposes of gymnastics and badminton. The pavilion consists of a main gymnastic floor, first floor viewing area, offices, toilets, change rooms, kitchen and storerooms. The building is a steel framed structure with walls of hollow concrete blocks and masonry walls at each end of the hall (east and west). The dimensions are 36 metres by 36 metres, including a previous gymnasium of 33 metres by 18 metres. It has a worn corrugated asbestos main roof. The minor roofs are sheeted for the most part with aluminium. Window frames are aluminium and floors are concrete with the exception of the gymnasium which is a sprung tongue and grooved timber floor, and concrete blockwork. The building shows obvious evidence of differential settlement, mainly on the north eastern corner, which probably occurred soon after construction.

**E-Tec Consultants**, who in conjunction with **Golder Associates Pty Ltd**, carried out the initial geotechnical investigation and reported on remediation measures, were engaged to provide an estimate of the costs for the maintenance of the building. E-Tec Consultants reported on 13 October 1997 that *"...it is understood that this pavilion has and continues to suffer distress due to settlement. It is noted that Len Fletcher was previously named Smith Lake Indoor Sports Hall. The Smith's Lake area was underlain by peat and was previously used as a dumping ground for refuse (around 1948, the area was used for market gardening and rubbish tipping). The footings are deep i.e 1.5 metre in diameter and 2.4 metre deep founded at about 3 metre depth were designed for the main portal frames supporting the open area of the main hall. The site inspection revealed that the majority of cracking was occurring in the masonry walls along the north and east sides of the main hall. "* The following report was received from E-Tec Consultants on 13 August 1998:

*"A geotechnical investigation of the pavilion was prepared by Golder Associates Pty Ltd in December 1997 which gave a summary of the problems along with recommendations.*

*The cracking and movement evident to the building is resultant from differential settlement of the sub-grades due to loose sand containing a large amount of rubble and rubbish and containing loose zones and voids. Furthermore, there are a number of cavities in the soil, which along with new cavities created by such things as rusting of metal containers may cause localized 'collapse'.*

*The report basically gave two recommendations:*

- (1) *To implement soil improvement within the structure foundation... a preliminary cost estimate in an order of \$250,000.00.*

OR

- (2) *Continue with the repair/extended periodic maintenance for the rest of the life of the structure.*" (Life expectancy of the building is unknown)

**Ian Lush and Associates, Consultant Building Surveyors** reported on 6 September 1996 that the repair works did not bring about noticeable improvement in the rate of settlement. Some internal and external mortar cracks have been filled with a mastic type material recommended by E-Tec Consultants. This has resulted in an aesthetic improvement.

As the building was inherited from the City of Perth, the matter was addressed with the former Minister for Local Government. Previously, at the Ordinary Meeting of Council held on 14 September 1998, it was resolved:

*"That the Council;*

- (i) *does not accept the option put forward by the Minister for Local Government in his letter dated 26 May 1998 for Infrastructure Funding for the necessary repair or extended periodic maintenance of the Len Fletcher Pavilion, Kayle Street, North Perth;*
- (ii) *authorises the Chief Executive Officer to make a further submission to the Minister for Local Government for Infrastructure Funding of \$256,938 towards the cost associated with the geotechnical investigation, work undertaken by the Town of Vincent and remediation works that are required to stabilise the subsidence contained in the geotechnical investigation report for the Len Fletcher Pavilion, Kayle Street, North Perth;"*

Furthermore, E-Tec Consultants, in their advice to the Town previously have expressed serious limitations in considering on-going repairs as a preferred option. The limitations include:

- (a) it would not be possible to determine how often repair work would need to be done;
- (b) it is not possible to determine what amount of potential settlement will occur in the future;
- (c) even if repairs were effected, settlement in the future could be of such a magnitude as to render the building unsafe requiring demolition and/or reconstruction;
- (d) it can be anticipated that any future settlement could affect portions of the building which are relatively unaffected by the settlement that has occurred to date. Once this occurs, expensive solutions of demolition and reconstruction would be required;
- (e) the risk of future potential consequences and costs could be quite expensive and debilitating; and
- (f) the cost estimate of up to \$40,000 for the necessary repair plus the cost of extended periodic maintenance would be comparable to the \$256,938 cost associated with the remediation works required to stabilise the subsidence.

To be expected costs escalate as time goes by, and the matter should be dealt with in a way that would minimise costs to rate-payers.

Following Council's recent resolution to obtain a Structural Engineer's Report, quotations were sought and McDowall Affleck Pty Ltd appointed as the best value Consultant given the selection criteria, at a cost of \$9,660. The quotations received were as follows:

**EXPRESSION OF INTERESTS**

Following Council's decision of 7 October 2003 to obtain a Structural Engineer's Report, expression of interests were sought on 14 October 2003 from the following Structural Engineering Consultants:

1. E-Tech Consultants;
2. Van der Meer Consultants;
3. BPA Engineering;
4. Connell Wagner Consultants;
5. GHD Consultants;
6. McDowall Affleck Pty Ltd;
7. Wood & Grieve Engineering; and
8. Shaw Mac Pty Ltd.

Subsequently, the following two submissions were received:

Consultants	Quotation
McDowall Affleck Pty Ltd	\$9,660.00 (GST excluded)
GHD Pty Ltd	\$19,850.00 (GST excluded).

The submissions were assessed and McDowall Affleck Pty Ltd was selected as the best value Consultant given the selection criteria of Professional expertise and relevant experience in stabilisation of buildings; relevant experience of key person(s); methodology, and fee proposal.

**Community Consultation**

The original Smith's Lake Reserve Concept Plan and Depot subdivision layout, and Draft Design Guidelines were advertised in Community Newspapers on 7 January 2000. On 29 December 1999, a letter and concept plan was delivered to approximately 250 residents in the area around the Richmond Street area, seeking comment.

At the close of the advertising period, 10 submissions were received and these were reported to the Ordinary Meeting of Council of 14 March 2000.

**Zoning**

The land on which the Len Fletcher Pavilion is situated is reserved for Parks and Recreation.

**Heritage Assessment**

The primary significance of the Pavilion is its social value. The place rates as having considerable social value because it is of importance to the Western Australian Gymnastics Association and the Table Tennis Association. Both sports have used the place as a headquarters and have held major State and Australian championships there. Elite sportsmen and women of both sports have been associated with the Pavilion. The place also rates as having some aesthetic and some historic value due to the 1960s design and its association with City of Perth Councillor, Len Fletcher.

### **Lease Arrangement**

The Pavilion is currently leased to the Western Australian Gymnastic Association and a sub-lease with the Chetkovich Academy of Gymnastics on a monthly basis. The original lease and sublease arrangements expired on 31 January 1999 with a 12-months option which expired on 31 January 2000, with no further option to renew. Since then the lease has been on a monthly basis until a firm decision on the future of the building is decided. Council receives rent of \$8952.24 per annum.

There are currently no other suitable venues in the Town of Vincent for this activity. This is mainly due to the size and specific equipment requirements for a gymnastic facility.

When considering the future options available to the Town for Len Fletcher Pavilion, three (3) specific issues are apparent. Its structural condition and future renovation works required, its heritage/cultural significance, and its specific use for gymnastics.

### **Structural Engineers Report 2003**

**McDowall Affleck Pty Ltd** was provided with the following information to assist with the pavilion evaluation:

- Architectural Drawings, prepared by the City of Perth dated September/October 1968.
- Limited Structural Drawings, prepared by the City of Perth, dated September 1968.
- Golder Associates Geotechnical Investigation, dated December 1997.
- E-Tec Consultants letter referring to Golder's report, dated 21 July 1998.

*(Subsequent) site inspections were completed and they confirm that the Len Fletcher Pavilion consists primarily of a high open main hall building supported internally by portal frames and masonry walls at each end of the hall (east and west). Masonry walls are also in place between the portal frames. Along the north side and under the roof of the main hall a viewing gallery is in place. The building complex extends to the north and west of the main hall as a series of lean to's of masonry construction and at lesser heights...*

*The pavilion is located adjacent Smiths Lake, which is underlain by peat and was previously used as a dumping ground for refuse. The presence of such material would appear to have been known to some extent prior to preparation of the drawings, as deep circular footings 1.5 m in diameter and 2.4 m deep founded at about 3m depth were designed for the main portal frames supporting the open area of the main hall. Elsewhere shallow strip footings founded at a depth of about 600 were used to support brickwork. At the ends of the main hall the single leaf masonry walls which were up to approximately 8.25 m high were stiffened with six piers at about 3 m centres...*

*Major risks inherent to the building are foundation settlement, cracked walls, possible damage to services (water, sewer, stormwater, power and telephone), poor paved areas and the presence of an asbestos roof...*

*The building walls are currently within the upper regions of Damage Category 3, with a risk of further foundation settlement, which could result in progression to the Damage Category 4. Services are therefore at risk of breaking or leaking, and could possibly already be defective, which should be checked if the building is to remain in use...*

*The roof cladding is known to be unacceptable (asbestos), and the service pipe work is suspect. **It is thus evident that only a small amount of the existing structure can be reasonably retained and that virtually a new building would be constructed.** Improving the super structure only, without underpinning, is therefore not considered a viable option...*

**Roof replacement and roof repair cost estimate is approximately \$85,000.**

### **Consultant's Recommendations**

*Limiting this discussion to Structural Engineering requirements only, the following main items must be considered in the decision making process:*

- *The structure does not appear to be in imminent danger of collapse, however this is based on our visual inspections. It remains uncertain if there are hidden defects, which could result in a sudden deterioration of the building.*
- *The walls are currently within the upper regions of Damage Category 3, with a risk of further foundation settlement, which could damage (or already have damaged) services such as water, sewer and stormwater.*
- *The sports pavilion's main structural steel framework appears to be the only stable part of the building, due to its deep foundations.*
- *The risks related to the presence of the asbestos roof sheeting must be recognised.*

### **Four (4) Options:**

*The Town of Vincent therefore can consider four possible alternatives, depending on the acceptable level of risk:*

**Option 1**      *Retain the building with its current risk profile and on going maintenance costs, including an allowance for regular structural monitoring.*

#### **Officers' Comment:**

The Monitoring Option is unacceptable as it only once again postpones the decision, while costs escalate year by year. Structural risks also increases year by year. Escalating monitoring and repair costs are unknown factors.

**Option 2**      *Retain the building and reduce the risks by undertaking a reasonable minimum level of repair, as listed below.*

*Using the previously quoted estimates, the approximate budget for the works is \$350,000: Underpin all wall foundations where substantial settlement has occurred (at least 50% of the buildings walls) Repair all the cracked walls. Replace the asbestos roof sheeting, and repair the roof. The risk of settlement of the non underpinned walls will remain. All risks as stated in point 3. below will also remain.*

#### **Officers' Comment:**

The Minimalist Repair Option (50%) is unacceptable - same reasons as for Option 1.

**Option 3**      *Retain the building by completing the works as stated in 2. above, but further reduce the risks by under-pinning the entire building.*

*The approximate budget for these works is \$585,000, as stated earlier in the report, however the following risks remain: The proposed under pinning will improve the building, however it cannot be guaranteed because isolated test hole data has been used, the works are hidden below ground (no certainty that the grout goes into the position that it is required) and there may be localised areas missed. The budget cost only allows for structural repair Services could be damaged during the under pinning operations On-going repairs and maintenance will be required. No allowance is included for the repair of internal finishes, ventilation, glazing, services, stormwater management parking and road areas. (Cost estimation as high as \$600,000)*

**Officers' Comment:**

The Major Repair Option is unacceptable due to high cost in the short term, but also on-going maintenance costs for an unknown period. Structural Risks may remain a problem for an unknown period.

**Option 4**      *Demolition of the building and removal of the ground rubble remains the only long term risk free option ... cost dependant on the volume of rubble that must be removed. Demolition and level of site @ around \$115,000.*

**Officers' Comment:**

The Demolition and Open Space Option represents the only long term solution and would be beneficial from a cost and liability risks perspective.

In conclusion, the report states:

*"Remedial options for the Len Fletcher Pavilion have been discussed with an emphasis on structural engineering requirements. However, community expectations, economics, acceptable risks to the Town of Vincent and numerous other non structural aspects will most likely have a greater influence on the final decision.*

*The only long term risk free option is to demolish the building and remove the residual ground rubble."*

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no specific funds on the 2003/04 Budget for specific works. The Len Fletcher Pavilion Reserve Fund contains an amount of \$314,407 as at 30 November 2003. The purpose of the Reserve Fund is for works associated with the renovation/maintenance/repairs/demolition of Len Fletcher Pavilion and associated land.

At the Special Meeting of Council of 30 October 2001 the following was resolved:

*"Change the use of the 'Len Fletcher Pavilion Reserve Fund' money and use part of the funds (if required) for the creation of public open space and carparking, as part of the Leederville Oval and Loftus Centre redevelopment and/or State Indoor Multi-Use Sports Centre."*

**STRATEGIC IMPLICATIONS:**

This project is in keeping with the Town's Strategic Plan 2003-2008:

1. Key Result Area One:  
Environment and Infrastructure
  - To maintain, improve and develop the physical infrastructure of the Town;
  - To create a better environment for our community;
  - Continue to design and implement infrastructure improvements for public open space.
2. Key Result Area Three:  
Economic Development
  - Effectively monitor the Town's expenditure on facilities.

**COMMENTS:**

Before a decision on the future of Len Fletcher Pavilion can be made, a number of associated matters require to be further investigated by the Town's Officers, including:

- The cost implications of the four (4) options put forward by McDowall Affleck Pty Ltd;
- Notice to the current lessee;
- Advertising for public comment;
- Notify the Claisebrook Catchment Group, residents of Toorak Rise, and residents within a 200 metres radius of Smiths Lake Reserve;
- Adoption of Design Guidelines for the “Elven on the Park” subdivision;
- Water Corporation Drainage Study and possible extension of Smith’s Lake, including comments from the Water Corporation of Western Australia;
- Programme for the proposed State Indoor Recreation Centre, including consultation with stakeholders; and
- Timeline/Gantt Chart to embrace these considerations.

There has been insufficient time to fully investigate the above important matters. Consequently, a further report will be submitted to the Ordinary Meeting of Council to be held in February 2004 addressing the above issues.

**10.2.4 LATE REPORT - Lower Fairfield Street, Scarborough Beach Road to Anzac Road, Mt Hawthorn - Various Issues**

<b>Ward:</b>	North	<b>Date:</b>	15 December 2003
<b>Precinct:</b>	Mt Hawthorn P1 & Mt Hawthorn Centre P2	<b>File Ref:</b>	TES0240/PKG0093
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Lotznicher, A Bosworth, A Munyard, J McGee, C Wilson		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the report on various issues regarding lower Fairfield Street, between Scarborough Beach Road and Anzac Road, Mt Hawthorn;*
- (ii) *NOT APPROVE the introduction of a trial residential Parking Zone on the western side of Fairfield Street, between Scarborough Beach Road and Anzac Road, between the hours of 5.00pm and 5.00am for the reasons outlined in the report and the apparent lack of ratepayer support for the proposal;*
- (iii) *be aware that if approved, this would create a precedent;*
- (iv) *notes that the financial implications for extended Ranger hours is considered cost prohibitive and cannot be achieved within the Town's current staffing levels;*
- (v) *notes that the Town's Law and Order Services is preparing a strategy for effective enforcement of the existing restrictions; and*
- (vi) *a further report will be presented to Council outlining the proposed strategy in February 2004.*

Acting Executive Manager Technical Services returned to the Chamber at 7.45pm.

Moved Cr Farrell, Seconded Cr Ker

*That the recommendation be adopted.*

Debate ensued.

LOST (1-7)

(Cr Torre was an apology for the meeting)

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

**Reasons:**

1. Current restrictions are not effective.
2. Consideration of the petition received.
3. Added Ranger resources might be of benefit to the whole Town.
4. To provide a scientific basis for determining the trial.

**ALTERNATIVE RECOMMENDATION**

**Moved Cr Farrell, Seconded Cr Lake**

*That the Council;*

- (i) *receives the report on various issues regarding lower Fairfield Street, between Scarborough Beach Road and Anzac Road, Mt Hawthorn;*
- (ii) *APPROVES the introduction of a trial residential Parking Zone on the western side of Fairfield Street, between Scarborough Beach Road and Anzac Road, between the hours of 5.00pm and 5.00am for the reasons outlined in the report and the apparent lack of ratepayer support for the proposal;*
- (iii) *notes that the Town's Law and Order Services is preparing a strategy for effective enforcement of the existing restrictions;*
- (iv) *a further report will be presented to Council outlining the proposed strategy in February 2004; and*
- (v) *requests officers to prepare Key Performance Indicator criteria for determination at the Ordinary Meeting of Council to be held on 10 February 2004 to enable an accurate assessment of the trial to be carried out, the determination of the criteria should not defer the introduction of the trial.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Ker**

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

- "(vi) requests the re-issue of the Town's flyer that provides information and contact details of the appropriate agencies to report any matters relating to anti-social behaviour or parking issues to an appropriate surrounding area."*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

**MOTION AS AMENDED CARRIED (7-1)**

(Cr Torre was an apology for the meeting)

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

**COUNCIL DECISION ITEM 10.2.4**

*That the Council;*

- (i) receives the report on various issues regarding lower Fairfield Street, between Scarborough Beach Road and Anzac Road, Mt Hawthorn;*
- (ii) APPROVES the introduction of a trial residential Parking Zone on the western side of Fairfield Street, between Scarborough Beach Road and Anzac Road, between the hours of 5.00pm and 5.00am for the reasons outlined in the report and the apparent lack of ratepayer support for the proposal;*
- (iii) notes that the Town's Law and Order Services is preparing a strategy for effective enforcement of the existing restrictions;*
- (iv) a further report will be presented to Council outlining the proposed strategy in February 2004;*
- (v) requests officers to prepare Key Performance Indicator criteria for determination at the Ordinary Meeting of Council to be held on 10 February 2004 to enable an accurate assessment of the trial to be carried out, the determination of the criteria should not defer the introduction of the trial; and*
- (vi) requests the re-issue of the Town's flyer that provides information and contact details of the appropriate agencies to report any matters relating to anti-social behaviour or parking issues to an appropriate surrounding area.*

**SUBSEQUENT MOTION**

**Moved Cr Cohen, Seconded Cr Farrell**

*That the Council consider the employment of two additional Rangers in the 2004/05 Budget Process.*

**CARRIED (5-3)**

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

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

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**BACKGROUND:**

**Ordinary Meeting of Council 25 February 2003**

At its Ordinary meeting held on 25 February 2003 the Council considered a Notice of Motion with regard to Fairfield Street, where the following resolution was adopted.

*"That the Council;*

- (i) refers the area of Fairfield Street, Mt Hawthorn, between Anzac Road and Scarborough Beach Road, to the Local Area Traffic Management (LATM) Advisory Group to consider the traffic management matters detailed in the petitions presented at the Ordinary Meeting of Council held on the 11 February 2003;*
- (ii) APPROVES the LATM Advisory Group to conduct a community forum (with residents, the owner of the Paddington Ale House and Police) to consider the best possible solution to the residents' traffic management concerns; and*
- (iii) NOTES that the Town's Rangers and Environmental Health Officers are investigating the various matters relating to noise from patrons, littering, alleged malicious damage to property and violent behaviour and are strictly enforcing the parking restrictions in Fairfield Street."*

In early 2003, two (2) petitions were also received regarding traffic and parking issues in Fairfield Street Mt Hawthorn.

#### **LATM Meeting 24 March 2003**

The matters/issues relating to Fairfield Street were discussed at the above meeting and the author of the Fairfield Street petitions was invited to attend the meeting.

#### **Public Meeting 9 June 2003**

In addition, a community forum with residents, the owners of the Paddington Ale House and the Police Service, was held at the Mt Hawthorn Community Centre on 9 June 2003.

#### **Ordinary Meeting of Council 24 June 2003**

The proposed actions resulting from both the LATM Advisory Group's meeting of 23 March 2003 and the Community Forum held on 9 June 2003, were outlined in a report presented to Council on 24 June 2003, where it was considered that the proposed improvements were designed to improve the amenity for Fairfield Street residents without detrimentally impacting on other adjoining streets.

At the meeting the Council adopted the following resolution:

*"That the Council;*

- (i) receives the report on Fairfield Street Traffic and Parking issues;*
- (ii) APPROVES the implementation of the following actions as endorsed by the Local Area Traffic Management Advisory Group at its meeting held on 23 March 2003;*
  - (a) The Town's Officers liaise with the Paddington Ale House management, to discuss how the Ale House can educate its patrons by way of flyers and announcements as to the car parking available, noise, litter and other reported behavioural issues;*
  - (b) Installs more prominent signage to the existing carparks, i.e. Flinders Street and Hobart Street parking areas, as shown on attached Plan No. 2168-CP-2;*

- (c) *Undertakes an audit of the Town's existing carparks in the vicinity of the Paddington Ale House with a view to improving (where warranted) the level of lighting, pavement surface and line marking;*
  - (d) *Investigates upgrading the level of street lighting in Fairfield Street between Scarborough Beach Road and Anzac Road;*
  - (e) *Investigates relocating the existing taxi rank from Fairfield Street to Scarborough Beach Road (as shown on attached Plan No. 2168-CP-2) and for the Paddington Ale House to provide security staff to control the crowd during peak times;*
  - (f) *Upon implementation of part or all of the above actions, the Town, in consultation with Hotel management and local Police, continue to monitor the situation;*
- (iii) *APPROVES the implementation by the Town of the following actions as endorsed by the Community at the Community Forum held on 9 June 2003;*
- (a) *Implements improved No Standing demarcation lines adjacent to driveways in Fairfield Street;*
  - (b) *Extends the existing parking restrictions in Fairfield Street (as shown on attached Plan No. 2168 CP-2) subject to consultation with affected residents, and the matter being considered by Council at the conclusion of the consultation period should any adverse comments be received;*
  - (c) *Liaises with the Paddington Ale House to restrict charter bus parking in surrounding streets other than Scarborough Beach Road and Hobart Street (adjacent to the parking area);*
  - (d) *Prepares and distributes a flyer to Fairfield Street residents advising them of phone numbers for Police and Rangers - normal and after hours service;*
  - (e) *Installs a barrier fence on the Scarborough Beach Road frontage of the Ale House, as shown on attached Plan No. 2173 CP-1, to contain Ale House patrons and improve safety, at a cost of \$6,300, to be funded from the 2003/2004 Mt Hawthorn Streetscape budget allocation;*
- (iv) *receives a further report on the effectiveness or otherwise of the above initiatives approximately one (1) month after all proposals as outlined have been implemented; and*
- (v) *advises the Police Service, Paddington Ale House and Fairfield Street residents of its resolution."*

### **Ordinary Meeting of Council 12 August 2003**

A further report on the matter was considered by the Council at the above meeting with regard to resolution *clause (iii) (b)* of the Ordinary Meeting of Council held on 24 June 2003, where the following resolution was adopted.

*"That the Council;*

- (i) *APPROVES the extension of the existing one (1) hour parking restriction, to be in force at all times, on both sides of Fairfield Street to extend further in a southerly direction to the intersection of Anzac Road;*

- (ii) *places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iii) *advises residents and business proprietors in Fairfield Street, south of Scarborough Beach Road of its resolution.”*

**Ordinary Meeting of Council 21 October 2003**

The following progress report was provided at the above meeting:

Proposal		Progress
1	<i>Liaise with the Ale House to educate patrons by way of flyers and announcements as to the car parking available, noise and other behavioural matters.</i>	The Town's Environmental Health Officers have liaised with the Hotel management. Flyers and announcements have being actioned by the Hotel including appropriate security etc. in liaison with the Town's officers resulting in marked improvements.
2	<i>Better, more prominent signage to the existing carparks, i.e. Flinders Street and Hobart Street parking areas.</i>	Completed - July 2003.
3	<i>Undertaking an audit of existing carparks with a view to improving (where warranted) the level of lighting, pavement surface and line marking.</i>	Funds allocated in 2003/2004 draft budget. Works to be scheduled.
4	<i>Technical Services to investigate upgrading the level of street lighting in Fairfield Street (Scarborough Beach Road to Anzac Road).</i>	Completed - August 2003.
5	<i>Taxi Control Board, the Town and Paddington Ale House to investigate relocating taxi rank to Scarborough Beach Road and for the Hotel to provide security staff to control the crowd during peak times.</i>	Taxi Control Board has agreed to relocation of the taxi rank and it will soon be implemented.  <b>Since implemented</b>
6	<i>Upon implementation, of part or all of the above, the Town, in consultation with Hotel management and local Police, to continue monitoring the situation.</i>	<i>On going</i>
7	<i>Improved No Standing demarcation lines adjacent to driveways.</i>	Completed - July/Aug 2003
8	<i>Parking restrictions in Fairfield Street to be extended to Anzac Road</i>	Completed - September 2003
10	<i>Future Engineering measures.</i>	<i>On hold.</i>
12	<i>Provision of a barrier fence Scarborough Rd frontage of Hotel to contain Hotel patrons.</i>	Completed - September 2003

The Council subsequently adopted the following resolution

*“That the Council;*

- (i) RECEIVES the progress report on Traffic and Parking Issues in and around Fairfield Street between Scarborough Beach Road and Anzac Road;*
- (ii) NOTES that the Town’s officers, in consultation with Hotel Management and local Police, will continue to monitor the situation; and*
- (iii) DEFERS implementing any 'engineering measures' in Fairfield Street for the time being.”*

**Ordinary Meeting of Council 2 December 2003**

A request was received from a resident in Fairfield Street, Mount Hawthorn, for the introduction of a residential Parking Zone on the western side of Fairfield Street between Scarborough Beach Road and Anzac Road, between the hours of 5.00pm and 5.00am only. A one (1) hour restriction at all times currently exists in Fairfield Street.

As a result, an item of urgent business was considered by the Council at the above meeting, where the following resolution was adopted.

*“That the Council;*

- (i) REQUESTS the Chief Executive Officer to prepare a report for the Ordinary Meeting of Council to be held on 16 December 2003 detailing the following:*
  - (a) a procedure for the implementation, ongoing monitoring and enforcement of Residents Only Parking on the western side of Fairfield Street, Mt Hawthorn, between Scarborough Beach Road and Anzac Road, between the hours of 5pm and 5am, for a trial period of six months;*
  - (b) a strategy that ensures the effective monitoring and enforcement of parking restrictions by Town of Vincent Rangers during the six month trial period;*
  - (c) the preparation of a report that details the results of the trial to be table at the earliest Ordinary Meeting of Council on completion of the six month period to enable council assessment of the trial;*
  - (d) the financial implications of conducting the above described six month trial, including the purchase of signs;*
  - (e) identification and review of the Hotel's Crowd Management and Operating Plan;*
  - (f) identification and review of the conditions of Liquor Licence approval; and*
  - (g) identification of other means of maintaining resident's amenity in the surrounding area;*
- (ii) prior to implementing Residents Only parking, carry out consultation in a wider area including Fairfield Street North, Flinders Street and Anzac Road; and*
- (iii) considers improving the type of signage in Council carparks and the lighting in Fairfield Street, Mt Hawthorn.”*

## **DETAILS:**

As directed by clause (ii) of Council's resolution of 2 December 2003 "*Prior to implementing Residents Only parking, carry out consultation in a wider area including Fairfield Street North, Flinders Street and Anzac Road*", the following action was instigated.

### Public Consultation

On 5 December 2003, 195 letters were distributed to residents / businesses in Fairfield and Flinders Streets, Scarborough Beach Road and Anzac Road.

Residents were advised that at the Ordinary Meeting of Council held on 2 December 2003, an item of Urgent Business was discussed following complaints by some residents of Fairfield Street regarding parking and traffic issues and anti-social behaviour attributed to the patrons of the Paddington Ale House.

They were further advised that the Council resolved to trial *Resident Parking Only* on the west side of Fairfield Street, between Scarborough Beach Road and Anzac Road, for a six (6) month period and seek public comment.

Residents were given seven (7) days to respond in accordance with Council's resolution and were asked to ensure that any submissions were received by 4.00pm 12 December 2003. The short consultation period was approved by Council to enable the officers to prepare a report for consideration by Council at its Ordinary Meeting on 16 December 2003.

A total of 6 submissions were received, representing a 3% response rate.

Of the 6 responses, 4 were in favour and 2 opposed the introduction of the *Residents Only Parking* restriction. The following comments were made:

### In Favour

- the restrictions *must* be enforced in the late evenings and early mornings
- the 1 hour restriction on the West side has not been very effective
- noise made by patrons leaving the hotel is very disturbing to nearby residents

### Opposed

- traffic will be pushed to other streets, possibly to the North of Scarborough Beach Road
- the entire area of affected residents should be considered
- there has been insufficient consultation time for residents or the wider community to respond
- it is not clear exactly what the intended objectives of the proposal are
- changes to parking restrictions in one area is short sighted and does not address the core problem of anti-social behaviour, but simply moves it to surrounding streets

### Existing Parking Fairfield Street

The residential portion of Fairfield Street, south of Scarborough Beach Road, comprises 34 residences with the following parking provisions:

- 24 properties have 'off road' parking accessed from Fairfield Street
- 17 properties have 'off road' parking accessed from the rear Right of Way
- 7 properties have 'off road' parking accessed from the rear ROW and from Fairfield Street
- 2 properties have no off road parking.

In accordance with the Town's *Local Law Relating to Parking Facilities*, Permits for residents are issued subject to conformity with section 59 of the Local Law as set out below.

*Restrictions on Issue of Permits to Single House Occupiers*

59. *The Council shall not issue:*

- (1) *more than two residential parking permits to any single house occupier where the single house is situated on land where no parking can be provided;*
- (2) *more than one residential parking permit to any single house occupier where the single house is situated on land where parking for one vehicle only can be provided;*
- (3) *a residential parking permit to any single house occupier where the single house is situated on land where parking for two or more vehicles can be provided.*

Therefore, it should be noted that residents of Fairfield Street who are able to provide off-street parking will not be eligible for residents permits, but will still qualify for two (2) permits for their visitors.

As a result, only the two (2) properties which have NO off road parking would be eligible for the two (2) residential parking permits and two (2) visitor permits. The outcome would be little or no road parking during the restriction hours which is at odds with the Town's Car Parking Strategy which states that:

*It is important that measures should be taken to ensure that streets are not restricted to the point where they are completely unused at any one time, as on-street parking is considered to provide a form of activity which improves local security, as well as traffic calming*

Resident Only Parking

The installation of the residential parking zones on one side of the road may ensure a portion of the street is always reserved for residents and their visitors. However if all the residents were granted the full quota of permits, i.e. two (2) residential and two (2) visitor permits, then theoretically residents could then park en mass along the time restricted side knowing that 'others' cannot park on 'residential only' side.

The adopted Car Parking Strategy indicates that many people were in support of the implementation of residential parking zones in their streets, however, there was a general belief that visitors would be restricted. The creation of residential parking zones along some streets has resulted in parking problems in the nearby commercial streets and serves to exacerbate parking problems in adjacent residential streets. Residential parking zones may be appropriate in areas which are affected by commercial parking spill over and/or commuter parking in locations where the small lot sizes and early twentieth century housing stock do not allow for adequate on site parking.

The request for "Residents Only" parking appears to have been more motivated by the applicants' desire to address anti-social behaviour by patrons of the nearby hotel. Limiting access to parking in the street may seem to be a simple method to reduce undesirable activity in the street, however this may not be the appropriate way of dealing with what is fundamentally a police matter, and not a parking issue.

### Enforcement

Following the aforementioned Local Area Traffic Management Meeting and Public Meeting, the Town distributed flyers to residents of lower Fairfield Street providing information and contact details for the appropriate agencies to report any matters relating to anti-social behaviour or parking issues.

Following this action, no further complaints were received regarding parking issues in Fairfield Street until 24 and 28 November 2003 respectively, when one complaint was received on each occasion, both from the same resident.

In respect of extending the Ranger coverage in Fairfield Street to 2.00am as suggested, at current staffing levels the enforcement of either the existing or proposed parking restrictions, be it throughout the week as proposed, or just Friday and Saturday nights, is considered to be impractical. The Rangers currently do a ten (10) hour shift finishing at midnight on weekends. The shift cannot be extended without either renegotiating the current award under which the rangers are employed or creating a split shift by rostering on two (2) additional Rangers specifically dedicated to enforcement of *Resident Only* restrictions. Further, Rangers cannot merely be redeployed from other shifts as it would leave gaps in the Town's existing coverage. In order to provide the additional capacity, the Town would have to consider employing extra staff with considerable cost implications. Therefore, it is considered in the current circumstances that extending the Ranger's coverage/hours to 2.00am is not feasible.

A Parking Survey was carried out by Law and Order Services from 1 April 2003 to 5 June 2003, indicating that at those times when there were either functions or popular bands at the Hotel, a larger number of vehicles were parked in Fairfield Street. Over this period seventy nine (79) vehicles were infringed for "Stopping Longer than time Allowed". The Survey also indicated that when certain streets are heavily policed, many vehicles relocated to nearby streets.

The Town's Rangers have issued fifty two (52) parking infringements in the vicinity of the hotel since 1 November 2003 for stopping longer than time allowed, vehicles in a taxi zone, vehicles in a bus zone, and no stopping violations. The risk of infringement seems to be of limited deterrent value.

It is considered that to alter the existing time restriction (one hour) in Fairfield Street to a Residential Parking Zone would only displace the problem to other streets. As the patrons of the hotel are to a large extent a transient crowd attracted by a variety of styles of entertainment provided by the Paddington Ale House, there is little deterrent effect resulting from a previous infringement. Some patrons attending the Hotel would still continue to park in Fairfield Street regardless of what form of parking restriction were in force at the time.

### **Identification and review of the Hotel's Crowd Management and Operating Plan**

The Paddington Ale House has for the past twelve months attracted a substantial influx of patrons especially on Friday and Saturday nights. A number of residents in Fairfield Street and in particular the resident of No.24 Fairfield Street have complained with regard to the anti-social behaviour of patrons leaving the Hotel, also vehicles parking in Fairfield Street longer than the permitted time period(1 hour).

The problem of persons departing from the Hotel, urinating, using abusive language, and causing damage, has been brought to the attention of the local Police and Crime Prevention Unit.

Previous complaints were lodged with the Town in March of 2003, and relate to the same issues.

Following liaison between the Proprietor and representatives from Health Services, Law and Order Services, the Leederville Police Services, the Paddington Alehouse submitted a revised copy of their House Management Policy and Code of Conduct to the Town on 22 September 2003. This review was directly linked to concerns previously raised by residents in the petitions received in February 2003, and their application to increase the Certificate of Maximum Accommodation from 400 Persons to 600 persons in line with the recent amendments to the Health (Public Buildings) Regulations 1992.

The Paddington Alehouse House Management Policy and Code of Conduct has been reviewed by Health Services and the following key areas have been addressed satisfactorily:

- Compliance with Licence conditions;
- Staff Training – ongoing and encouraged;
- Management – clearly identified and staff are educated in Harm Minimisation;
- Responsible Service of Alcohol (no drink cards with free or discounted drinks, display of posters provided by Liquor Licensing Division, staff are educated regarding their responsibility to refuse service of alcohol);
- Entertainment – that provided will not cause noise or disturbance;
- Intoxicated patrons (no further service, water offered, patron may be asked to leave with efforts made to arrange transport);
- Juveniles (ID checks);
- Residential Complaints – complaints must be immediately passed onto the Duty Manager, and detail the complaint in Manager Communication Diary. Duty Manager must inform the approved manager of the complaint as soon as reasonably possible, and immediately investigate the complaint, taking all reasonable steps to resolve the matter. The approved or duty manager must respond to the complainant by telephone or letter as soon as possible acknowledging receipt of the complaint and convey to the complainant steps that have been taken to rectify the matter;
- Local Residents – the Proprietor is dedicated to ensuring that the operation of the Paddington Alehouse does not disturb the amenity of the local area. All staff are encouraged when appropriate to encourage patrons to respect the rights of neighbours and keep noise to a minimum when leaving the premises and moving to their next destination; and
- Crowd Controllers – assist in the quiet, orderly egress of patrons, particularly at closing time. The security staff are to act to control disorderly behaviour and noise in the surrounding areas, to ensure the amenity and peace and good order of the surrounding neighbourhood. To competently handle patrons who have a medical difficulty. Management have recently employed additional crowd controllers and installed security cameras to monitor the premises internally and externally.

In addition, Management have indicated a strong desire to create a safe environment for patrons and residents alike. Specifically, “... *the residents of houses within the vicinity of the premises should not have their peace and quiet unduly disturbed by noise from the premises or the behaviour of patrons as they leave the premises*”

To facilitate these objectives:

- *Staff should promote and encourage amongst patrons a respect for the amenity of the neighbourhood...*
- *Staff will take reasonable steps to prevent patrons from leaving the premises with open cans, bottles or with glasses*
- *Staff will cease the sale of packaged liquor 15 minutes before closing time*
- *Staff will collect on a regular basis empty and discarded glasses, cans and bottles throughout the premises*
- *Management will provide electronic surveillance inside and outside the premises to properly monitor the behaviour of patrons*
- *Management will make provision for the engagement of crowd controllers and security personnel (where necessary)*
- *Management will arrange for the removal of litter from residential areas surrounding the premises and that such litter is directly linked to products sold at the premises and the established behaviour of patrons of the premises.*
- *Management if required will arrange and facilitate regular meetings with local residents and other interested persons relating to the activities at the premises."*

Furthermore, it is advised that a Public Meeting is to be arranged by the Proprietor on Saturday, 20 December 2003 at 11.00am, so that the issues recently raised by residents may be addressed in a peaceful and orderly manner. The Proprietor has invited the following guests to join the discussion:

- Neil Randall - *Proprietor*, Paddington Alehouse
- Bradley Woods - *Executive Director*, A.H.A. (W.A. Branch)
- Alison Bosworth – *Senior Environmental Health Officer* (Town of Vincent)
- Jim Maclean – *Manager*, Law & Order Services (Parking, Town of Vincent)
- Craig Wilson – *Manager*, Engineering Design Services (Town of Vincent)
- Deon Brits – *Manager*, Health Services (Town of Vincent)
- Stephen Gardiner – *Director*, Security & Allied Services
- Hugh McClennan – *W.A. Taxi Council*
- Sen Sgt Wayne Taylor – *Leederville Police Station*
- Sgt Frank Banchilon – *WA Police Service & Western Accord*

The invitation has also been extended to all Councillors, the Mt Hawthorn Precinct Group and all interested residents. A letter drop has been undertaken to residents within a 200m radius of the Hotel, and the proprietor has extended this invitation to encourage attendance and input to facilitate an open, frank forum for discussion in order to facilitate the “*development of our Community Strategic Plan for the following year, answer questions and resolve issues*”.

In relation to the recent complaints received from the Mt Hawthorn Precinct Group regarding noise, litter, antisocial behaviour, following the application lodged with the Town to increase patron numbers, it is confirmed that since the petition was lodged by residents in February 2003 the Town’s Health Services have not received a further formal complaint about the above issues other than one telephone call regarding litter. In addition to this, since the premises was re-developed early 1999, the Town has received only three noise complaints, all relating to the early morning collection of bottles, not excessive noise from the Hotel entertainment.

Health Services have worked with the Licensee and the Head of Security to increase security numbers, extend security patrols into the car-parks and to patrol the north and south sides of Fairfield Street, Mt Hawthorn. In addition, the House Management Policy and Code of Conduct has been updated with respect to these issues, and it is confirmed that the OIC at Leederville Police Station has confirmed recently that there has been minimal need for Police attendance at the premises since February 2003, and that the level of attendance was considered to be good when compared to other licensed premises.

Lastly, during public building inspections conducted by two Environmental Health Officers on Saturday, 6 December 2003, the Officers reported that there were no problems with noise during either unannounced visits to the venue (9.00pm and 11.45pm), there was no litter observed in the surrounding streets, no party buses were parked on either Scarborough Beach and crowd controllers appeared in full command. The Officers recommended that more frequent noise readings were undertaken by staff members.

Furthermore, during a recent discussion with Senior Sergeant Frank Banchilon from the Perth Drug and Alcohol Office he indicated that there were no concerns identified in relation to the operations of the Paddington Alehouse during a recent inspection of the premises. He was satisfied that the premises were operating in accordance with their Liquor Licence and their House Management Policy and Code of Conduct. Sergeant Banchilon advised that there was no street drinking observed, and that security were seen to be patrolling Fairfield Street and the carpark. A few recommendations, which will be made to the Proprietor by the Town and Sergeant Banchilon are detailed as follows, but should not be taken as criticism of their operations:

- Request more frequent patrols by staff to collect discarded bottles/rubbish from the surrounding area;
- Security be requested not to leave their posts unattended at the front and side doors during operating hours;
- Suggest a change of uniform for the Security service so that they are more easily identifiable within the premises (current uniform is black shirt and black pants);
- Require Security personnel to wear fluorescent vests with security wording identifiable to increase their profile within the street; and
- That the House Management Policy and Code of Conduct be updated to reflect the above recommendations.

#### **Identification and review of the conditions of Liquor Licence approval**

A copy of the Hotel Licence, and Extended Trading Permit has been provided by the Proprietor to Health Services. The conditions imposed by the Director of Liquor Licensing, Department of Racing, Gaming and Liquor are detailed as follows:

##### Hotel Licence

The licensee is permitted to sell and supply liquor in accordance with the provisions of section 41 of the Act. No lewd or immodest entertainment may be permitted on the premises. In relation to Harm Minimisation, the Proprietor was required to submit on or before 25 October 2001 a declaration confirming that a House Management Policy, a Code of Conduct and a Management Plan have been developed by the Licensee in respect of these premises. It is confirmed that the Licensee complies with these conditions.

### Extended Trading

Normal Trading Hours are 6am to 12 midnight Monday to Saturday, and 10am to 10pm on Sunday. Christmas Day between 12 midday and 10.00pm ancillary to a meal only. Good Friday between 12 midday and 10.00pm ancillary to a meal only.

The Extended Trading Permit specifies trading hours on Friday evenings from 12.00am to 01.00am and Saturday evenings from 12.00am to 01.00am.

1. No trading is permitted on Christmas Day, Good Friday or before noon on Anzac Day.
2. There is to be no liquor discounting or advertising of cheap liquor during the operation of the permit.
3. The sale of packaged liquor for consumption off the licensed premises is prohibited during the hours covered by this permit.
4. Sound levels emitted from the licensed premises must not exceed the provisions of the Environmental Protection Act 1986 (as amended) and the Environmental Protection (Noise) Regulations 1997.

To date, the licensee has complied with these conditions, and no breach of the Environmental Protection (Noise) Regulations 1997 has been established since the re-development of the Hotel in 1999.

The Town's Health Services do not feel it is appropriate to request the Department of Racing, Gaming and Liquor to review or amend any conditions on the current Hotel Licence due to claims by residents currently being unsubstantiated by the Town, the local Police Services and the Perth Drug and Alcohol Office. Furthermore, to date the Proprietor has implemented all recommendations by the Town, the WA Police Services, Department of Racing, Gaming and Liquor, and the Perth Drug and Alcohol Office.

### **Considers improving the type of signage in Council Car parks and the lighting in Fairfield Street, Mt Hawthorn**

As previously outlined in this report, the matter of improvements to signage for the Town's car parking facilities in the area was addressed in July 2003. The car parks are considered to be fully utilised at peak activity times in the area, and further signage is not required.

### **CONSULTATION/ADVERTISING:**

Consultation in the form of forums and letter drops to individual residences and business premises has taken place as detailed throughout this report and further consultation in the form of a public meeting is scheduled for 20 December.

### **LEGAL AND POLICY:**

Under Clause 18. (1) The Town of Vincent Parking Facilities Local Law allows the Town to (by way of Council resolution and the installation of signage) set aside any road or part of a road, whether marked as a parking stall or not, for the parking of vehicles by persons of a particular class. The penalty for a contravention of Clause 18. (1) is \$80.00.

This provides a mechanism whereby residents may obtain residential and visitors parking permits, however should off street parking be available on their property they will not be eligible for residential permits. Providing warning signs are erected at each entry to the street, any parked vehicle which does not have a permit clearly displayed commits an offence and may be dealt with by way of an Infringement notice.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The table below provides an indicative cost of employing addition rangers for both a six month trial period or on a permanent basis.

<b>Item</b>	<b>Approximate Cost of One Ranger per Annum (\$)</b>	<b>Approximate Cost of One Ranger for Six Months (\$)</b>	<b>Approximate Cost of Two Rangers for Six Months (\$)</b>
Normal Hours	35,022	17,511	35,022
Penalties	5,746	2,873	5,746
Overtime	5,055	2,528	5,055
Superannuation	3,152	1,576	3,152
Leave Loading	471	235	471
Workers Compensation	1,086	543	1,086
Uniform	160	160	320
Motor Vehicle	21,000	21,000	21,000
Motor Vehicle Running Costs, Depreciation and FBT	12,000	6,000	12,000
Mobile Telephone	200	200	400
Employment Advertisement Costs	500	500	500
<b>TOTAL</b>	<b>84,392</b>	<b>53,126</b>	<b>84,752</b>

Therefore the cost of employing an additional two Rangers on a full time basis would be approximately \$168,878.00 per annum.

The approximate cost of signage to implement a Resident Only restriction would be \$300.00.

**COMMENTS:**

In view of the above information, and the previous history relating to anti-social behaviour of patrons from the Paddington Ale House residents are encouraged to contact the Police Services should problems with anti-social behaviour be experienced, particularly anti-social behaviour external to the hotel, as it is primarily a WA Police Service responsibility. Should noise levels from the Hotel impact on amenity, it is recommended that residents lodge a formal noise complaint with the Town’s Environmental Health Officers for attention. In addition, as the Proprietor has indicated willingness to deal with any complaints or concerns residents may have in a courteous and timely manner (as detailed in the House Management Policy and Code of Conduct), and residents are encouraged to contact the Licensee or Approved Duty Manager with concerns so that they may be addressed at the time of the event.

It is the opinion the Town's Law and Order Services Officers that the alteration of the current time restriction from one (1) hour at all times to a Residential Parking Zone on the western side of Fairfield Street will not improve or increase the availability of Parking. Hotel patrons will continue to park in Fairfield Street when attending the Paddington Ale House regardless of whatever parking restriction clause is relevant at the time.

To implement a Residential Parking Zone at the times suggested in this report will require additional Rangers to monitor and police and given that the proposed shift will finish after midnight will require a minimum of two Rangers to be on duty.

The request for Residents Only parking appears to have been motivated by the applicants concerns regarding anti-social behaviour in the street by hotel patrons. Limiting access to parking in the street may appear to be a simple solution in reducing undesirable activity in the street, however this may not be the appropriate way of dealing with what is fundamentally a police matter, and not a parking issue.

**10.1.32 No. 2 (Lot 2) Waugh Street, Corner Norham Street, North Perth – Proposed Alterations and Additions to the Existing Single House, Demolition of Outbuildings, Garage and Pergola, and the Construction of an Additional Two-Storey with Loft Single House**

<b>Ward:</b>	North	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO 1691; 00/33/1976
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Abel		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Birch Architecture and Design on behalf of the landowner T Dewberry for the proposed alterations and additions to the existing single house, demolition of outbuildings, garage and pergola, and the construction of an additional two-storey with loft single house, at No.2 (Lot 2) Waugh Street, corner Norham Street, North Perth, and as shown on plans dated 10 December 2003, subject to:*

- (i) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, shall 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;*
- (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 all fences and gates adjacent to Waugh Street and Norham Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

- (viii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ix) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Waugh Street, Norham Street verges adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- to the satisfaction of the Chief Executive Officer.*

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

*That the recommendation be adopted subject to a new clause (x) being added as follows:*

- "(x) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the garage being setback behind the line of the front main building wall of the proposed dwelling; OR being 100 per cent open on the front/eastern, northern and southern elevations at all times (open type gates/panels being permitted), except where it abuts the main building and a southern dividing fence (which is to have a maximum height of 2.4 metres); and*
- (b) *the laundry/store wall facing Norham Street incorporating design features to reduce its visual impact.*

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

Debate ensued.

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.1.32**

*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 Birch Architecture and Design on behalf of the landowner T Dewberry for the proposed alterations and additions to the existing single house, demolition of outbuildings, garage and pergola, and the construction of an additional two-storey with loft single house, at No.2 (Lot 2) Waugh Street, corner Norham Street, North Perth, and as shown on plans dated 10 December 2003, subject to:*

- (i) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, shall 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;*

- (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 all fences and gates adjacent to Waugh Street and Norham Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ix) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Waugh Street, Norham Street verges adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (x) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) *the garage being setback behind the line of the front main building wall of the proposed dwelling; OR being 100 per cent open on the front/eastern, northern and southern elevations at all times (open type gates/panels being permitted), except where it abuts the main building and a southern dividing fence (which is to have a maximum height of 2.4 metres); and*
  - (b) *the laundry/store wall facing Norham Street incorporating design features to reduce its visual impact.*

*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.*

**LANDOWNER:** T Dewberry  
**APPLICANT:** Birch Architecture & Design  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R30/40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirement	Required	Proposed
<b>Setbacks - Proposed Lot 2</b>		
Ground level - southern elevation	1.0 metre	Nil - internal to development
Ground level - front	2.5 metres	2.5 metres to main dwelling 1.52 metres to garage located forward of dwelling
Upper level - front	6.0 metres	Minimum 2.5 metres to main dwelling

Use Class	Single House
Use Classification	"P"
Lot Area	490 square metres

**SITE HISTORY:**

The subject site has two street frontages. An existing single storey house fronts onto Waugh Street, with an existing garage off Norham Street. The proposed two storey house with loft has frontage to Norham Street. The total site is only 12.15 metres wide and 40.25 metres long. However, the proposed lot where the new dwelling is proposed is only 12.15 metres deep and 16.86 metres wide, to the Norham Street frontage.

The owner of the property has applied for subdivision of the property into two allotments. The Town on 22 September 2003 responded to Western Australian Planning Commission (WAPC) (reference number 122979) in relation to the proposed subdivision where it recommended conditional approval. The WAPC decision is pending the approval of this development application, as the WAPC requires development approval on properties that have a dual coding to ensure that the existing house is retained.

A previous application for a similar proposal was the subject of an Agenda Report (Item 10.1.12) at the Ordinary Meeting of Council held on 4 November 2003. The item was not considered by Council as it was withdrawn by the Applicant.

The Council at its Ordinary Meeting held on 18 November 2003 considered the previous application and resolved to refuse that application for the following reasons:

"Reasons:

1. *Non compliance.*
2. *Ambiguity between the two reports that have been submitted to the Elected Members.*
3. *The same reasons the application was previously recommended for refusal.*
4. *Setback of garages not consistent with Town's Street Policy."*

The dwelling is not listed on the Town's Municipal Heritage Inventory and there are no significant trees on site.

**DETAILS:**

The applicant seeks approval for the construction of a new two storey with loft dwelling fronting onto Norham Street, alterations and additions to the existing house and demolition of the existing outbuildings, garage and pergola. The proposal includes the provision of two parking bays for the existing dwelling accessed off Norham Street. The new two-storey dwelling with loft includes the development of a double garage, two bedrooms, a study, kitchen, dining and living room, a rear courtyard area and a balcony off the upper level master bedroom.

The variations sought relate to reduced setbacks to Norham Street and side setbacks for the ground floor. These variations include an upper level setback variation from 6.0 metres to 2.5 metres, a reduced setback of the garage from 2.5 metres to 1.52 metres, a balcony setback of 1.52 metres (situated on top of the garage), and a ground floor setback reduction from 1.0 metre to nil.

The variations sought generally do not comply with the acceptable development standards of Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies.

On 4 December 2003, the owners and the applicant met on-site with Councillors Helen Doran-Wu and Cohen, and the Town's Executive Manager Environmental and Development Services and Manager Planning and Building Services, to discuss the subject proposal. The Elected Members in attendance requested the garage to be setback behind the line of the front main building wall of the proposed dwelling; or be open (with open type gates/panels being permitted) on the front/eastern, northern and southern elevations, except where it abuts the main building and a southern dividing fence (which is to have a maximum height of 2.4 metres), and the laundry/store wall facing Norham Street incorporating design features to reduce its visual impact, in accordance with the Town's Street Setbacks Policy. The applicant and owners advised that this request will be explored.

In letter dated 10 December 2003, the applicant advised as follows:

*"As you are aware, our last application was refused by Council. It seems that the decision of Council was more to do with confusion surrounding the application rather than the proposal itself. The proposal is straight forward and complies with the Acceptable Development criteria on every aspect, except street setbacks, however the application meets the performance criteria in this regard.*

*We have spoken to the Mayor and most Councillors since the meeting of 18 November 2003, and are now confident that the application is fully understood and supported by the majority of Council.*

*The street setbacks meet the performance criteria as set out in the R-Codes and the Town of Vincent Policy 3.2.4 Street Setbacks. The Performance Criteria for the setback of the garage is "The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street." It is clearly demonstrable that our proposal meets this criterion. The proposed garage does not detract from the streetscape, in fact it increases the uniformity of the streetscape due to the existing adjoining double garage with similar setback. The proposed garage does not detract from the appearance of the dwelling or obstruct views of the dwelling from the street, as the proposed dwelling has a 16metre street frontage, of which, the garage only takes up six metres leaving ten metres of open and interactive frontage on the ground floor, with views from the street to habitable rooms, including the kitchen and living room. Furthermore, the only rooms behind the garage are the storeroom and laundry.*

*The Performance Criteria for the setback of the building in general is "The setting back of buildings which:*

- *Contributes to the desired character of the streetscape;*
- *Encourages social interaction and surveillance between dwellings and the street and vice versa; and*
- *Provides adequate privacy for dwellings.*

*The ground floor setback is 2.5metres and complies with acceptable development criteria. The setback of the first floor is staggered at 2.5m, 3.34m and 4.06metres plus a 4.5metre area alongside the adjoining boundary with no upper storey. The proposed setbacks are the most desirable solution for the character of the streetscape and provide interaction with and surveillance of the street as well as adequate privacy. The proposal staggers the first floor setbacks away from the street and the adjoining owners, ensuring the bulk and scale of the upper floor is in keeping with the area and complements the streetscape.*

*A composite streetscape drawing has also been submitted to show the context of the proposed dwelling within the street. The adjoining single storey dwellings have high walls and steeply pitched roofs which means the proposed two storey residence is not significantly taller than it's single storey neighbours. Also clear from the streetscape elevation is the way the proposal opens up a 16metre street frontage to Norham Street that would otherwise be a solid side fence.*

*Both adjoining owners have been advised of the proposal by the Town of Vincent through the standard advertising process and have had detailed discussion with the owner regarding the proposal. The concerns of the adjoining owners were addressed and are reflected in the application. No adjoining owner objects to the proposal."*

The proposal subject to the current application is identical to the proposal that was considered by the Council at its Ordinary Meeting held on 18 November 2003.

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

The current application is not required to be advertised as the previous application, which was for the same proposal, was advertised in the past 12 months (in September 2003) and does not involve any greater variation to the development requirements.

The previous application was advertised to neighbouring property owners for comment. Two submissions were received during the previous advertising period and are summarised as follows:

##### Submission one:

- The proposed parapet on the northern boundary should not be higher than the existing adjoining parapet wall.
- No objection to the reduced front setback.
- Concern with overlooking from the stairwell window facing north.
- Upper level north facing windows to be setback 4.5 metres or 1.6 metres sill height.
- Truncation to be provided in the proposed fence on Norham Street boundary adjacent to the neighbour's garage/driveway.

##### Submission two:

- Concern that a two storey development will eliminate natural light and invade privacy.
- The property value of the objector's property will decrease, as the property will be "boxed" in by two storey development on both sides.

The technical issues raised above have been addressed by the applicant in the form of amended plans submitted on 17 October 2003, and reflected in the subject plans stamp dated 10 December 2003. Other issues raised above are addressed below within the comment section of the report.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Side Setbacks**

The acceptable development standards of the Residential Design Codes (R Codes) allow for the construction of parapet walls to one side boundary. The proposal includes a parapet wall adjacent to the northern boundary which abuts an existing parapet wall, which meets acceptable development standards and a parapet wall to the new lot's southern boundary. The parapet walls are considered supportable as the southern parapet is an internal boundary to the development.

**Street Setbacks**

The Town's Street Setbacks Policy states: *"In the case of new dwellings at the rear of original corner lots, with frontage to the secondary street, setbacks which match the adjoining dwellings fronting the street (if any) otherwise a minimum of 1.5 metres to a verandah, porch, portico and the like, excluding balconies, and/ or 2.5 metres to the main building"*.

The garage is proposed to be setback 1.5 metres in lieu of the required 2.5 metres setback. In this particular situation, given the 1.5 metres setback of adjacent dwellings and a similar setback to a garage abutting the development to the north, it would be reasonable to support the reduced setback of the garage, as it is not considered to dominate the streetscape.

The proposed reduction in the upper level setback from 6.0 metres to 2.5 metres to Norham Street is supportable given the depth of the property and the existing streetscape. The proposed design of the dwelling removes the building bulk adjacent to side boundaries that could otherwise have more impact on neighbouring properties. An existing architectural feature of existing houses along Norham Street is high roofs. The neighbouring property to the north has a side setback of 1.5 metres to Norham Street and has a high roof with a loft feature on the southern elevation.

Two storey developments therefore do not impact as much on the streetscape as the upper level is only marginally higher than existing buildings. The proposal includes staggering of the upper level setback with a section being setback 3.34 metres from the front boundary. The proposal also includes an upper level "open" balcony (with no roof cover), which is situated on top of the garage and is proposed to have a 1.5 metres setback to Norham Street.

The proposed variation in the upper level setback from 6.0 metres to 2.5 metres to the main building and from 6.0 metres to 1.5 metres to the balcony is supportable, as it is not considered to create an undue impact on the amenity of the streetscape, or the adjoining neighbours.

Furthermore, it is noted that if one single, two-storey dwelling was constructed on the site, the whole building, including the upper floor and the lower floor, could be setback 1.5 metres from Norham Street, which would be considered as acceptable development. Therefore, a single house could result in a greater impact on the streetscape than the proposed development.

There are no other setback variations proposed as the proposal complies with acceptable development standards in relation to privacy setbacks and/or 1.6 metres sill heights to prevent overlooking into adjoining properties. There is also no undue overshadowing onto any of the adjoining neighbouring properties.

The applicant previously submitted the following justification in support of the proposed variations:

- The Town of Vincent has exercised discretion to approve similar developments with reduced front setbacks previously.
- A reduction in the front setback ensures that the upper floor is setback effectively from adjoining boundaries to reduce the impact of the development on adjoining properties.
- The proposal complies with the performance criteria of the Street Setbacks Policy which states that *"the setting back of buildings which: contributes to the desired character of the streetscape encourages social interaction and surveillance between dwellings and the street and vice versa; and provides adequate privacy for dwellings."*
- The setbacks proposed are staggered, create interest, encourage interaction of the dwelling and the street and provide adequate privacy.
- The configuration of the car parking spaces as proposed is optimum for the amenity of the streetscape. The proposed location and design of the car bays is such that it has minimal impact on the existing dwelling and ensures the best use of the site.
- The proposal has been designed in a manner that carefully considers the site configuration and is fully considerate of the adjoining neighbours and the general streetscape. The existing building has been maintained and upgraded to ensure its character continues to feature within the streetscape of Waugh Street and therefore meets the R40 requirement. The new dwelling brings a vibrant mix to Norham Street encouraging greater interaction in the street and meets the performance criteria set out within the R-Codes and the Town of Vincent Planning Scheme and associated Policies.
- The proposal enhances the streetscape of Waugh Street and Norham Street, while sympathetically adding a new dimension and is an example of the successful way old and new styles bond within the Town of Vincent to give the Town its own identity.

### **Property Devaluation**

An issue raised within one of the submissions related to the concern that the new development will reduce property values. This is not a major planning consideration.

### **Fence**

The design of the proposed fence on Norham Street has been amended to include a 1.5 metres by 1.5 metres visual truncation adjacent to the neighbouring property's garage and driveway. This modification to the design of the fence has addressed the concern raised in one submission.

### **Conclusion**

In light of the above, and given the nature of the surrounding developments and the sense of openness afforded by the two street frontages, the application is considered to represent a reasonable redevelopment of the subject land.

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

**10.1.16 No. 285 (Lot 6) Lord Street, Perth - Proposed Demolition of Existing Showroom and Warehouse, and Retention of Existing Office, and Construction of Four (4) Multiple Dwellings and Three (3) Two-Storey Grouped Dwellings and Associated Undercroft Carparking**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	PRO1314; 00/33/1865
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Sharp and Van Ryan Architects P/L on behalf of the owner P Terpkos as T/F P and M Terkos Trust and P Santillo as T/F P Santillo Family Trust, for proposed demolition of existing showroom and warehouse, and retention of existing office, and construction of four (4) multiple dwellings and three(3) two-storey grouped dwellings and associated undercroft carparking at No. 285 (Lot 6) Lord Street, Perth, and as shown on plans stamp dated 15 October 2003 existing development plans), 22 October 2003(overshadow plan) and 2 December 2003(proposed floor plans and elevations), subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (ii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development \$8,000 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) subject to first obtaining the consent of the owners of No. 279 (Lot 5) Lord 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. 279 (Lot 5) Lord Street in a good and clean condition;*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Lord 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;*

- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking;*
- (ix) *prior to the first occupation of the development, three (3) class- one or two bicycle parking facilities shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (x) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xiii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xiv) *existing doors and windows and adjacent floor areas fronting Lord Street shall maintain an active and interactive relationship with the street;*
- (xv) *prior to the first occupation of the development, twelve (12) car parking spaces provided for the residential component of the development, including two (2) visitors carparking bays, shall be clearly marked and signposted for the exclusive use of the residents and visitors, respectively, of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xvi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (xvii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (xviii) *a road and verge security bond or bank guarantee of \$2,100 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.*
- (xix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xx) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxi) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xxii) *prior to the issue of 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;*
- (xxiii) *a right of way security bond and/or bank guarantee for \$1,100 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;*
- (xxiv) *all bin areas shall be in accordance with the Town's specifications and covered;*
- (xv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xxvi) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

*"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*

(xxvii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*

(a) *the northern side of the northern facing balconies of units 1, 2, 3 and 4, and the town house( T/H) 3, on the first floor and second floor respectively; and*

(b) *the balconies for units 2 and 4 on the southern elevation;*

*shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*

(xxviii) *the maximum floor space for the office use shall be limited to 600 square metres of gross floor area, unless adequate carparking is provided for the changes in floor area use or floor space area; and*

(xxix) *a detailed landscaping plan, including a schedule of plant species shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.16**

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

Debate ensued.

Crs Doran-Wu and Franchina departed the Chamber at 8.15pm.

Cr Doran-Wu returned to the Chamber at 8.16pm.

**CARRIED (6-1)**

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

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

At 8.20pm Mayor Catania called an adjournment of the meeting for 5 minutes.

At 8.26pm the meeting reconvened with all Elected Members (except Cr Torre who was an apology for the meeting), CEO - John Giorgi, EMEDS - Rob Boardman, EMCS - Mike Rootsey, A/EMTS - Craig Wilson, MPS - Jeremy van den Bok, Minutes Secretary, Matt Zis, Mark Fletcher and approximately 22 members of the public present.

**LANDOWNER:** P Terpkos as T/P P and M Terkos Trust and P Santillo as T/F P Santillo Family Trust,  
**APPLICANT:** Sharp & Van Ryan Architects P/L  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Commercial  
**EXISTING LAND USE:** Showroom/warehouse/office

**COMPLIANCE:**

Requirements	Required	Proposed
Stores for grouped dwellings	1.5 metres in depth and 4 square metres in area	1.0 metre in depth and 4 square metres in area
Setbacks		
North side-first floor	2.8 metres	2.5 to 3.01 metres
North side-second floor	4.6 metres	2.5 to 3.01 metres
West side-second floor	2.4 metres	2.0 to 2.9 metres
Front setback-east side to bin area	3.9 metres (setback of wall on common boundary)	1.6 metres
Privacy/overlooking		
North side Town House(T/H)-balcony.	Screening to 1.6 metres in height	Not provided
South side-first and second floor balconies to unit 2 and 4	Screening to 1.6 metres in height	Not provided
Density	4 multiple dwellings and 2.7 grouped dwellings (1040 square metres)	4 multiple dwellings and 3 grouped dwellings (991 square metres, plus 119 square metres-half of ROW's)=1110 square metres

Use Class	Office building, grouped dwelling and multiple dwelling
Use Classification	"P", "AA" and "AA"
Lot Area	991 square metres

**SITE HISTORY:**

The adjacent lots to the south and a lot to the north of the above property along Lord Street are also zoned commercial, with the lots to the west and remaining lots to the north being residential zoned lots. The existing building on the site, which is a showroom /warehouse/office, has ceased operating.

Access to the site is via a right-of way (ROW) which is 3.3 metres wide from Lord Street. There is also another ROW adjacent to the western boundary of the site which is 5.49 metres wide. The ROWs are privately owned and sealed.

**DETAILS:**

The applicant seeks approval for the proposed demolition of existing showroom and warehouse, and retention of existing office, and construction of four (4) multiple dwellings and three (3) two-storey grouped dwellings and associated undercroft carparking. The total amount of office gross floor area proposed is 600 square metres, which is inclusive of the existing office floor area.

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

- Commercial and the multiple dwellings bins have been located in a new screened area within the front setback, adjacent to the existing full height nib wall to the south parapet. Bins for the grouped dwellings will be stored in the garage.
- Provision of a carbay for persons with disabilities is located in the front of the building.
- Toilet facilities for people with disabilities have not been provided as the existing office is not being altered.
- Provision of low front fence.
- The depth of the stores cannot be increased to 1.5 metres due to the lack of depth for the overall site.
- Provision of privacy screens for the north elevations of units 1 and 3. Privacy screens to the upper level of the multiple dwellings to avoid overlooking into first floor of the roof terrace of the existing townhouse to the west of the ROW. However, screening to the living level balconies is not necessary as the roof terrace is protected from overlooking by the high masonry wall on the townhouse boundary.
- The grouped dwellings are above ground, no courtyards are provided. However, two usable balconies amounting to 26 square metres per grouped dwelling are provided.
- Bicycle racks are provided in front of the office.
- Wall heights for the multiple dwellings have been reduced.
- 12 carbays will be provided for the residential component.

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

In accordance with the Town's Community Consultation Policy, the proposal was advertised for a period of 14 days, where two submissions (objections) were received.

The concerns raised are as follows:

- Privacy impact into garden area and rear room from two-storey north facing windows and therefore oppose to any windows on the north facing side. No opposition to the other aspects of the development.
- Objection to the variations requested, as the request for variations is ultimately driven to construct more dwellings on the land. Request Council to consider the variations as the three storey development is located close to homes. Have no objection to the proposal other than the variations requested.

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

Nil.

#### **STRATEGIC IMPLICATIONS:**

Nil.

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

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

**COMMENTS:**

The site falls within the Forrest Precinct, where low intensity commercial are permitted within the area, with new buildings being in scale to a majority of adjacent buildings in the locality. Adequate carparking is also to be provided on-site.

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

**Residential Car Parking Requirements**

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped and multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 12 carbays, inclusive of 2 visitor carbays. It is considered appropriate that a minimum of 2 visitors carbays are made available for visitors use, which are to be marked and sign posted on-site accordingly even though there would be the potential availability of after hours additional carbays set aside for the commercial tenancies. It is to be noted that the balconies for the units have not been taken into account for carparking calculation purposes, even though they are closed on three sides as opposed to two sides.

A total of 20 carbays have been provided for the entire development, therefore resulting in 8 carbays available for the commercial component.

**Commercial Car Parking Requirements**

Requirements as per Parking and Access Policy	Required No. of Carbays
Office: 1 carbay per 50 square metres gross floor area (proposed 600 square metres).	12 carbays
Total carparking required before adjustment factor (nearest whole number)	12 carbays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces)</li> <li>▪ 0.95 (parking facilities for bicycle users)*</li> </ul>	(0.5491) 6.59 carbays
Carparking provided on-site for commercial component	8 carbays
Resultant surplus	1.41 carbays

\*This adjustment factor reflects condition (ix) in terms of the provision of bicycle parking facilities.

**Bicycle Parking Facilities:**

Requirements	Required	Provided
<b>Office</b> 1 per 200 (proposed 600) square metres public area for employees (class 1 or 2).	3 spaces	Bicycle parking shown on plans

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of three (3) class 1 or 2 spaces. As such, an appropriate condition should be applied accordingly.

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

### **Height**

The Town's Policy relating to the Forrest Precinct - Building Height permits a maximum height of three-storeys, including a loft. In this instance, a three-storey development is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings.

### **Setbacks**

The applicants have sought side setback variations to the northern and western sides and front setback to the eastern side. The applicant has altered the plans to address some of the concerns of the neighbours relating to overlooking. The reduced setbacks do not result in any undue overshadowing issues.

In light of the above, the variations are considered acceptable in the context that part of the building is to be retained and that the lot is zoned as "Commercial" and there would be some expectation that to develop the lot would involve some variations to setbacks.

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

### **Privacy**

In the initial application, objection was raised in terms of potential overlooking from balcony openings on the first and second floors on the northern elevation, which are closer than 7.5 metres, as the plans submitted indicated no screening. To overcome the potential overlooking aspect, which is still evident in the current proposal, it is recommended that the balcony openings within 7.5 metres of the northern boundary for units 1, 2, 3, and 4, balcony for T/H 3 and balconies for units 2 and 4 on the southern boundaries be all screened to a height of 1.6 metres from the balcony floor level with fixed obscured glass or other similar material to the satisfaction of the Town, so as to comply with the privacy requirements of the Residential Design Codes. The balconies for the first floor for T/H 1, 2 and 3 facing the western elevation will be facing a brick parapet wall and as such do not require to be screened. However the second floor balconies for T/H 1, 2 and 3 facing the west have been duly screened to 1.6 metres in height. All other major openings have the necessary setback in terms of privacy with respect to the requirements of the Residential Design Codes.

### **Front Wall**

The applicant has proposed a front wall continuing to the south side, which has been scaled to be 1.1 metres and a blade wall of 1.8 metres in height. It is recommended that the wall height be reduced to 1.2 metres as per the Town's Policy on "Street Walls and Fences" to provide visual outlook to and from the development site. A condition is recommended to that effect.

### **Store**

The variation to the depth of the store is considered acceptable as they form part of the garage for the grouped dwellings.

### **Plot Ratio**

There are no specific plot ratio requirements for mixed use development under the Town of Vincent Town Planning Scheme No.1 for the subject commercial zoned land. Plot ratio requirements are only applicable if the development is a complete residential development. Under the R80 applying to the site for residential development, the plot ratio is 1.0. The total plot ratio proposed for the development is 0.948, which excludes the ground floor commercial area.

### **Density**

The residential density applying to the site, if developed for solely residential purposes and the area is R80. The subject site abuts two (2) ROW's, and half of the area of the ROW's with a maximum width of 2 metres may be added to the subject site area as allowed in the R Codes. The land area required for the above development is 1040 square metres. Including half the land from the ROW area, the land area for the subject site is increased to 1110 square metres. On the above basis, the R80 density requirements for the number of grouped and multiple dwellings are satisfied. The above site is zoned Commercial. The Town may allow variations where acceptable levels of residential amenity can be maintained, especially in Commercial zoned land. In a mixed use developments, the Town in the past has considered development at a higher density provided that the whole project fits in with the surrounding development and the likely overall benefits to be achieved with such mixed use developments. In such situations, bulk and scale are also considered as part of the assessment criteria.

### **Communal Open Space**

The R-Codes only require each multiple dwellings to be provided with a balcony area of 10 square metres, and in mixed use developments, open space can be reduced to "nil". The proposal complies with the mixed use development requirements of the R Codes.

### **Overshadowing**

The proposal complies with the solar access requirements as indicated in the Residential Design Codes, with most of the shadowing over the lot to the south, which is a commercial property.

### **Traffic and Access**

No new crossovers are proposed. The existing ROW's are to be used for ingress and egress.

### **Bin Storage**

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

### **Demolition**

The buildings at the above site are not listed on the Town of Vincent's Municipal Heritage Inventory, and as such, part demolition is supported to accommodate the above proposal.

### **Summary**

Although a significant amount of variations are proposed, most of them are considered minor, and the majority of the variations are considered to adequately address the relevant performance criteria in the R-Codes. It should be highlighted that the R-Codes were developed to be performance based, and to allow a flexible approach to development, if the applicants can demonstrate that the proposal meets the relevant performance criteria under each section of the R-Codes. The R-Codes were not developed to restrict development to comply solely with the acceptable development requirements. The main issues raised in terms of privacy have been adequately addressed by way of screening to prevent overlooking.

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

**10.1.19 No. 97 (Lot 265) Coogee Street, Mount Hawthorn – Proposed Carport Addition to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO 2543; 00/33/1878
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Turner		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners J and D Bain for proposed carport addition to the existing single house at No. 97 (Lot 265) Coogee Street, Mount Hawthorn, and as shown plans stamp-dated 21 October 2003, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and preservation of the amenities of the locality and streetscape, as it would add to the building bulk on site and create a streetscape where carports and/or garages are the dominant structure; and*
- (ii) non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks in terms of width of the proposed carport and its location with access off Coogee Street.*

**COUNCIL DECISION ITEM 10.1.19**

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

*That the recommendation be adopted.*

Debate ensued.

**LOST (3-5)**

(Cr Torre was an apology for the meeting)

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

**Reasons:**

1. Security.
2. Street surveillance will be increased.
3. Loss of amenity.
4. Lack of room.

**ALTERNATIVE RECOMMENDATION:**

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

*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 owners J and D Bain for proposed carport addition to the existing single house at No. 97 (Lot 265) Coogee Street, Mount Hawthorn, and as shown plans stamp-dated 21 October 2003, subject to:*

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

*(a) the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted); and*

*(b) the total width of the carport not exceeding 50 percent of the frontage width of the lot.*

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

*(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 Coogee 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) a road and verge security bond or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

*(iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

*(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;*

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

(ix) *street trees will only be removed with the written consent of the Town's Parks Services. All removal and replacement costs shall be borne by the applicant/owner(s);*

*to the satisfaction of the Chief Executive Officer.*

**CARRIED (5-3)**

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

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

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**LANDOWNER:** J & D Bain  
**APPLICANT:** J Bain  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirements	Required	Proposed
Carport access	Vehicular Access and Street Setbacks Policies require access from the right of way (ROW).	Primary street (Coogee Street) access to carport.
Carport width	Carports within the front setback area to a maximum width of 50 per cent of the frontage which equates to 5.885 metres.	6.1 metres (51.83 percent of the width of the existing dwelling)

Use Class	Single House
Use Classification	"P"
Lot Area	488 square metres

**SITE HISTORY:**

The dwelling is not listed on the Town's Municipal Heritage Inventory. There is currently no vehicle access or parking on site. There is a privately owned unsealed 4.6 metres wide right of way at the rear of the property.

**DETAILS:**

The applicant seeks approval for a new double carport with access and orientation off Coogee Street, which is the primary street to this property. The setback of the proposed carport generally complies with the acceptable development standards of the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1. However, the location of the carport does not comply with the Town's Policies relating to Vehicular Access and Street Setbacks.

**CONSULTATION/ADVERTISING:**

The proposal was not formally advertised to neighbouring property owners, as a letter of no objection was submitted by the affected neighbouring property owner.

**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:**

**Nature of Development**

The proposal is for a double carport, with a parapet wall on the northern boundary, additions to an existing single house on a green title lot.

**Carport Width**

The front elevation width of the frontage is 11.77 metres, thus in accordance with the Policy a maximum width of 5.885 metres for the carport would be permitted. The proposed carport is 6.1 metres in width measured to the outside of the supporting piers.

Given the width and the 2.0 metres front setback of the carport, the structure as proposed is not considered supportable.

**Carport Access**

The Town's Policies relating to Vehicular Access and Street Setbacks require vehicle access from an existing right of way (ROW), thus the carport structure is required to be located at the rear of the property. In this instance, the vehicular access is proposed to be via the primary street, with the carport being within the front setback area, setback 2.0 metres from the front boundary.

The subject property has a 4.6 metres wide unsealed privately owned ROW located at the rear. There is adequate space to locate a carport within the rear yard area that will provide adequate manoeuvring depths and visual truncations.

In support of their application the landowner submitted a letter outlining the reasons that the Council should consider supporting their application. These reasons as summarised as follows:

- The addition of a double carport at the front of the home will remove the cars from the street, which is often crowded for parking space and provide cover and security for the vehicles.
- The vehicles have been broken into 4 times in the last 2 years.

- Substantial renovations undertaken to the character home have already improved the appeal of the home, the addition of a double carport in keeping with the design of the home will further enhance the street elevation.
- The rear lane access is unsealed and unlit. Alternative access from the rear was considered, however it is unreasonable to expect access to the property after hours via a dark and potentially dangerous laneway.
- Neighbouring properties at number 87 and 102 Coogee Street have recently built double carports at the front of their homes.
- *"We are seeking the same benefits as our neighbours from a double carport constructed at the front of our home. Style, scale and materials have been selected for their appropriateness with our home and the area."*

The Town's Engineering Services advised that the subject right-of-way is not programmed for works (sealing and draining) in the near future.

The carport at No. 102 Coogee Street, referred to above by the applicant, was considered by Council at its Ordinary Meeting held on 26 March 2002, where it resolved to approve the carport. The conditions of approval included that the structure be one hundred (100) per cent open on all sides.

The carport at No. 87 Coogee Street, referred to above by the applicant, was approved under delegation and issued a Building Licence on 7 June 2000. The current Town's Policies did not apply at this time, however the carport was supported as the property had existing outbuildings that restricted access to the right-of-way.

### **Conclusion**

The proposed carport addition to the existing single house are not considered supportable, as the proposal does not comply with the Town's Vehicular Access and Street Setbacks Policies in that the proposed carport has access off Coogee Street rather than the ROW. It is considered that the carport structure will add to the building bulk on the property and will dominate the streetscape should it be approved within the front setback area.

**10.1.13 No. 445 (Lot 16) Charles Street, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Function Centre and Incidental and Ancillary Place of Public Worship**

<b>Ward:</b>	North	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO0174; 00/33/1751
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Bylund on behalf of the owner Australian Conference Association Ltd for the proposed partial demolition of and alterations and additions to the existing function centre and ancillary and incidental place of worship at No.445 (Lot 16) Charles Street, North Perth as shown on the plans stamp dated 23 July 2003 (A01) and amended plans date-stamped 6 November 2003 (A02-A06), subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (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) the hours of operation of the function centre and incidental and ancillary place of public worship shall be limited as follows;*
  - (a) Sunday -8am to 10pm (Function Centre use only)*
  - (b) Monday -8am to 10pm (Function Centre use only)*
  - (c) Tuesday -8am to 10pm (Function Centre use only)*
  - (d) Wednesday-8am to 10pm (Function Centre use only)*
  - (e) Thursday-8am to 10pm (Function Centre use only)*
  - (f) Friday- 8am to 5pm (Function Centre use only)*
  - (g) Saturday-9.30am to 12pm (Church/ Place of Public Worship only and 7pm to 10pm (Function Centre use only);*
- (iv) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (v) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*

(vii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$5 000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

(viii) *prior to the issue of the Building Licence revised plans shall be submitted and approved demonstrating the stairs being deleted and the tree being retained, along the south-western boundary at the rear of the subject land, as advised in correspondence dated 26 November 2003 from the architect.*

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

(ix) *subject to first obtaining the consent of the owners of Nos. 70-76 Sydney Street and No. 449 Charles Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 70-76 Sydney Street and No. 449 Charles Street in a good and clean condition;*

(x) *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;*

(xi) *a detailed landscaping plan, including one tree being provided per four (4) car parking bays, a schedule of plant species, and the landscaping and reticulation of the Charles 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);*

(xii) *a road and verge security bond or bank guarantee of \$1000.00 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;*

(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 the front fences and gates adjacent to Charles 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;*

(xiv) *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);*

- (xv) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvi) *the auditorium and the hall/ regal function room shall not be used simultaneously, so as to limit the amount of people on-site at anyone time for car parking reasons; and*
- (xvii) *the gross public assembly area (seating area) of the auditorium shall be limited to a maximum of 261 square metres, and the maximum gross floor area of the offices and meeting rooms shall be 207 square metres;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.13**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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**LANDOWNER:** Australian Conference Association Ltd  
**APPLICANT:** D Bylund  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No. 1: Special Use - Function Centre  
**EXISTING LAND USE:** Function centre and incidental and ancillary place of public worship

**COMPLIANCE:**

<b>Requirements (Policy relating to Non-Residential Developments in / or Adjacent to Residential Uses)</b>	<b>Required</b>	<b>Proposed</b>
<b>Boundary Walls</b>	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 2/3 length of common boundary	Two boundary walls. 8.5 metres maximum height for two-storey portion of northern boundary wall, and 8.5 metres maximum height for parapet wall along the western boundary.
<b>Building Height</b>	6 metres to eaves and 9 metres to the ridge (from natural ground level at the boundary)	8.5 metres to eaves and 9.8 metres to the ridge (northern side).
<b>Landscaping</b>	25 per cent	Approximately 2%

Use Class	Function Centre (Incidental and Ancillary Place of Public Worship subject to this application)
Use Classification	'P'
Lot Area	Approximately 2653 square metres (after land given up for road widening)

**SITE HISTORY:**

- 25 September 2001 At its Ordinary Meeting, the Council resolved to conditionally approve an application for a change of use to include incidental and ancillary place of worship to existing function centre use.
- 25 July 2003 Current Development Application received.
- 6 November 2003 Amended Plans received.
- 27 November 2003 Additional information and additional plans received.

**DETAILS:**

The applicant seeks approval for the proposed partial demolition of and alterations and additions to the existing function centre and ancillary and incidental place of worship at No.445 (Lot 16) Charles Street, North Perth.

The applicant has provided the attached letter in support of the proposed development application.

**CONSULTATION/ADVERTISING:**

The proposal was advertised from 12 November 2003 to 26 November 2003.

One submission was received during the advertising period. The submission raised concerns regarding the location of the stairs in the south-western corner, due to privacy, noise and security issues. However, after a discussion with the applicants, they advised in a facsimile that they are willing to delete the stairs from the proposed location in order to satisfy the neighbours concerns. Accordingly, a condition has been recommended to this effect.

**FINANCIAL/ BUDGET IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**LEGAL/POLICY:**

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

**COMMENTS:**

**Car Parking and Vehicular Access**

Pursuant to the Town's Policy relating to Parking and Access, the car parking calculation is based on one (1) bay per 4.5 square metres of gross public assembly area for a Place of Public Assembly. Also, the car parking calculation has been based on the area of predominant use, the auditorium, as the regal room will not be used simultaneously. A condition has been recommended to ensure that both rooms are not used concurrently.

Additionally, the car parking requirement for the offices, are based on one (1) bay per 50 square metres of gross floor area.

The car parking calculation is as follows:

	<b>Required</b>	<b>Provided</b>
<b>Auditorium</b>	1 bay/ 4.5 square metres of gross public assembly area (auditorium= approximately 261 square metres) = 58 bays	
<b>Offices and meeting rooms</b>	1 bay/ 50 square metres of gross floor area. (207 square metres of office area) = 4 bays	
<b>Total Car parking</b>	62 Bays	66 Bays

Pursuant to the Town's Policy relating to Parking and Access, no bicycle parking facilities are required for a Function Centre, or for a Place of Public Worship.

In light of the above, and given that there is public transport and car parks in close proximity to the subject land, the proposed car parking provision is considered satisfactory.

**Height**

The subject land is not zoned Residential, therefore, technically the Residential Design Code requirements do not apply to the proposed development. However, given that the adjoining properties are zoned Residential, and the Town's Policy relating to Non-Residential Uses in/ or Adjacent to Residential Areas aims to protect that the amenity of adjoining residential areas, the height of building and the parapet walls have therefore been assessed in accordance with the R-Codes.

The height variation on the northern side is considered acceptable in this instance, as the adjoining residential land contains commercial uses, and the proposal will not unduly impact on the northern property in term of overshadowing and overlooking. Furthermore, the neighbours did not raise any concerns to the proposed development.

**Planning Control Area**

The proposal is setback sufficiently from the Charles Street Planning Control Area, therefore, referral to the Western Australian Planning Commission is not considered necessary.

**Landscaping**

The Town's Policy relating to Non-Residential Uses in/ or Adjacent to Residential Areas requires twenty five (25) per cent of the site are to be landscaped, including the front setback areas.

The applicants are proposing to increase the current amount of landscaping on-site, to enhance the amenity of the area, and to landscape the front verge. The landscaping provisions are well below the required amount, however, given the amount of space allocated for car parking bays, and that the subject land and adjoining property to the north are virtually devoid of landscaping, the proposal is considered acceptable.

Furthermore, the provision of one (1) tree per 4 car parking bays, and a standard landscaping condition, has been recommended to enhance the amenity of the streetscape, and the area generally.

### **Parapet Walls**

The proposal also includes two parapet walls, on the northern and western boundaries, which are over the R-Codes acceptable height requirements, as explained in the Compliance Table above.

However, the new parapet wall on the northern boundary is not considered to unduly impact on the amenity of the adjoining property, as there is no overshadowing, and the subject land is developed for commercial uses.

The parapet wall on the western boundary along the rear is existing, and the applicants are proposing to increase the wall by approximately 900 millimetres.

The parapet wall will not overshadow the adjoining properties at the rear by more than 50 per cent, as per the R-Codes requirements for R60 sites, and numerous trees along the western boundary will reduce the visual impact of the wall.

In light of the above, the proposal is not considered to create a significant undue impact on the amenity of the neighbours, or the area generally, and approval is recommended.

### **Demolition**

The Town's Senior Heritage Officer advised the following:

*"proposed alterations and additions to the function centre do not require a referral to Heritage Services. Although it is possible that part of the building dates from the early decades of the twentieth century, the majority of the building presents itself as a late 1970s/early 1980s construction without any notable features. The proposed alterations and additions are considered acceptable".*

### **Conclusion**

In light of the above, the proposed alterations and additions are considered acceptable as they will enhance the existing development, and the architectural designs will add interest to the streetscape. Furthermore, the proposal will not unduly impact on the neighbours, as the majority of the changes are proposed towards Charles Street and the northern side, which is situated away from residential properties. Additionally, there is no greater impact on the neighbours, in terms of overlooking or overshadowing, and relevant conditions have been recommended to address noise and potential anti-social behaviour.

In light of the above, it is recommended the Council approve the proposal, subject to standard and appropriate conditions to address the above matters and a development of such scale and nature.

**10.1.3 Further Report - Proposed Fresh Fish Wholesale and Retail Seafood Establishment – Shop 3, Nos. 197-205 (Lot 1010) Brisbane Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO0171
<b>Reporting Officer(s):</b>	D Brits		
<b>Attachments:</b>	<a href="#">001</a>		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**FURTHER OFFICER RECOMMENDATION:**

*That the Council;*

(i) (a) *in accordance with the provisions of the Health Act 1911 (as amended) and the Town's Health Local Laws 1997, APPROVES the application submitted by Kevin Huynh and Karen Ngo, to establish a fresh fish wholesale and retail seafood establishment that includes the gutting and cleaning of fish, at Shop 3, Nos. 197 - 205 Brisbane Street, Perth, subject to:*

(1) *the premises complying with the Health Act 1911 (as amended), Health (Food Hygiene) Regulations 1993, the Town of Vincent Health Local Laws 1997, the Metropolitan Water Supply Sewerage and Drainage By-laws 1981, Environmental Protection Act, and Occupational Health, Safety and Welfare Act/Regulations; and*

(2) *all fish or fish scraps, waste or refuse which is likely to become offensive or a nuisance, being kept in a frozen state in an approved container prior to collection for disposal, and that all wash/waste water be contained within the internal confines of the premises and disposed of directly into internal sewer connected, floor waste gullies;*

(b) *NOTES that the property owner, adjoining neighbour who submitted an initial objection, and the proposed proprietor have reached a written agreement as attached as Appendix 10.1.3;*

(c) *NOTES that the property owner indicated that he will condition the Lease Agreement to require that offensive odours shall not be emitted from the establishment; and*

(d) *NOTES that a further report will be submitted within six (6) months in relation to comment from adjoining neighbours on the operation of the premises, in particular regarding any nuisances; and*

(ii) **AUTHORISES** the Chief Executive Officer to:

(a) *expand on the current advertising in a Perth Daily Newspaper requirement, by requiring advertising in a local newspaper, a suitable Notice on the relevant Shop Front, and notifying adjacent proprietors or residents of proposed future "Offensive Trades" as defined as such in the Health Act and/or Town of Vincent Health Local Laws, in order to invite comments or objections prior to reporting to Council; and*

(b) *amend the current advertising regime accordingly, upon reviewing the Town of Vincent Health Local Laws.*

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted subject to a new clause (i)(a)(3) being added as follows:*

- "(i) (a) (3) *the eastern internal shop wall shall to be upgraded from the current gyprock partitioning wall to a brick wall to roof height glaze tiled from the floor level to ceiling height prior to the issue of a Building Licence or occupation of the premises, whichever occurs first;*"

Debate ensued.

**CARRIED (8-0)**

**COUNCIL DECISION ITEM 10.1.3**

*That the Council;*

- (i) (a) *in accordance with the provisions of the Health Act 1911 (as amended) and the Town's Health Local Laws 1997, APPROVES the application submitted by Kevin Huynh and Karen Ngo, to establish a fresh fish wholesale and retail seafood establishment that includes the gutting and cleaning of fish, at Shop 3, Nos. 197 - 205 Brisbane Street, Perth, subject to:*
- (1) *the premises complying with the Health Act 1911 (as amended), Health (Food Hygiene) Regulations 1993, the Town of Vincent Health Local Laws 1997, the Metropolitan Water Supply Sewerage and Drainage By-laws 1981, Environmental Protection Act, and Occupational Health, Safety and Welfare Act/Regulations;*
  - (2) *all fish or fish scraps, waste or refuse which is likely to become offensive or a nuisance, being kept in a frozen state in an approved container prior to collection for disposal, and that all wash/waste water be contained within the internal confines of the premises and disposed of directly into internal sewer connected, floor waste gullies; and*
  - (3) *the eastern internal shop wall shall to be upgraded from the current gyprock partitioning wall to a brick wall to roof height glaze tiled from the floor level to ceiling height prior to the issue of a Building Licence or occupation of the premises, whichever occurs first;*
- (b) *NOTES that the property owner, adjoining neighbour who submitted an initial objection, and the proposed proprietor have reached a written agreement as attached as Appendix 10.1.3;*
- (c) *NOTES that the property owner indicated that he will condition the Lease Agreement to require that offensive odours shall not be emitted from the establishment; and*
- (d) *NOTES that a further report will be submitted within six (6) months in relation to comment from adjoining neighbours on the operation of the premises, in particular regarding any nuisances; and*

(ii) ***AUTHORISES the Chief Executive Officer to:***

- (a) ***expand on the current advertising in a Perth Daily Newspaper requirement, by requiring advertising in a local newspaper, a suitable Notice on the relevant Shop Front, and notifying adjacent proprietors or residents of proposed future "Offensive Trades" as defined as such in the Health Act and/or Town of Vincent Health Local Laws, in order to invite comments or objections prior to reporting to Council; and***
- (b) ***amend the current advertising regime accordingly, upon reviewing the Town of Vincent Health Local Laws.***

**Executive Manager Environmental and Development Services Comments**

The eastern internal shop wall between the Computer Shop and the proposed Fish Shop is currently a partitioning gyprock wall. The three parties agreed to resolve the objection by a brick wall to the roof and tiling the wall within the Fish Shop.

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**FURTHER REPORT:**

**Consultation**

At the time of writing the initial report on 18 November 2003, no objections were received. However, a formal objection was received on 21 November 2003.

The written objection advises as follows - *"I believe that the positioning of the fish market is inappropriate given the context of other shops and the residential units that form the complex. Please note my objections for the proposed fish market:*

1. *Divided Shop (only plaster board separation)...*
2. *Shared suspended ceiling...*
3. *Residential units in same complex...*
4. *Cluttered access in fire escape hallway...*
5. *Rubbish bin room - already too small...*
6. *Other spaces are available in Brisbane Street..."*

Subsequently, the Applicant was advised of the nature of the objection and requested to address the items raised and comment in writing accordingly. In addition, the property owner of the mixed use commercial and residential complex called and enquired about the nature of the objection. Consequently, upon receiving the applicant's written request, the Council Agenda Item was deferred on 2 December 2003 for these matters to be investigated. In addition, an Elected Member enquired in relation to current advertising requirements, and was advised that currently the legal requirement in accordance with the Town of Vincent Health Local Laws 1997 is for an Applicant to advertise the intent in a Perth daily newspaper at least two weeks prior to formal submission inviting objections to the Manager Health Services. As the matter has been raised by an Elected Member it was deemed appropriate to, in addition to the newspaper advertisement, notify adjacent proprietors in writing of the applicant's intension, and to request submissions or comments by Monday, 8 December 2003.

On 8 December 2003, the objector advised little progress, however on 10 December 2003 a letter of agreement between the Objector, Property Owner, and Proposed Proprietor was received attached in full as Appendix 10.1.3.

### **Town Planning Comment**

The Town's Planning and Building Services has advised that the site is zoned Local Centre under the Town of Vincent Town Planning Scheme No. 1 (TPS1), and falls within the Hyde Park Precinct. There are no changes to the car parking requirements, due to the change of use. The proposed use is within an existing building where the proposed Change of Use from Shop to Fish Shop is a 'P' (Permitted Use) in accordance with the TPS1.

The building directly opposite the above site is the Northbridge Hotel. However, on the upper level of the above building to be used by the "*Fish Shop*" are residential units. The tenants/owners of the above units would have been fully aware before purchasing or renting the units that commercial types use would be allowed within a Local Centre zoning as determined by TPS1. It is to be noted that residential types uses within the Local Centre zoning are "AA" uses in TPS1, which means that the use is not permitted unless Council has exercised its discretion by granting planning approval.

On the above basis, it is considered that there is no need to require a further planning approval for the proposed change in use to Fish Shop.

### **Health Services Comment**

The proposed offensive trade (fresh fish wholesale and retail seafood establishment that includes the gutting and cleaning of fish) is considered acceptable, subject to the site agreement reached by the stakeholders, the Officer Recommendation and proposed conditions, and in the light of the proposed further report within six months to report on comments from adjoining proprietors. In addition, the conditions listed under the Officer Recommendation are more stringent than previous conditions in this regard.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 2 December 2003:

#### *"OFFICER RECOMMENDATION:*

*That;*

*the Council APPROVES the establishment of an offensive trade - fresh fish wholesale and retail seafood establishment - at Shop 3, Nos. 197-205 (Lot 1010) Brisbane Street, Perth, subject to:*

- (i) the premises complying with the Health Act 1911 (as amended), Health (Food Hygiene) Regulations 1993, the Town of Vincent Health Local Laws 1997, the Metropolitan Water Supply Authority Sewerage and Drainage By-laws 1981, Environmental Protection Act (Noise Emissions), and Occupational Health, Safety and Welfare Act/Regulations; and*
- (ii) all fish or fish scraps, waste or refuse which is likely to become offensive or a nuisance, being kept in a frozen state in an approved container or enclosure, prior to collection for disposal, and that all wash/waste water be contained within the internal confines of the premises and disposed of directly into internal sewer connected, floor waste gullies.*

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#### COUNCIL DECISION ITEM 10.1.17

Moved Cr Ker, Seconded Cr Lake

*That the recommendation be adopted.*

*Debate ensued.*

*Moved Cr Ker, Seconded Cr Lake*

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

*CARRIED (8-0)*

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**BACKGROUND:**

*An application was received from Mr Kevin Huynh and Karen Ngo, to establish a fresh fish wholesale and retail seafood establishment that includes the gutting and cleaning of fish, at Shop 3, Nos. 197-205 Brisbane Street, Perth.*

*The applicant has considerable experience in seafood processing/retail establishments.*

*The intention to apply was advertised in "The West Australian" Newspaper on 30 October 2003. The advertisement read: "We, Kevin Huynh and Karen Ngo of 33 Clements Road, Booragoon WA 6154 intend to develop a wholesale and retail seafood shop including the gutting of fish at Unit 3, 201 Brisbane Street, Northbridge WA 6003. Should you object to this proposal, please put it in writing to the Manager Health Services at Town of Vincent within 14 days." No objections were received by the Town's Health Services.*

*Furthermore, the Town's Senior Planning Officer advised that the site is zoned Local Centre under the Town of Vincent Town Planning Scheme No. 1 (TPS1). The proposed Change of Use from Shop to Fish Shop is a 'P' (Permitted Use) in accordance with the TPS1 and does not require a further planning approval.*

**COMMENTS:**

*The proposed offensive trade (fresh fish wholesale and retail seafood establishment that includes the gutting and cleaning of fish) is considered acceptable, subject to compliance with Environmental Health requirements and relevant legislation."*

**10.1.23 No. 139 (Lot 101) Matlock Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO2304; 00/33/1559
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	S Turner		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council REFUSES the application submitted by The Design Mill on behalf of the owners J and G Hutcheson for the proposed demolition of the existing single house and construction of a two-storey single house at No. 139 (Lot 101) Matlock Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 25 November 2003 for the following reasons:*
- (a) *the proposal is not consistent with the orderly and proper planning and preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing dwelling; and*
- (b) *the existing place has cultural heritage significance in terms of its historic and rarity values; and*
- (ii) *the place at No. 139 (Lot 101) Matlock Street, Mount Hawthorn be considered as part of the District Survey and Town of Vincent Municipal Heritage Inventory Review.*

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**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

Debate ensued.

**LOST (0-8)**

(Cr Torre was an apology for the meeting)

**Reasons:**

- 1. Insufficient heritage value to warrant retention.**
- 2. Proposal is consistent with orderly and proper planning and preservation of the amenities of the locality with respect to the visual amenity of the locality.**

***ALTERNATIVE RECOMMENDATION***

**Moved Cr Cohen, Seconded Cr Ker**

*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 Design Mill on behalf of the owners J and G Hutchinson for the proposed demolition of the existing single house and construction of a two-storey single house at No. 139 (Lot 101) Matlock Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 25 November 2003, 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;*
- (iii) 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;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) no fence exceeding 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 Matlock 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;*
- (viii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the balcony on the upper floor, on the northern and north-eastern sides shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
- (ix) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

- (x) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application; and*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that:*
  - (a) *the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main building wall; and*
  - (b) *the total carport width not exceeding 50 per cent of the frontage width of the lot.*

*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.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Chester**

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

*"(xiv) screening being provided to the stairwell window."*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

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

**COUNCIL DECISION ITEM 10.1.23**

*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 Design Mill on behalf of the owners J and G Hutchinson for the proposed demolition of the existing single house and construction of a two-storey single house at No. 139 (Lot 101) Matlock Street, Mount Hawthorn, and as shown on the amended plans stamp-dated 25 November 2003, 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;*

- (iii) *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;*
- (iv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) *no fence exceeding 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 Matlock 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;*
- (viii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the balcony on the upper floor, on the northern and north-eastern sides shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
- (ix) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (x) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that:*
  - (a) *the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main building wall; and*
  - (b) *the total carport width not exceeding 50 per cent of the frontage width of the lot.*

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

*(xiv) screening being provided to the stairwell window;*

*to the satisfaction of the Chief Executive Officer.*

**FURTHER REPORT:**

The electronic and hard copy Heritage Assessment attachment to this item is incorrect due to the inadvertent insertion of a preliminary incomplete draft Heritage Assessment.

The final and complete Heritage Assessment attachment is the same as that, which was attached to Item 10.1.10 of the previous report to the Ordinary Meeting of Council held on 18 November 2003.

The information relating to the Statement of Significance contained in the body of the report Item 10.1.23 is correct and remains unchanged.

The correct Heritage Assessment attachment has now been inserted electronically, and a correct hard copy is also provided.

**LANDOWNER:** J and G Hutcheson  
**APPLICANT:** The Design Mill  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R30

**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirement	Required	Provided
Setback -Upper front level	6.0 metres setback to the upper level from the street frontage.	5.0 metres to the balcony and 9.10 metres to the main dwelling.
Northern upper level	1.7 metres	1.5 metres
Setbacks for Privacy		
North - Balcony	Balconies within 7.5 metres of a property boundary on the first floor to be screened	2.6 metres
South - Balcony	Balconies within 7.5 metres of a property boundary on the first floor to be screened	3.34 metres

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

### **SITE HISTORY:**

The site is currently occupied by an existing single house. The Council considered and refused an application for demolition of this house at its Ordinary Meeting held on 18 November 2003.

### **DETAILS:**

The subject proposal involves the demolition of the existing house and the construction of a two-storey single house. The proposed house includes a carport within the front setback area and a balcony set back 5.0 metres from the front boundary. The orientation of the house takes advantage of city views from the front balcony, whilst minimizing potential overlooking from the upper level into neighbouring properties.

### **CONSULTATION/ADVERTISING:**

The proposal was advertised for a period of 14 days. During this period a letter of objection was received by the southern neighbour. The concerns raised within the objection resulted in modifications to the original design being made and the southern and northern property owners providing a statement of consent to the modified design, which is before Council for consideration.

### **LEGAL/POLICY:**

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

### **STRATEGIC IMPLICATIONS:**

Nil.

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

Nil.

### **COMMENTS:**

#### **Demolition**

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

The place is a weatherboard and iron dwelling, situated on Lot 101, Swan Location 739 which is bounded by Scarborough Beach Road (formerly North Beach Road), Bondi Street and Matlock Street (previously Derby Street). This area was established as the Randwick Estate in 1888. As an example of early twentieth century timber and iron dwelling, developed in Mount Hawthorn, the place has *little to some rarity and historic value* as it represents the use of a building material and style that is no longer widely practiced in Perth residential buildings.

Therefore, in accordance with the Town's Policy relating to Heritage Management – Municipal Heritage Inventory, the place meets the threshold for consideration for inclusion on the Town's Municipal Heritage Inventory. It is therefore recommended that the proposed demolition of the existing dwelling be refused.

### **Setbacks**

#### Front – Upper Level Balcony

The Town's Policy relating to the Bondi Locality requires the upper level of dwellings to be setback 6.0 metres from the front boundary. The R-Codes however permit the upper storey to have a setback of 4.0 metres. The applicant seeks a minor variation to the upper level setback from 6.0 metres to 5.0 metres to the balcony. The main building line of the upper level is setback at 9.1 metres, thus in compliance with the Policy. The minor variation is considered to be supportable in this instance due to the open scale and nature of the balcony, and it does not result in the dwelling having a negative impact on the streetscape or adjoining properties. The neighbouring property owners have also consented to this variation.

The proposed minor setback variation to the northern upper level, from 1.7 to 1.5 metres is considered supportable given that there are no negative impacts upon neighbouring properties.

#### **Setbacks for Privacy**

The reduced privacy setback of the balcony from the north should be screened in accordance with the R Codes as no written consent was received from the adjacent affected landowner. The south facing major openings are considered supportable, given that the adjoining property owners have provided written consent thus negating any concerns about potential undue overlooking. The neighbouring landowner has also requested that the windows to the stair case on the southern elevation should be screened. This is considered unreasonable as it is a minor opening and as such is not required to be screened.

#### **Conclusion**

In light of the above it is considered that the minor variations to the R-Codes and Town's Policies are considered supportable as they will not negatively impact upon the existing streetscape and locality, subject to standard and appropriate conditions. However as the demolition of the existing dwelling is not supported on heritage grounds as detailed above, the proposal is recommended for refusal.

**10.1.5 No. 164 (Lot 68) Flinders Street (Corner Green Street), Mount Hawthorn – Proposed Additional Two-Storey Single House to Existing Shop**

<b>Ward:</b>	North	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO0136; 00/33/1743
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant Mark Anthony Design and Drafting on behalf of the owners P and M Della Maddelena for proposed additional two-storey single house to existing shop, at No. 164 (Lot 68) Flinders Street (corner Green Street), Mount Hawthorn, and as shown on plans stamp-dated 14 November 2003 , subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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 or 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;*
- (iii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) 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;*
- (vi) 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;*

- (vii) *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;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (x) *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 Flinders Street and Green Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted subject to new clauses (xi) and (xii) being added as follows:*

- "(xi) prior to the first occupation of the development, the full length and width of the right of way from Green Street 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*
- (xii) a bond and/or bank guarantee for \$2800 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;"*

**COUNCIL DECISION ITEM 10.1.5**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant Mark Anthony Design and Drafting on behalf of the owners P and M Della Maddelena for proposed additional two-storey single house to existing shop, at No. 164 (Lot 68) Flinders Street (corner Green Street), Mount Hawthorn, and as shown on plans stamp-dated 14 November 2003 , subject to:*

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

- (iii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) 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;*
- (vi) 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;*
- (vii) 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;*
- (viii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) 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 Flinders Street and Green 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;*
- (xi) prior to the first occupation of the development, the full length and width of the right of way from Green Street 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*
- (xii) a bond and/or bank guarantee for \$2800 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*

*to the satisfaction of the Chief Executive Officer.*

**CARRIED (8-0)**

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

**LANDOWNER:** P and M Della Maddalena  
**APPLICANT:** Mark Anthony Design and Drafting  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R30  
**EXISTING LAND USE:** Shop

**COMPLIANCE:**

Requirements	Required	Proposed
<b>Setbacks</b>		
East -ground	1.5 metres	1.3 metres
South - ground	1.5 metres	Nil – 1.5 metres
South - first floor	1.9 metres	1.5 metres
<b>Street Setback</b>		
North -first floor	6.0 metres	4.5 metres to activity room 5.0 metres to balcony

Use Class	Single House
Use Classification	"P"
Lot Area	577 square metres

**SITE HISTORY:**

The site has received conditional subdivision approval from the Western Australian Planning Commission on 26 March 2003. The subject portion of the site is currently vacant and is located at the rear of an existing shop trading as a beauty salon.

15 November 2001: An application for change of use from local shop to shop (beauty therapy) was approved under delegated authority.

12 December 2002: An application for an additional single house to the existing shop was granted conditional approval under delegated authority by the Town.

**DETAILS:**

The applicant seeks approval for an additional two-storey single house to the rear of the existing shop. A 5.0 metres wide sealed privately owned right of way abuts the eastern boundary of the subject site.

**CONSULTATION/ADVERTISING:**

One submission was received during the advertising period. The objector, being the southern neighbour, is located along Flinders Street. This neighbour raised concerns relating to overshadowing, which the objector believes to be non-compliant with the Residential Design Code standards.

The objections will be addressed within the assessment of the proposal.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

## **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

## **COMMENTS:**

### **Setbacks - East (ground)**

The Residential Design Codes (R Codes) would require a setback of 1.5 metres to be achieved to the boundary whereas the application seeks a setback of 1.3 metres. This reduced setback is orientated towards the right of way (ROW) and accommodates the garage and lounge within the proposed dwelling. The R Codes permits garages and carports to be built up to the boundaries abutting rights of way, which are not the principle frontage, so long as appropriate vehicle manoeuvring space is provided. The ROW is 5.0 metres in width and with a 1.3 metres setback to the garage. Adequate manoeuvrability is therefore achieved. As such, the setback of the proposed garage is considered acceptable.

With respect to the setback of the lounge, the R Codes further allows setbacks to be reduced by up to half the width of an adjoining right of way up to a maximum of 2.0 metres. As such, any setback to this boundary could be reduced by a maximum of 2.0 metres, which would in fact permit a nil setback. On this basis, the proposed 1.3 metres setback is considered acceptable.

### **Setbacks - South (ground)**

The R Codes would require a setback of 1.5 metres to this boundary based on the length and height of the walls and there being major openings. The application incorporates a nil setback to the garage and a 1.5 metres setback to the remainder of the wall. 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 is proposed to be 5.8 metres in length and complies with the height requirements. As such, the reduced setback to the garage is considered acceptable, with the remainder of the wall setback complying with the R Codes provisions.

Despite the objection to the proposal from the southern neighbour, the proposal complies with the setback requirements for this boundary.

### **Setbacks - South (first floor)/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 will overshadow the property at No. 162 Flinders Street by 21 percent. If the proposal is to be setback in accordance with the R Codes setback requirements of 1.9 metres, the proposed development will overshadow the property at No. 162 Flinders Street by 20 percent. As such, the variation to the first floor is considered minor and considered supportable.

### **Street Setback - North (first floor)**

The Town's Locality Policies requires upper level front setbacks to be a minimum of 6.0 metres from the boundary. The application incorporates a setback of between 4.5 metres to the activity room and 5.0 metres to the balcony. The variation to the upper floor setbacks is supported as the upper floor has been appropriately staggered to reduce the visual impact to Green Street, there is a minor incursion into the 6.0 metres setback area, and there are two open style balconies proposed. Along Green Street, there are also a number of two-storey dwellings, which have reduced front setbacks.

The applicant has provided a letter of justification outlining reasons to support a reduction in the first floor setback;

*"Proposed Variations to codes*

**Acceptable Development** clause 3.2.1 Aii states that a reduced setback can be obtained if:

- *Main frontage is to a secondary street*
- *Single house results from subdivision of an original corner lot and has its frontage to the original secondary street*
- *Also has its main frontage to a right of way the street setback can be reduced to 2.5m and 1.5m to the portico*

*Other factors are:*

- *The Ground floor level is to be assessed as a secondary frontage and does not protrude out any further than the existing structure on the corner of Green Street and Flinders Street. Also the proposed residence has a greater setback to what was previously approved by the Town of Vincent Planning Department.*
- *The Upper floor level is setback 6m to all walls other than to the activity wall and both balconies are setback 5m. Therefore the only place a variation is required is at the activity wall.*

*The overall scale of the Green Street Elevation cannot be minimized with the size of the residence being maximized to the lot as the Green Street Elevation is the longer dimension. As you can see the right of way elevation being the shorter boundary has a much narrower elevation.*

- *Along Green Street there are many two-storey residences that have a greater scale and a lot lesser setbacks. Attached are photos and addresses.*
- *The existing corner residences along Green Street also do not take into account the Green Street Elevation and look very plain as they are mainly just masses of brickwork without any balcony's or major openings.*
- *The design of the house has been influenced to maximize the solar benefits to the North side, thus the living areas of the house are on the North side of the house. Greater sized openings are a characteristic of this façade. This is both to take advantage of the winter sun and create aesthetically more pleasing living environments. This explains why the North side of the house is slightly more bold and 'exciting' than the other facades. "*

### **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.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 8.44pm and did not speak or vote on the matter.

**10.4.12 LATE REPORT: Loton Park and Members Equity Stadium, 310 Pier Street, Perth - Parking**

<b>Ward:</b>	South	<b>Date:</b>	15 December 2003
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0051
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES* report relating to parking on Loton Park and at Members Equity Stadium, 310 Pier Street, Perth;
- (ii) *NOTES* that;
  - (a) *parking on Loton Park adjacent to Members Equity Stadium is under the control of the Town; and*
  - (b) *a Parking Management Plan will be prepared for the temporary parking on Loton Park and for Members Equity Stadium.*
- (iii) *APPROVES* of the cost of temporary parking for vehicles on Loton Park for event days (other than Perth Glory Soccer Club (PGSC) sponsors, Golden Members or Players on National Soccer League (NSL) match days), to be as follows;

<i>Vehicle with one person</i>	<i>\$10.00</i>
<i>Vehicle with two persons</i>	<i>\$ 9.00</i>
<i>Vehicle with three persons</i>	<i>\$ 8.00</i>
<i>Vehicle with four persons</i>	<i>\$ 7.00</i>
<i>Vehicle with more than four persons</i>	<i>\$ 5.00; and</i>

- (iv) *REVIEWS* the fees stated in Clause (iii) during the annual budget process.

**COUNCIL DECISION ITEM 10.4.12**

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

*That this Item be considered as a Confidential Item and debated at the conclusion of all other items as it contains commercially sensitive information.*

**CARRIED (7-0)**

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

**REFER TO PAGE 293 FOR THE REPORT AND COUNCIL'S DECISION**

### 10.3.3 Financial Statements as at 30 June 2003

<b>Ward:</b>	Both	<b>Date:</b>	27 November 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a> <a href="#">003</a>		
<b>Reporting Officer(s):</b>	N Forsyth		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Reports for the year ended 30 June 2003 as shown in Appendix 10.3.3.*

### COUNCIL DECISION ITEM 10.3.3

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

### **BACKGROUND:**

At the Council meeting of 18 November 2003 it was resolved that;

- “(i) the Council DEFER the receipt of the Financial Reports for the year ended 30 June 2003 to allow for the inclusion of detailed comments on any items where the variance between actual and budget is greater than 10%; and
- (ii) future monthly financial statements contain a statement that explains any significant variances.”

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 June 2003.

The detailed Financial Statements for the year ended 30 June 2003 have this year been presented following the completion of the annual audit.

In previous years preliminary reports have been presented subject to year-end adjustments and the completion of the audit. This has led to the past reconciliation queries between the two sets of figures.

### **DETAILS:**

The Financial Statements comprise:

- Operating Statement
- Operating Income and Expenditure Variance Report

- Summary of Programmes/Activities
- Capital Works Schedule
- Capital Works Schedule (with variance comments)
- Statement of Financial Position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report

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

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

The 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.

The overall operating result for the year ended 30 June 2003 has seen a net profit/(loss) result of \$1,145,674.

The operating revenues for the year have matched budgeted expectations, whereas the operating expenditure has slightly exceeded estimates (4%). These increases have incurred notably in the Recreation and Culture, Economic Services and Other Property Services programme.

It is noted that operating expenditure was at 92% of budget at the end of May 2003 and at that time it was projected that the budget would be matched.

It is to be noted that only two programmes had a variance greater than the 10%. A report has been prepared with comments provided on both favourable and unfavourable variances for items with variances greater than 10% on the Summary of Programme/Activities.

The Contribution/Grants for the Development of Assets were lower than expected due to later than anticipated commencement dates for Perth Oval. DSR building and Veterans Tennis clubhouse extensions projects which were all included in the 2002/03 budget.

The disposal of assets is higher than budgeted due to the receipt of funds from the sale of the Bottleyard and higher than anticipated trade-ins for major plant, whilst the planned sale of the Elven Street sub-division was deferred.

### **Operating Revenue**

Operating revenue is currently showing 100% of the Budget received to date.

### **General Purpose Funding (Page 2)**

General Purpose Funding is showing 99% of the budget received for the financial year. 4.36% of rates were outstanding at the 30<sup>th</sup> June 2003.

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

The budget for Law, Order and Public Safety was exceeded and the result was 138%. This was due to animal control performing better than budget.

### **Health (Page 4)**

Health is showing 99% of the budget received to date. This is due to Health Licences being in accordance with budgeted figures.

**Education & Welfare (Page 5)**

Budget was not achieved in this programme as there was no surplus to be distributed from Leederville Gardens Retirement Village from the 2001/02 financial year.

**Community Amenities (Page 6)**

Community Amenities is showing 170% of the budget received for the year. This is due to the distribution from the Mindarie Regional Council and the Municipal Recycling Services Grant being greater than budget.

**Transport (Page 11)**

Transport is showing 101% of the budget received.

**Economic Services (Page 12)**

Economic Services is showing 93% of the budget received and this is due to building revenue being less than anticipated.

**Other Property and Services (Page 13)**

Other Property and Services in this report is 132% of budget. Higher than anticipated recoup of workers compensation and general insurance claims have occurred.

**Operating Expenditure**

Operating expenditure for the month is level with Budget (104%).

**Recreation & Culture (Page 7)**

Budget performance was 108% for the year.

The increase from budgeted expenditure can be attributed to several different areas.

Higher than budgeted salaries costs at Beatty Park for the swimming pool area and café due to increased hours. In addition higher than anticipated stock purchases were incurred in the operation of the café and retail shop. Operating costs for some of the reserves exceeded estimates, the major ones included Perth Oval and Hyde Park.

**Economic Services (Page 11)**

Economic Services is showing 114% of the budget received.

The increase in costs is due to Building Control programme expenditure, which in the main related to increased salary costs.

**Other Property & Services (Page 13)**

Plant operating costs and general insurance costs were greater than budget contributing to the increased expenditure.

**Capital Expenditure Summary (Pages 15 to 25)**

The Capital Expenditure summary details projects included in the 2002/03 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 \$7,596,020, which is 56% of the budget.

A further report has been prepared on the Capital Expenditure Schedule providing comments on all items with a variance of 10%.

### **Statement of Financial Position and Changes in Equity (Pages 26 and 27)**

This statement is in essence the Balance Sheet of the Town as at 30 June 2003 and shows current assets of \$11,570,166 less current liabilities of \$2,903,385, for a current position of \$8,666,781. Total non-current assets amount to \$98,241,319 for total net assets of \$106,665,971.

### **Restricted Cash Reserves (Page 28)**

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

Transfers 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 30th June 2003, interest of \$342,772 was transferred. Transfers to Reserves totalled \$3,070,253 and transfers from Reserves amounted to \$2,710,100. Restricted cash reserves total \$7,233,417 at the end of June 2003.

### **Debtors and Rates Financial Summary**

#### **General Debtors (Page 29)**

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 \$534,607 are outstanding at the end of June. Of this \$40,444 (8%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

#### **Rate Debtors (Page 30)**

The notices for rates and charges levied for 2002/03 were issued on the 12 August 2002.

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

First Instalment	16 September 2002
Second Instalment	18 November 2002
Third Instalment	15 January 2003
Fourth Instalment	19 March 2003

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.

Cr Franchina returned to the Chamber at 8.37pm.

**10.1.7 Nos. 89 to 95 (Lots 63 and 64) Smith Street, Highgate – Proposed Twelve (12) Multiple Dwellings with Associated Undercroft Parking**

<b>Ward:</b>	South	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	PRO 1096; 00/33/1754
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	M Bonini, V Lee		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Labyrinth Design and Development on behalf of the owners R Kuscevic and E Aloj for proposed twelve (12) multiple dwellings with associated undercroft parking at Nos. 89 to 95 (Lots 63 and 64) Smith Street, Highgate, and as shown plans stamp-dated 27 November 2003, subject to:*

- (i) 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;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) no front fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Smith 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;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Smith 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);*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the proposed ramp being a minimum width of 5.5 metres; and*
  - (b) *a traffic mirror being mounted on the south wall above the base of the ramp.*

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

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

*to the satisfaction of the Chief Executive Officer.*

---

**Moved Cr Chester, Seconded Cr Ker**

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

- "(xii) the owner/applicant shall undertake measures to minimise and identify any settlement or subsidence on the adjoining buildings that are a result of the site works and building of the proposed development. Details of the measures shall be submitted to and approved by the Town prior to the issue of a Building Licence. All approved measures shall be undertaken prior to and during site and construction works;"*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.1.7**

*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 Labyrinth Design and Development on behalf of the owners R Kuscevic and E Aloj for proposed twelve (12) multiple dwellings with associated undercroft parking at Nos. 89 to 95 (Lots 63 and 64) Smith Street, Highgate, and as shown plans stamp-dated 27 November 2003, subject to:*

- (i) *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;*
- (ii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) *compliance with all Building, Environmental Health and Engineering requirements;*
- (iv) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) *no front fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Smith 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;*
- (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Smith 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);*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the proposed ramp being a minimum width of 5.5 metres; and*
  - (b) *a traffic mirror being mounted on the south wall above the base of the ramp.*

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

- (xi) *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); and*
- (xii) *the owner/applicant shall undertake measures to minimise and identify any settlement or subsidence on the adjoining buildings that are a result of the site works and building of the proposed development. Details of the measures shall be submitted to and approved by the Town prior to the issue of a Building Licence. All approved measures shall be undertaken prior to and during site and construction works;*

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** R Kuscevic and E Aloj  
**APPLICANT:** Labirynth Design and Development  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R80  
**EXISTING LAND USE:** Multiple Dwellings

**COMPLIANCE:**

Requirements	Required	Proposed
Setback to Smith Street		
First Floor Balcony of Units 7 and 8	6 metres	5.8 metres

Use Class	Multiple Dwellings
Use Classification	"P"
Lot Area	1674 metres square

**SITE HISTORY:**

The subject lots previously accommodated two pairs of semi-detached dwellings, which have recently been demolished. The surrounding locality is characterised by a recent subdivision to the east (the former Plunkett site) and a mix of single, grouped and multiple dwellings to the north and south.

22 February 1999 The Council refused an application for the demolition of the existing dwellings on Nos. 89 and 91 Smith Street, Highgate and approved the demolition of the dwellings at Nos. 93 and 95 Smith Street.

The place at Nos.89 and 91 (Lot 64) Smith Street, Highgate was also transferred from the Interim Heritage List onto the Town of Vincent Municipal Heritage Inventory.

At the same meeting the Council refused the development of nine (9) two-storey (with loft) grouped dwellings 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, with respect to the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed development on the Smith Street streetscape and the adjacent properties;*
- (ii) *the non-compliance with the open space, setback and plot ratio requirements of the Residential Planning Codes (1991); and*
- (iii) *consideration of objections received."*

22 April 1999

The applicants appealed to the Minister for Planning.

23 December 1999

The Minister for Planning dismissed the appeal however, made note relating to resubmission of a proposal by the applicants which incorporates, if practicable, nine new grouped housing units but incorporating the heritage facade of the existing pair of semi-detached dwellings on Part Lot 64.

26 June 2001

The Council at its Ordinary Meeting considered amended plans submitted following mediation discussions. The amended plans were not supported 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, with respect to the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed development on the Smith Street streetscape, and the adjacent properties;*
- (ii) *non-compliance with the plot ratio, total open space, setbacks and private open space requirements of the Residential Planning Codes;*
- (iii) *consideration of the objections received;*
- (iv) *the development does not comply with the Town's policies relating to privacy, environmental design and building scale;*
- (v) *the failure to retain the facades of Nos.89-91 (Lot 64) Smith Street and the preservation of the Smith Street streetscape is inconsistent with the Town's policy relating to the Brigatti Locality; and*
- (vi) *the development is not consistent with the former Minister for Planning's decision that the facade of Nos.89-91(Lot 64) Smith Street should be retained."*

25 October 2001

The Town Planning Appeal Tribunal (TPAT) determined the above appeal and found as follows:

*"The appeal be allowed in respect of the application for demolition.*

*The appeal be dismissed in respect to the application for the development of the site."*

- 14 November 2001 A Demolition Licence was issued for the existing dwellings at Nos.89-95 Smith Street, Highgate.
- 23 July 2002 The Council at its Ordinary Meeting refused an application received 20 March 2002 for proposed eight two-storey grouped dwellings. The application was not supported for the following reasons:
- "1. *The development is not consistent with orderly and proper planning and the preservation of the amenities of the locality, including:*
    - (a) *loss of privacy;*
    - (b) *adverse effect on streetscape;*
    - (c) *scale, height, and bulk; and*
    - (d) *adverse effect on the amenity of neighbours.*
  2. *The non-compliance with the plot ratio, setbacks, total open space and private open space requirements of the Residential Planning Codes (R-Codes).*
  3. *The non-compliance with the Town's Policy relating to the Brigatti Locality and Street Setbacks.*
  4. *Consideration of objections received."*
- 5 August 2003 The Town received a new planning application dated 24 July 2003 for proposed twelve (12) multiple dwellings and associated undercroft car parking at Nos. 89 to 95 (Lots 63 and 64) Smith Street, Highgate.
- 9 September 2003 The proposal was advertised to adjoining neighbours for comments, after a full assessment of the proposal, including a list of non-compliance matters with the Residential Design Codes.
- 17 September 2003 The applicant was advised about the areas of non-compliance and main concerns of neighbours.
- 22 September 2003 Revised plans were submitted by the applicant addressing several of the non-compliances to the R Codes.
- 23 September 2003 The neighbour notification period finished, and an Agenda Report was programmed for the Ordinary Meeting of Council (OMC) to be held on 21 October 2003. A draft report was prepared but not placed on the Agenda as the Town's Officers requested the applicant to address the non-compliant open space requirement prior to the report being presented to the OMC.
- 23 October 2003 The Town received advice that the applicant has lodged an appeal to the TPAT against the Town of Vincent, essentially because the application was not determined within the 60 day period as per Clause 45 (1) of the Scheme.

- 14 November 2003 TPAT Directions Hearing held. TPAT made the following orders:
1. Matter adjourned to a one day hearing on 16 January 2004.
  2. Statement by Respondent to be filed and served by 21 November 2003.
- 20 November 2003 Statement by respondent filed and served by Town.
- 27 November 2003 Revised plans addressing the open space requirement submitted by the applicant.

**DETAILS:**

Approval is sought to construct 12 multiple dwellings with associated undercroft carparking on the subject property.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and 3 written submissions (objections) have been received by the Town. The main concerns raised in all three submissions relate to parking, storage, setbacks, open space and privacy. Each submission is circulated separately to Elected Members.

**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:**

**Balcony Front Setbacks**

The proposal involves a variation to the setback of the balconies of units 7 and 8 to the Smith Street setback. The variation to the setback is considered to be minor due to the open nature and scale of the balconies. The adjoining residents privacy is protected through the presence of a 1.6 metres high screen on the affected south western and north eastern sides of the balconies. The streetscape is not considered to be unduly affected by the reduction in setback. Accordingly, this variation is considered to be supportable.

**Overshadowing**

An overshadowing assessment was undertaken to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 87 Smith Street. The outcome of this assessment established that a total of 135 square metres of the adjoining property will be overshadowed. This equates to 16.8 percent. This is considered to be within the requirements of the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 50 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

**Response to Objections**

The main concerns relate to open space, car parking, bin storage, storage, setbacks, privacy, underground parking and plot ratio.

Through amended plans, car parking, storage, plot ratio and open space are considered to comply with the requirements of the R Codes. Bin storage has been shown on the site plans and is considered to be acceptable. Underground parking is supported as a means of providing the required number of parking to a site. The applicant has provided 24 bays as required in the R Codes. The proposal complies with the privacy requirements of the R Codes with high light windows for the affected first floor habitable rooms where required.

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

**10.1.2 Further Report - Project Brief for Community Visioning**

<b>Ward:</b>	Both Wards	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0100; PLA0140
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That the Council;*

- (i) ENDORSES the Project Brief relating to Community Visioning, as shown in Appendix 10.1.2; and*
- (ii) AUTHORISES the Chief Executive Officer to call tenders for the delivery of the Community Visioning project.*

---

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

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

- "(i) ENDORSES the Project Brief relating to Community Visioning, as shown in Appendix 10.1.2; subject to the following point being added to Section 9.0 PRIMARY PRODUCT of the Project Brief for Community Visioning:*

*"Have community ownership through a recognised community participation rate"; and"*

Debate ensued.

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.1.2**

*That the Council;*

- (i) ENDORSES the Project Brief relating to Community Visioning, as shown in Appendix 10.1.2; subject to the following point being added to Section 9.0 PRIMARY PRODUCT of the Project Brief for Community Visioning:*

*"Have community ownership through a recognised community participation rate"; and*

- (ii) AUTHORISES the Chief Executive Officer to call tenders for the delivery of the Community Visioning project.*

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 7 October 2003 deferred the item relating to Community Visioning, however resolved the following:

*"That Council require delivery of a Timeline/Gaant Chart on those projects relating to Community Visioning and those required for delivery of the Town Planning Scheme Review as soon as possible." and*

*"That the Council:*

- (i) authorises the Chief Executive Officer to invite representatives of the Hon. Minister for Planning and Infrastructure and the Department of Planning and Infrastructure to give a public presentation on the outcomes and implications of 'Dialogue in the City' and its relevance to the Town of Vincent; and*
- (ii) amends the Community Visioning brief to include in the timeframe section, a briefing to Elected Members on the terms of reference for the visioning process."*

An Elected Members Briefing session was held on 8 December 2003 where this matter was discussed. An amended version of the Brief was provided at the Briefing (changes in underline). Matters relating to the process and methodology to be employed by the consultants to engage maximum community involvement, particularly ethnic groups, was discussed, along with the Leederville Masterplan and other associated projects. Further changes to the Brief in accordance with these discussions (double underline) have been made and the amended Brief and Gaant Chart are attached for the Council's consideration.

With regard to clause (i) of the above resolution, the Town's Officers have made contact with a representative of the Minister's Office who is prepared to address Elected Members and the Town's Officers with regard to 'Dialogue with the City' and its relevance to the Town of Vincent. Renewed contact will be made in early 2004 as no further Briefing sessions will now be held, until February 2004.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 7 October 2003.

*"OFFICER RECOMMENDATION:*

*That the Council ENDORSES the Project Brief relating to Community Visioning, as shown in Appendix 10.1.12.*

---

*Cr Franchina returned to the Chamber at 7.47pm.*

*Moved Cr Chester, Seconded Cr Doran-Wu*

*That the recommendation be adopted.*

*Debate ensued.*

*Cr Torre departed the Chamber at 7.50pm.*

*Cr Chester requested that it be recorded that he believes that Council should put together a schedule that demonstrates how these projects are related, including delivering a brief for the visioning to determine when we should be delivering the Scheme review to the Minister.*

*The Mayor advised that he would accept a motion to be considered under Urgent Business on tonight's Agenda.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Doran-Wu, Seconded Chester

*That the Item be DEFERRED.*

CARRIED (7-0)

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

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**BACKGROUND:**

*The Council at its Ordinary Meeting held on 27 May 2003 resolved to adopt the following in regard to Community Visioning:*

- " (i) the Council allocates \$40 000 for consideration in the 2003/4 draft budget for the purposes of "Community Visioning" prior to the Town Planning Scheme Review;*
- (ii) the Chief Executive Officer be requested to prepare a report for the Ordinary Meeting of Council to be held in June 2003 on "Visioning", the "Visioning Process", the Town Planning Scheme Review and the Town Strategic Planning Process; and*
- (iii) the "Visioning" include;*
  - (a) but not be limited to, public workshops, telephone polls, written surveys; and*
  - (b) all stakeholders, including but not limited to, residents, ratepayers, Elected Members and Council staff."*

*A further resolution at the Council's Ordinary Meeting held on 24 June 2003 resolved the following :*

*" That the Council;*

- (i) receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No.1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*
- (iii) pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process."*

24 September 2003

*The Town invited Mr Steven Ames to give a presentation on Community Visioning on 24 September 2003. The presentation was attended by the Mayor, Councillors Doran-Wu, Torre, Chester, Cohen, Farrell, the Executive Management Team, Mr Neil Foley, Department of Planning and Infrastructure representative, Manager Planning and Building Services, Manager Community Development and other Town Officers.*

*DETAILS:*

*In accordance with the above resolution, a Project Brief, for the purpose of appointing a consultant/s to design and facilitate the Community Visioning process, has been prepared.*

*STRATEGIC IMPLICATIONS:*

*Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure.*

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

*Action Plans to implement this strategy include:*

- a) Develop and implement sustainable building design guidelines.*
- b) Review urban design policies and guidelines to enhance amenity, accessibility, neighbourhood interaction and aesthetics.*
- c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision, to:
  - encourage hubs or centres of community within the Town;*
  - review residential densities;*
  - review zoning.**
- d) Incorporate sustainability into the Building and Design Awards to raise community awareness.*
- e) Develop a policy to encourage a proportion of affordable housing, in partnership with the State Government.*
- f) Participate in initiatives and incentives to foster sustainable building and urban design."*

*FINANCIAL IMPLICATIONS:*

*The current 2003/2004 Budget lists \$130,000 for Town Planning Scheme Amendments and Policies, and \$40,000 for a Community Visioning process.*

*COMMENT:*

*The Project Brief outlines that the community visioning process shall be designed with the express purpose of establishing a vision for the Town of Vincent, and more specifically to guide the review of the Town Planning Scheme. Principally, the community visioning process will produce a vision and goals for the Town and ensure that all subsequent plans support that vision. The broad objectives of a Community Visioning process for the Town of Vincent are listed as:*

- *to engage and retain maximum public involvement particularly inclusive of 'silent voices';*
- *provide a clear, deliverable and realistic direction and basis for the Town Planning Scheme Review;*
- *the creation of a deliverable, sustainable vision;*
- *to develop a 'culture change' in resident's perceptions of local government;*
- *to build consensus among residents, key stakeholders, Elected Members and the Town's staff to achieve the goals and vision; and*
- *to incorporate the principles of the Town of Vincent's Vision as detailed in the Draft Strategic Plan 2002-2007.*

*The Community Visioning Project will be largely designed and developed using the Oregon Model through stages as a basis.*

*The project brief is attached for the Council's consideration."*

Mayor Catania advised that Cr Ker declared a financial interest in this Item. Cr Ker departed the Chamber at 8.52pm and did not speak or vote on the matter.

**10.1.29 Tender No. 284/03 - Sustainability Management System**

<b>Ward:</b>	Both Wards	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0096 & TEN0293
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Y Scheidegger		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the Tender submitted by Omega Environmental Pty Ltd for the undertaking of a Sustainability Management System, in accordance with the specifications as detailed in Tender No. 284/03, for the sum of \$45,000.00.*

**COUNCIL DECISION ITEM 10.1.29**

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

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

Cr Ker returned to the Chamber at 8.53pm

**DETAILS:**

The Town of Vincent (Town) sent three (3) letters on 22 October 2003 requesting quotations from qualified consultants for the preparation, development and implementation of a Sustainability Management System (SMS) that covers all Council operations and encompasses the 'triple bottom line' approach for the Town.

Three (3) quotes were received by the Town, of which two (2) were above \$50,000, which resulted in the Town requiring a formal Tender for the project.

Tenders for undertaking the project closed at 2pm on Wednesday, 3 December 2003 and seven (7) Tenders were received, which are "Laid on the Table". The prices (excluding GST) received from each of the Tenders are detailed below:

	<b>COMPANY</b>	<b>LUMP SUM PRICING</b>
1.	Maunsell Australia Pty Ltd	
	Stage 1	\$28,100.00
	Stage 2	\$21,000.00
	Stage 3	\$36,000.00
	Total	\$85,100.00
2.	Omega Environmental Pty Ltd	\$45,000.00

3.	Dingle & Bird Environmental Pty Ltd		\$70,261.00
4.	Equal Management Services		\$78,000.00
5.	URS Australia Pty Ltd		\$160,689.00
6.	GHD Pty Ltd	Option 1	\$49,000.00
		Option 2	\$65,000.00
		Option 3	\$95,000.00
7.	Sustainability Pty Ltd	Option A	\$66,200.00
		Option B	\$88,800.00

GHD Pty Ltd and Sustainability Pty Ltd provided several options and varying prices for those options. Option 3 and B respectively have the higher tender costing and included provision of all aspects of the Project Brief, while Option 1, 2 and A respectively did not include all of the provisions outlined in the Project Brief and as such only Option 3 and B were assessed. In accordance with the criteria and associated weightings outlined in Section 8.0 of the Project Brief, the following scores have been applied to each of the Tender submissions:

	COMPANY	TECHNICAL EXPERTISE (35%)	TIME FRAME FOR PROJECT COMPLETION (5%)	TOTAL COST (30%)	RELEVANT LOCAL GOVERNMENT EXPERIENCE (30%)	TOTAL SCORE (100%)
1.	Maunsell Australia Pty Ltd	30%	5%	22.5%	25%	82.5%
2.	Omega Environmental Pty Ltd	30%	4%	30%	30%	94.0%
3.	Dingle & Bird Environmental Pty Ltd	30%	5%	25.4%	20%	80.4%
4.	Equal Management Services	30%	5%	23.9%	20%	78.9%
5.	URS Australia Pty Ltd	30%	5%	8.4%	20%	63.4%
6.	GHD Pty Ltd - Option 3	30%	1%	20.7%	20%	71.7%
7.	Sustainability Pty Ltd - Option B	30%	5%	21.8%	20%	76.8%

#### CONSULTATION/ADVERTISING:

Tender No. 284/03 - Sustainability Management System was advertised in *The West Australian* newspaper on 19 November 2003 and submissions closed on 3 December 2003.

#### FINANCIAL IMPLICATIONS:

There is provision of \$50,000 in the Town's 2003/2004 Budget for a Sustainability Management System, of which, \$3,115.91 has been spent completing the Town's Energy Showcase Rooms. The remaining funds available are \$46,884.09.

#### STRATEGIC IMPLICATIONS:

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

#### LEGAL/POLICY:

Nil.

**COMMENTS:**

Following the assessment of the Tender submissions, it is established that Omega Environmental Pty Ltd (Omega) is the most suitable for undertaking the Sustainability Management System and presented the best value for money. Omega met all the required specific expertise, showed clarity in the approach to the project, understood the Town's desired outcomes for the project as well as having specific experience in working with the Town on numerous occasions, and presented them as the most appropriate for the project.

Total cost was allocated 30 per cent of the overall criteria weighting, and therefore was not a singular deciding factor when determining the successful Tender, however, Omega presented the lowest Tender price in addition to meeting all the required criteria outlined in the Project Brief, especially in terms with specific experience in working with local governments and the Town on numerous sustainability projects in the past.

In light of the above, it is recommended that the Council accepts the Tender submitted by Omega for the undertaking of a Sustainability Management System, in accordance with the specifications as detailed in Tender No. 284/03.

**10.4.5 Delegated Authority – 2003/2004 Council Recess Period**

<b>Ward:</b>	Both	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring and Absolute Majority) that may arise from 17 December 2003 to 9 February 2004, subject to;*

- (i) the action taken only being in accordance with the Officer's recommendation;*
- (ii) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held on 24 February 2004;*
- (iii) a delegation register of items be kept and made available for public inspection during the period that the delegation applies; and*
- (iv) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's Website for a period of four (4) days, prior to approval.*

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

Debate ensued.

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

*That a new clause (ii) be added as follows and the remaining clauses renumbered:*

- (ii) a simple majority be accepted while Elected Members are absent;*

**AMENDMENT CARRIED (5-3)**

(Cr Torre was an apology for the meeting)

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

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (8/0)**

(Cr Torre was an apology for the meeting)

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**COUNCIL DECISION ITEM 10.4.5**

*That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring and Absolute Majority) that may arise from 17 December 2003 to 9 February 2004, subject to;*

- (i) the action taken only being in accordance with the Officer's recommendation;*
- (ii) a simple majority be accepted while Elected Members are absent;*
- (iii) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held on 24 February 2004;*
- (iv) a delegation register of items be kept and made available for public inspection during the period that the delegation applies; and*
- (v) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's Website for a period of four (4) days, prior to approval.*

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**BACKGROUND:**

The Council will be in recess from 17 December 2003 to 9 February 2004. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with. This procedure has operated satisfactorily in previous years.

**CONSULTATION/ADVERTISING:**

An advertisement has been placed in a local paper advertising the meeting dates for 2004. The dates of Council Meetings are displayed on the Notice board in the foyer and on the Town's website. The schedule indicates that there is no Council meeting in January 2004. There is also a "Message on Hold" advising that there is no Council meeting in January.

**LEGAL/POLICY:**

The Local Government Act 1995 states:

*"Delegation of some powers and duties to CEO  
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation)."*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

**COMMENTS:**

The Council is in recess from 17 December 2003 until 9 February 2004. The Council has resolved not to hold an Ordinary meeting in January. A Council resolution is required to approve of matters which may arise under delegated authority (other than those matters which require an Absolute Majority decision).

It is therefore recommended that the Council approve of the arrangements to be made to deal with items of business that may arise during the 2003/2004 recess period.

**10.4.6 Amendment to the Town of Vincent Local Law relating to Parks and Public Reserves to include Members Equity Stadium and Leederville Oval**

<b>Ward:</b>	Both Wards	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Oxford Centre and Beaufort P4 & P13	<b>File Ref:</b>	-
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report;*
  - (a) *to amend the Town's Local Law relating to Parks and Public Reserves; and*
  - (b) *to include Members Equity Stadium, Loton Park and Leederville Oval Reserve in Schedule A of 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 16 December 2003 to amend the Town of Vincent Local Law Relating to Parks and Public Reserves, published in the Government Gazette on 22 December 1998.*

- (a) *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 "Members Equity Stadium";*
  - (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) *RECEIVES a further report, at the expiry of the statutory consultation period, listing any comments from the public and providing any further recommendations considered appropriate.*

---

Cr Franchina departed the Chamber at 9.05pm.

Moved Cr Lake, Seconded Cr Cohen

*That the recommendation be adopted subject to the words "and Loton Park" after the words "Members Equity Stadium" to clause (ii)(a)(c).*

**CARRIED BY A SPECIAL MAJORITY (7-0)**

(Cr Franchina was absent from the Chamber. Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.4.6**

*That the Council;*

- (ii) *RECEIVES the report;*
- (a) *to amend the Town's Local Law relating to Parks and Public Reserves; and*
- (b) *to include Members Equity Stadium, Loton Park and Leederville Oval Reserve in Schedule A of 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 16 December 2003 to amend the Town of Vincent Local Law Relating to Parks and Public Reserves, published in the Government Gazette on 22 December 1998.*

- (a) *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 "Members Equity Stadium 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) *RECEIVES a further report, at the expiry of the statutory consultation period, listing any comments from the public and providing any further recommendations considered appropriate.*
- 

#### **BACKGROUND:**

The Town has a Local Law Relating to Parks and Reserves which controls the various activities on these and which are enforced by the Town's Rangers. 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.

#### **Schedule A**

Schedule A of the Town of Vincent Local Law Relating to Parks and Public Reserves lists the parks and public reserves that come under the control of the Town, but it does not include the Multi Purpose Rectangular Sports Stadium and Leederville Oval Reserve. Schedule A will be amended to include the land which comprises Members Equity Stadium and Loton Park and also Leederville Oval Reserve.

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

The proposed amendments to the Local Law will be required to be advertised on a state-wide basis for a period of not less than six (6) weeks. The Council is required to consider any submissions at the conclusion of this advertising period.

#### **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:**

The inclusion of Members Equity Stadium, Loton Park and Leederville Oval Reserve into the Local Law will enable the Council to legally control activities on these venues. Accordingly, the above is recommended for approval.

Cr Franchina returned to the Chamber at 9.06pm.

The Chief Executive Officer advised that Mayor Catania had declared an interest in this Item. The Mayor departed the Chamber at 9.06pm and he did not speak or vote on the matter.

Cr Ker assumed the Chair.

**10.3.1 Investment Report**

<b>Ward:</b>	Both	<b>Date:</b>	02 December 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Liddelow		
<b>Checked/Endorsed by:</b>	N Russell	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 30 November 2003 as detailed in Appendix 10.3.1.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

**BACKGROUND:**

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

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

**DETAILS:**

Total Investments for the period ended 30 November 2003 were \$11,715,963 compared with \$8,855,825 at 31 October 2003. At 30 November 2002, \$14,248,318 was invested.

Total accrued interest earned on Investments as at 30 November 2003:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	77,054	25.68
Reserve	342,000	144,618	42.29

**COMMENT:**

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

Mayor Catania returned to the Chamber at 9.07pm and assumed the Chair.

Mayor Catania advised that the Chief Executive Officer, Mr John Giorgi declared a financial interest in this Item. Mr Giorgi departed the Chamber at 9.07pm.

**10.4.11 Adoption of Chief Executive Officer's Performance Appraisal - Key Result Areas**

Ward:	-	Date:	10 December 2003
Precinct:	-	File Ref:	
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

**COMMITTEE RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of the CEO's Performance Appraisal - Key Result Areas as shown in Appendix 10.4.11; and*
- (ii) *NOTES that the Mayor and Deputy Mayor will be finalising the Contract negotiations between the Town and the Chief Executive Officer.*

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

*That the recommendation be adopted.*

Debate ensued.

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

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

*"(iii) NOTES that the timeframe and Resource implications will be subject to change in line with the changes to the Strategic Plan. The changes will be finalised after the budget process."*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

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

(Cr Torre was an apology for the meeting)

The Chief Executive Officer returned to the Chamber at 9.10pm.

**COUNCIL DECISION ITEM 10.4.11**

*That the Council;*

- (i) *APPROVES of the CEO's Performance Appraisal - Key Result Areas as shown in Appendix 10.4.11;*

- 
- (ii) *NOTES that the Mayor and Deputy Mayor will be finalising the Contract negotiations between the Town and the Chief Executive Officer; and*
- (iii) *NOTES that the timeframe and Resource implications will be subject to change in line with the changes to the Strategic Plan. The changes will be finalised after the budget process.*
- 

**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 September 2003, the Council resolved inter alia as follows;

*"That; ...*

- (iii) *the Chief Executive Officer;*
- (a) *be authorised to obtain written quotations and engage an external facilitator (in liaison with the Mayor and Deputy Mayor);*
- (b) *engage the external facilitator to undertake to fulfil the requirements of Clause (ii)(a) and (b) above;*
- (c) *arrange for the appointed facilitator to conduct a briefing session for Elected Members on;*
1. *the Elected Members' roles and responsibilities and the Council's role as an employer; and*
  2. *the proposed Key Performance Outcomes for the Chief Executive Officer;*
- (iv) *the external facilitator (in liaison with the Chief Executive Officer) completes the above no later than 31 October 2003, and that a report be submitted to the Ordinary Meeting of Council to be held on 4 November 2003;*
- (v) *the Mayor and Deputy Mayor be authorised to finalise the contract negotiations between the Town and the Chief Executive Officer; and*
- (vi) *Council NOTES potential benefits in engaging consultants to facilitate the Chief Executive Officer's appraisal on an ongoing basis."*

On 12 September 2003, written quotations were requested from six consultants. On Friday 19 September 2003, quotations closed and six (6) submissions were received. Subsequently, Western Australian Local Government Association (WALGA) were appointed at a cost of \$700.

On 14 October 2003, John Phillips and Simon White of WALGA attended a briefing of the Elected Members on the proposed strategy for the preparation of Key Performance Indicators. Prior to finalising the Key Performance Indicators, it has been necessary to review the Strategic Plan and provide indicative priorities, timelines and costings.

This occurred during late October and November 2003 and meetings between WALGA and the CEO occurred in mid-November 2003 to agree on the first draft.

The first draft was refined and presented to an Elected Members briefing held on Monday 8 December 2003. At this briefing it was indicated that the CEO should submit a report to the Ordinary Meeting of Council to be held on 16 December 2003.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The approval of the CEO's Contract of Employment Key Result Areas is in keeping with the Council decision of 9 September 2003. Due to the need to review the Town's Strategic Plan, it has not been possible to report to the Ordinary Meeting of Council held on 4 November 2003 and this is the first available opportunity to do so.

**10.1.6 No. 22 (Lot 215) Ethel Street, North Perth - Proposed Two, Two-Storey Single Houses, Including Two Detached Garages with Studios Above (Two-Storey Structures)**

<b>Ward:</b>	South	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO2010; 00/33/1855
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Turner		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Nobel Homeson behalf of the owners J and P Walkeri for the proposed two, two-storey single house, including two detached garages with studios above (two-storey structures) at No.22(Lot 215) Ethel Street, North Perth, as shown on the amended plans stamp-dated 25 November 2003 (floor plans) and plans stamp dated 7 October 2003 (elevations and overshadowing diagram), subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirement;*
- (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) 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) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *prior to the issue of the Building Licence revised plans shall be submitted and approved demonstrating the elevation plans correctly reflecting the upper and lower floor plans of the development.*

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

- (x) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Ethel 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);*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Ethel 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;*
- (xii) *the carport/studio structures shall not be used for habitable, commercial or industrial purposes; and*
- (xiii) *no plumbing or sanitary facilities or fixtures shall be provided to, or within, the garage/ studio structures without the prior approval of such by the Town;*

*to the satisfaction of the Chief Executive Officer.*

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

*That the recommendation be adopted subject to a new clause (xiv) being added as follows:*

- "(xiv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the studios' windows, on the upper floor, on the northern and southern elevations, respectively, and the western elevation of the studios' stair landings, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. 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 wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;"*

Debate ensued.

**CARRIED (7-1)**

(Cr Torre was an apology for the meeting)

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

**COUNCIL DECISION ITEM 10.1.6**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Nobel Homesom behalf of the owners J and P Walkeri for the proposed two, two-storey single house, including two detached garages with studios above (two-storey structures) at No.22(Lot 215) Ethel Street, North Perth, as shown on the amended plans stamp-dated 25 November 2003 (floor plans) and plans stamp dated 7 October 2003 (elevations and overshadowing diagram), subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirement;*
- (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) 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) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *prior to the issue of the Building Licence revised plans shall be submitted and approved demonstrating the elevation plans correctly reflecting the upper and lower floor plans of the development.*

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

- (x) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Ethel 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);*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Ethel 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;*
- (xii) *the carport/studio structures shall not be used for habitable, commercial or industrial purposes;*
- (xiii) *no plumbing or sanitary facilities or fixtures shall be provided to, or within, the garage/ studio structures without the prior approval of such by the Town; and*
- (xiv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the studios' windows, on the upper floor, on the northern and southern elevations, respectively, and the western elevation of the studios' stair landings, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. 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 wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*

*to the satisfaction of the Chief Executive Officer.*

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**LANDOWNER:** J & P Walker  
**APPLICANT:** Nobel Homes  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R40

**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirement	Required	Provided
Setbacks	6.0 metres setback to the upper level from the street frontage.	5.0 metres to balcony and 6.3 metres to the main dwelling.
Boundary/Parapet Walls	In areas coded R30 or higher, walls not exceeding 3.0 metres with an average of 3.0 metres for 2/3 the length of the balance of the boundary behind the front setback to one side boundary only.	Main Dwellings - 7.0 metres at the maximum height with an average height of approximately 6.7 metres for 20 metres in length, which equates to ½ the length of the boundary. Garage/Studio – height 3.9 metres, length 7.2 metres.
Setbacks for Privacy  Elevated external staircase and landing to garage/studio	7.5 metres to boundary	1.0 metre

Use Class	Single House
Use Classification	"P"
Lot Area	567 square metres

**SITE HISTORY:**

The site has an existing single house. The Council conditionally approved the demolition of this house at its Ordinary Meeting held on 14 May 2002.

The Western Australian Planning Commission (WAPC) conditionally approved the subdivision of the subject land into two (2) green title lots (WAPC Ref: 123368) on 29 November 2003.

The property has a 3.96 metres wide sealed, resumed and vested right of way located at the rear of the property.

**DETAILS:**

The subject proposal involves the construction of two, two-storey single houses both with a detached garage with studio above. The design of the dwellings utilises a shared parapet wall running lengthways down the middle of the property. The two-storey design to Ethel Street includes balconies with verandahs with living room and bedroom windows facing the street.

**CONSULTATION/ADVERTISING:**

The proposal was not formally advertised, however letters of consent from both neighbouring property owners were submitted with the proposal. The letters of consent relate to the variations sought for the upper level front setback, parapet walls and potential overlooking from the garage/studios stairs and landings.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The subject property is located within the Alma Locality area. Within the Locality Statement it describes a dominance of general housing character that is described as Federation and Californian Bungalow. The Locality Statement describes the desired future character of the area for new development as:

*"...new contemporary developments are encouraged provided that the design responds to the established character. The selected use of elements such as roof pitch, building materials and wall and eaves height can be used to augment the elements of particular importance, building location and orientation.*

*Front setback areas are to be landscaped and, preferably, devoid of parking spaces. Where available, on-site parking is to be accessed from a right-of-way.*

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

The proposed dwelling includes design elements that create a new development that is responsive to the existing character of the location. It will create a terrace like appearance of housing thus changing the existing streetscape, which is predominantly single storey houses.

**Setbacks**

The proposal includes a minor variation to the upper level setback from 6.0 metres to 5.0 metres to the balcony. The main building line of the upper level is setback at 6.3 metres, thus in compliance with the Locality Policy. The minor variation is considered to be supportable as it does not result in the dwellings having a negative impact on the streetscape or adjoining properties, mainly due to the open scale and nature of the encroaching balcony. The neighbouring property owners have also consented to this variation.

The proposed setback variations to center line of the existing property are much more severe as they propose two storey parapet walls. Both dwellings utilise the proposed boundary wall by having adjoining boundary walls. As such, from a streetscape point of view the proposed dwellings will have a traditional terrace character that is sympathetic to the existing design elements of the area.

The Alma Locality Policy states, *"that buildings are generally to be setback from all boundaries..."*. However, although the Town has a front setback policy that overrides the R-Codes, the Town cannot vary the side and rear setbacks, and these are assessed in accordance with the provisions of the R-Codes. Also, the Town's Policy encourages infill developments in the form of splitting lots down the middle, rather than battleaxe subdivisions.

The Residential Design Codes (R-Codes) provide performance criteria that should be addressed when considering variations to the acceptable development standards. In this case, the R-Codes provide the following performance criteria in relation to parapet walls:

- *“Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development; and*
- *Not have any significant adverse effect on the amenity of the adjoining property; and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.”*

The proposal utilises the available space more effectively by having two-storey high parapet walls. It does not have any significant negative impact upon the amenity of adjoining properties.

#### **Setbacks for Privacy**

The setback of the stairs and landing of the studio situated above the garage located at the rear of the property has a setback of 1.0 metre, at the closest point where the stairs are over 500 millimetres above natural ground level, in lieu of the required 7.5 metres. An elevated area above 500 millimetres is to be defined and setback the same as a balcony. The written consent from both adjoining property owners has been provided, thus negating any concerns about potential overlooking. Also, it is recommended that the garage/ studio structures should not be used for habitable, commercial or industrial purposes.

With this in mind, the reduced privacy setbacks are considered supportable.

#### **Conclusion**

Following an assessment of the proposal, the new dwellings are considered to be complementary to the existing streetscape. They provide vehicle access and parking from the rear right-of-way in accordance with the relevant Policies. The proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

**10.1.8 No. 80 (Lot 24) Robinson Avenue (Dual Frontage to Brisbane Terrace), Perth – Proposed Partial Demolition of and Alterations and Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO 1576; 00/33/1850
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Kuenen on behalf of the owners A L and J G Mackay for the proposed partial demolition of and alterations and additions to existing single house at No. 80 (Lot 24) Robinson Avenue (dual frontage to Brisbane Terrace), Perth, as shown on the amended plans stamp-dated 25 November 2003, 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;*
- (iii) 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;*
- (iv) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (v) no fence exceeding 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 Robinson Avenue and Brisbane Terrace, being a maximum being height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) subject to first obtaining the consent of the owners of No. 76 Robinson Avenue for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 76 Robinson Avenue in a good and clean condition; and*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the double garage being converted to a single garage and one (1) open uncovered car parking space, for open space reasons. 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.*

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

*That the recommendation be adopted subject to new clauses (viii) and (ix) being added as follows:*

- "(viii) the garage structure shall not be used for habitable, commercial or industrial purposes; and*
- (ix) no plumbing or sanitary facilities or fixtures shall be provided to, or within, the garage structure without the prior approval of such by the Town;"*

Debate ensued.

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.1.8**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Kuenen on behalf of the owners A L and J G Mackay for the proposed partial demolition of and alterations and additions to existing single house at No. 80 (Lot 24) Robinson Avenue (dual frontage to Brisbane Terrace), Perth, as shown on the amended plans stamp-dated 25 November 2003, 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;*
- (iii) 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;*
- (iv) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (v) no fence exceeding 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 Robinson Avenue and Brisbane Terrace, being a maximum being height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) subject to first obtaining the consent of the owners of No. 76 Robinson Avenue for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 76 Robinson Avenue in a good and clean condition;*

- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the double garage being converted to a single garage and one (1) open uncovered car parking space, for open space reasons. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (viii) *the garage structure shall not be used for habitable, commercial or industrial purposes; and*
- (ix) *no plumbing or sanitary facilities or fixtures shall be provided to, or within, the garage structure without the prior approval of such by the Town;*
- to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** A L and J G Mackay  
**APPLICANT:** P Kuenen  
**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	209 square metres

Requirement	Required	Proposed
Northern side setback	1.5 metres or consideration of allowing a 'seamless extension' as contained within the Town's Local Character Policy.	1.06 metres which follows the existing dwelling setback
Southern side setback	In areas coded R30 and higher one parapet wall is permitted to one side boundary with a maximum height of 3.5 metres and average height of 3.0 metres for 2/3 (20.6 metres permitted) of the boundary	Parapet wall over acceptable length (25 metres in total on southern side)
Open Space	45 per cent	Existing open space is 33.9 per cent and development proposes to increase to 41 per cent.

**SITE HISTORY:**

The site currently supports a single storey, single house.

The Council at its Ordinary Meeting held on 7 November 2000 resolved to conditionally approve an application for proposed two-storey garage/store, including loft, to existing single house.

The applicant provided amended plans on 25 November 2003, addressing some of the Town's concerns regarding the open space variation. The amended plans proposed to remove half of the double garage at the rear, in order to increase the open space provision. Accordingly, a condition has been recommended to ensure that half of the garage is deleted.

**DETAILS:**

The applicant seeks approval for the partial demolition of and alterations and additions to the existing single house.

**CONSULTATION/ADVERTISING:**

The proposal was advertised from 20 October 2003 to 3 November 2003, and no submissions were received.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

The proposal includes the removal of some existing internal fabric to the rear of the dwelling and the existing garage. This property is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage Database, therefore the proposal is considered acceptable. As such, this application is subject to general provisions of the Town Planning Scheme and Policies.

**Side Setback Variation**

The proposed extension of the existing building along the northern side of 300 millimetres is considered minor, and the setback variation runs in-line with the existing building. The proposal is therefore not considered to create an undue impact on the amenity of the streetscape, or the neighbouring properties, and approval is therefore recommended.

**Boundary Wall**

The applicants are proposing to vary the R-Codes acceptable development requirements relating to boundary walls, as the proposed parapet wall on the southern side is over the acceptable length requirement.

Notwithstanding the above variation, the proposed extension is considered minor and it will not create any undue impact on the neighbours, in terms of overshadowing or overlooking. Furthermore, the neighbours have not raised any objections to the variations.

In light of the above, the proposal is therefore considered acceptable in this instance.

**Open Space**

Although the applicants are proposing an open space variation of 41 per cent, in lieu of 45 per cent, the current open space provisions is 33.8 per cent, which is well below the required amount under the current requirements.

The applicants are proposing a minor extension at the rear, and are willingly to remove half of the garage at the rear to increase the open space provisions.

In light of the above, and given that the open space provision will increase as a result of this application, approval is therefore recommended.

Accordingly, a condition has been recommended to ensure that half of the garage is demolished to satisfy the open space provisions, and that one (1) open uncovered car parking space will replace the demolished portion of the garage, to ensure that two (2) car parking bays are still provided on-site in accordance with the requirements of the R-Codes.

**Conclusion**

Given that conditions have been recommended to address the relevant concerns, and that the proposal complies with the R-Codes overshadowing requirements, it is considered that the proposal will generally have no unreasonable, detrimental impact on the amenity of the area, or adjoining neighbours.

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

**10.1.14 No. 46 (Lots 27 & 28) Bondi Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of a Two-Storey with Undercroft Garage Single House**

<b>Ward:</b>	North	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO2519; 00/33/1842
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a> ; <a href="#">003</a>		
<b>Reporting Officer(s):</b>	S Turner, N Edgecombe		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Studio Di Architectura on behalf of the owner G Capolingua and N Nunziatina, for the proposed demolition of the existing single house and construction of a two-storey with undercroft garage single house at No.46 (Lots 27 and 28) Bondi Street, Mount Hawthorn, as shown on the plans stamp-dated 26 September 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) the height of the portico being reduced from 8.0 metres to 6.4 metres, that being the same height as the walls of the dwelling; and*
  - (b) the garage having a minimum width of 4.8 metres.*

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

- (iii) 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);*
- (iv) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (v) 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;*

- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (viii) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Bondi 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;*
- (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);*
- (xiv) *subject to first obtaining the consent of the owners of No.44 Bondi 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. 44 Bondi Street, in a good and clean condition; and*
- (xv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
  - (a) *the terrace to the sitting room on the first floor level and the alfresco area on the ground floor level, on the western elevation; and*
  - (b) *the windows to bedroom 2 on the first floor level on the northern elevation;*

*shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject 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;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.14**

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**LOST (3-5)**

(Cr Torre was an apology for the meeting)

**For**

Mayor Catania  
Cr Doran-Wu  
Cr Ker

**Against**

Cr Chester  
Cr Cohen  
Cr Farrell  
Cr Franchina  
Cr Lake

**Reasons:**

1. **Non-compliance with locality.**
2. **Non-compliance with compliance table.**

**LANDOWNER:** G Capolingua  
**APPLICANT:** Studio Di Architectura  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
Setbacks  Ground level eastern side setback	1.5 metres or in areas coded R30 or higher a parapet wall is permitted to one side boundary with a maximum height of 3.5 metres and average height of 3.0 metres for 2/3 (66.67 per cent) of the boundary.	Nil for a length of 14 metres and maximum height of 8.3 metres above natural ground level; the setback increases to 3.0 metres for the remainder of the ground floor.

Requirement	Required	Proposed
Upper level eastern side setback	1.6 metres	Nil for a length of 12.5 metres and then setback at least 3.6 metres.
Upper level western setback	1.6 metres	1.5 metres for a length of 12.5 metres increasing to 5.8 metres.
Setbacks for privacy		
Ground level terrace/alfresco setback to western boundary	7.5 metres	1.5 metres
Upper level terrace setback to western boundary	7.5 metres	1.5 metres
Windows to Bedroom 2 to western boundary	4.5 metres cone of vision	3.2 metres
Building Height	The Residential Design Codes permit a building to have a maximum wall height of 6.0 metres	10.0 metres to the portico measured from the driveway level on the street elevation. 9.0 metres to the second storey above the garage.

Use Class	Single House
Use Classification	"P"
Lot Area	612 square metres

**SITE HISTORY:**

The site has an existing dwelling

**DETAILS:**

The subject proposal involves the demolition of the existing house and the construction of a two-storey dwelling with undercroft garage and storage area. The design of the dwelling includes extensive balconies facing Bondi Street that capture the views of the city and Lake Monger.

**CONSULTATION/ADVERTISING:**

The proposal was advertised for a period of 14 days to adjoining property owners. No objections were received during this consultation period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

## COMMENTS:

### **Demolition**

A detailed Heritage Assessment is included in the Appendix to this report.

The subject dwelling at No. 46 Bondi Street is a brick and tile dwelling constructed in 1937 and represents a part of the building stock built during the inter war period of 1919 and 1939. While most of the original features and fittings remain intact and are of interest, such as leadlight windows and decorative ceilings, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks and building style.

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

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

### **Design**

The subject property is located within the Bondi Locality Plan No.3. Within the Locality Statement it describes a general housing character of Californian Bungalow style from the 1920s and 1930s with a mix of 1960s housing throughout the area. It goes on to state that:

*"The retention and/or restoration of existing houses which contribute to the overall character of the Locality will be encouraged.*

*New contemporary developments are encouraged provided that the design responds to the established character. The selected use of elements such as roof pitch, building materials and wall and eaves height can be used to augment the elements of particular importance, building location and orientation."*

The proposal includes a pitched tiled roof above a tall façade comprising a double undercroft garage with two levels of balcony, windows and a feature portico visible. At the Ordinary Meeting of Council held on 6 December 2003, the Town resolved to refuse a similar application on adjoining No. 44 Bondi Street. The existing houses are not listed on the Town's Municipal Heritage Inventory, and these properties have views of the city and Lake Monger. It may be considered that it is inevitable that these sites will be redeveloped and the adjacent sites being developed with similar style housing, will create a modern terrace like appearance of housing, thus changing the existing streetscape. Therefore, the proposal is supported in terms of bulk and scale.

### **Building Height**

The overall building height complies with the R-Codes in that the pitched roof ridge height, measured from natural ground level under the highest point, is 9.0 metres. The R-Codes allow a ridge height of up to 9.0 metres. The wall height however is required to be 6.0 metres measured above natural ground level. The proposal does not comply with this requirement as the front (Bondi Street) elevation measured above natural ground level is approximately 9.0 metres and the portico is 10.0 metres measured from the adjacent finished ground level. The portico proposes stairs coming from the front of the property directly up to the front entrance/portico feature. This portico feature will then be the most dominating element of the design with no visual relief provided due to the stairs directly in front and no landscaping softening the built form in this section of the dwelling. The R-Codes do however allow Council discretion to approve wall heights above the acceptable development standards where the proposal does not negatively impact upon adjoining properties.

In this particular case, as the property has a significant fall and change in levels over the lot. The proposal has been designed with finished floor levels that take advantage of this slope and cut into the property rather than filling. As the proposal involves cutting rather than filling, the wall height of the east and west elevation is considered supportable in this instance. However, the portico should be modified to reduce the overall height to that of the main building to reduce the visual dominance of it on the streetscape.

#### **Boundary Setbacks**

The Bondi Locality Statement states that maintaining existing street, side and rear setbacks is strongly encouraged.

The proposal however includes a minor variation to the upper level setback to the western boundary that are considered supportable, as the development will not impact negatively on the adjoining property and there have been no objections received from the neighbouring property owner/s.

The proposed setback variations to the eastern boundary are more severe as a two-storey parapet wall is proposed. The maximum height of this wall is 9.0 metres above natural ground level, which is resultant of the shape of the roof having gable ends to the west and east elevations. The parapet wall on the eastern boundary is considered supportable in this instance, as the eastern neighbour has provided written consent to the proposal, and the proposal will not cause unreasonable overshadowing on the adjoining lot.

#### **Setbacks for Privacy**

The setback of the ground level and upper level terrace (balconies) facing west have a setback of 1.5 metres in lieu of the required 7.5 metres. Bedroom 2 windows do not comply with the cone of vision setback requirement of 4.5 metres to the boundary, being setback 3.2 metres. No objection has been received from the adjoining property owner during neighbour consultation, however it is considered appropriate that these major openings should be screened to protect the adjacent neighbours' privacy.

#### **Conclusion**

Following an assessment of the proposal, the application is considered acceptable, subject to standard and appropriate conditions to address the above matters

**10.1.17 No. 5 (Lot 22) Eden Street, West Perth - Proposed Demolition of Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO2410; 00/33/1958
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a> <a href="#">003</a> <a href="#">004</a>		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	R Boardman

**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 L Di Iorio, for the proposed demolition of the existing single house at No.5 (Lot 22) Eden Street, North Perth, and as shown on the plans stamp dated 2 December 2003, subject to:*

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

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.17**

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell departed the Chamber at 9.15pm.

**CARRIED (5-2)**

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

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

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<b>LANDOWNER:</b>	L Di Iorio
<b>APPLICANT:</b>	As above
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R80 (R60 applies for single houses)
<b>EXISTING LAND USE:</b>	Single House

**SITE HISTORY:**

The site is occupied by a single storey dwelling.

The applicant previously sought to demolish the existing residence and construct two, two-storey single houses; one dwelling to have direct street frontage to Eden Street and the rear dwelling accessed off the rear right of way with gazetted road frontage via a pedestrian access way. This application was deferred by Council at the Ordinary Meeting held on 23 September 2003 at the request of the applicant to consider alleged discrepancies.

The applicant then sought approval for the proposed demolition of the existing single house without a redevelopment proposal. The Council considered this application at its Ordinary Meeting held on 18 November 2003 and resolved as follows:

*"That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:*

- (i) is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing dwelling; and*
- (ii) the existing place has cultural heritage significance in terms of its rarity value;*

*the Council REFUSES the application submitted by the owner L Di Iorio for the proposed demolition of the existing single house".*

**DETAILS:**

The applicant has submitted a new application for demolition of the existing single house, together with a submission detailing the intention and commitment of the applicant to redevelop the property.

**CONSULTATION/ADVERTISING:**

Applications involving demolition only are not required to be advertised.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The applicant has provided the Town with a written statement regarding their intention to proceed with a redevelopment. This intent is outlined in a letter from Hans Nortier & Associates Drafting and Design Consultants dated 1 December 2003, which is attached in full as Appendix 10.1.17. The letter summarises the circumstances to date in relation to the subject property, stating that the applicant is genuine in their wish to redevelop the site but requires the matter of heritage and associated proposed demolition of the existing dwelling to be determined prior to proceeding with redevelopment plans. This statement is given in the context of discussions by the Council regarding concern for vacant lots following approvals for demolition without concurrent approvals for redevelopment. The following is a verbatim extract from the letter:

*"My Client, Mrs L. Di Iorio wishes to redevelop the site by constructing 2 Group Dwellings but cannot proceed due to not knowing if the existing dwelling can be demolished.*

*Mrs Di Iorio lodged a development application in July 2003 and just prior to the application going to a Council Meeting she was advised that along with certain planning issues (which can and will be addressed) and a Heritage issue the application was refused. She decided to "defer" the application so that the Heritage issue could be resolved.*

*After discussion with Council officer from the Planning and Heritage Departments on Tuesday, 30 September 2003, it was decided to apply to demolish the existing dwelling and once that was resolved, then to proceed with the deferred Development Application. This action was taken because there was no intermediate procedure available to my client to determine if the site could be redeveloped due to the existing dwelling have "little to some rarity value"...*

*The application to demolish the existing dwelling was refused at the Council meeting on Tuesday, 18 November 2003. My client feels that the application was refused because the Councillors were not fully aware that the site is to be redeveloped and that the Development Application was "deferred" and had not been withdrawn. Discussion at the meeting was focussed on the fact that the Councillors do not want vacant blocks being created in the Town of Vincent. My client agrees with this view.*

*Mrs Di Iorio is re-applying to demolish the existing dwelling and wishes all Councillors to be informed that it is her intention to redeveloped the site in accordance with the guidelines as set down by Council but does not want to spend any more of her funds on the Development Application if Councils refuses to allow the existing dwelling to be demolished..."*

A Heritage Assessment of the existing dwelling is attached as Appendix 10.1.17.

The place is a simple timber, asbestos and iron dwelling build during the Gold Boom in circa 1900 and is located between Vincent, Bulwer and Fitzgerald Streets, facing south-west. It has undergone some unsympathetic alterations to the exterior, namely replacement of the north-eastern wall asbestos sheeting, while the fenestration remains intact. The place, as part of the weatherboard housing stock within the Town of Vincent, is considered to be rare as a consequence of its restricted use as a building material and a vernacular style, which is no longer practiced. Due to the moderate level of authenticity, the place has little to some rarity value.

Therefore, in accordance with the Town's Policy relating to Heritage Management - Municipal Heritage Inventory, the place meets the threshold for consideration for inclusion on the Town's Municipal Heritage Inventory. It is therefore recommended that the proposed demolition of the existing dwelling be refused.

**Executive Manager Environmental and Development Services Comments:**

In light of the Elected Members discussions at the Ordinary Meeting of Council held on 18 November 2003 and the "borderline" level of significance (little to some rarity value) identified for this property, the recommendation for the proposed demolition has been amended from refusal to approval, subject to standard conditions.

**10.1.18 Nos. 164 (Lot 1) Edward Street, Perth – Proposed Change of Use to Office and Single Bedroom Single House and Associated Signage**

<b>Ward:</b>	South	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO2081; 00/33/1463
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Turner		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the landowners K and L Penrschke for a change of use to office and single bedroom single house and associated signage at No. 164 (Lot 1) Edward Street, Perth, and as shown on plans stamp-dated 19 September 2003, subject to;*

*(i) compliance with all relevant Engineering, Environmental Health and Building requirements, including the relevant Australian Standards and noise regulations;*

*(ii) prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved modifying the front setback area to Edward Street to include a section of landscaping as shown in red on the approved plans.*

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

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

*(iv) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans (and modifications shown in red) prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

*(v) the use of the property shall be restricted to office purposes and private residential purposes only;*

*(vi) the signage shall not have flashing or intermittent lighting;*

*(vii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*

*(viii) the hours of operation shall be restricted to the following times: 7am to 7pm Monday to Friday and 7am to 12pm on Saturday, inclusive;*

- (ix) *the gross floor area of the office component shall be limited to a maximum of 98 square metres; and*
- (x) *prior to the first occupation of the building, 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;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Chester, Seconded Cr Lake**

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

- "(ii) *prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved ~~modifying the front setback area to Edward Street to include a section of landscaping as shown in red on the approved plans~~ demonstrating the deletion of the angle car bay adjacent to Edward Street and this deleted car bay area being landscaped.*

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

Debate ensued.

**CARRIED (7-0)**

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

Cr Farrell returned to the Chamber at 9.17pm.

**COUNCIL DECISION ITEM 10.1.18**

*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 landowners K and L Penrschke for a change of use to office and single bedroom single house and associated signage at No. 164 (Lot 1) Edward Street, Perth, and as shown on plans stamp-dated 19 September 2003, subject to;*

- (i) *compliance with all relevant Engineering, Environmental Health and Building requirements, including the relevant Australian Standards and noise regulations;*
- (ii) *prior to the issue of a Building Licence, or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the deletion of the angle car bay adjacent to Edward Street and this deleted car bay area being landscaped.*

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

- (iii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Edward Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans (and modifications shown in red) prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (v) the use of the property shall be restricted to office purposes and private residential purposes only;*
- (vi) the signage shall not have flashing or intermittent lighting;*
- (vii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (viii) the hours of operation shall be restricted to the following times: 7am to 7pm Monday to Friday and 7am to 12pm on Saturday, inclusive;*
- (ix) the gross floor area of the office component shall be limited to a maximum of 98 square metres; and*
- (x) prior to the first occupation of the building, 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;*

*to the satisfaction of the Chief Executive Officer.*

#### **FURTHER REPORT:**

The application for the change in use to office and single bedroom also includes associated signage (attached) in the form of a wall sign and pylon sign.

The proposed wall sign is to be attached to the front facing wall of the main building. The dimensions of the sign are 1 metre by 0.75 metre.

The proposed pylon sign is double sided and is to be located approximately 1.5 metres from the front boundary. The dimensions of the sign are 4.2 metres high, ground clearance of 2.8 metres, with the length and height of the face of the sign being 1 metre by 0.6 metre, respectively.

The proposed signage complies with the Town's Policy relating to Signs and Advertising and is supported as it would not unduly affect the amenity of the area. The previous Officer Recommendation for conditional approval remains unchanged.

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**LANDOWNER:** K and L Penirschke  
**APPLICANT:** K and L Perirschke  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No.1 – Residential/Commercial R80  
**EXISTING LAND USE:** Office/Shop/Single House

**COMPLIANCE:**

Use Class	Office building, Single house
Use Classification	'AA', 'P'
Lot Area	367 square metres

Requirements	Required	Proposed
Residential component	Beaufort Precinct Policy - Mixed Residential/Commercial Development requires no less than 66 percent of the existing or approved floor space to be residential.	42 percent residential 58 percent office
Parking	Beaufort Precinct Policy - Car parking requires that car parking not be located within the street setback area.	3 car parking bays in the front setback and 3 car parking bays at the rear of the property.

**SITE HISTORY:**

The subject site is occupied by an existing office/shop and residence. The surrounding area is characterised by office/warehouse developments, with no residential development located within this section of Edward Street.

The Council at its Ordinary Meeting held on 13 August 2002 refused an application for a proposed change of use to residence and consulting rooms - 'beauty therapy' at the subject property.

A Town owned 3.0 metres wide sealed right of way runs along the rear of the site.

**DETAILS:**

Approval is sought for a mixed-use development comprising three (3) offices, an administration area and a single bedroom dwelling at the rear of the existing building, associated car parking and signage.

The applicant has provided a detailed letter in support of their application, which is an attachment to the report.

**CONSULTATION/ADVERTISING:**

The proposal was advertised to adjoining property owners with no objections being received during the consultation period. In addition, a submission was received from the Forrest Precinct Group supporting the application stating that:

*"The increase in legitimate, viable businesses in the Edward/Parry Street area, along with the increasing amount of development and inner-city apartments should all contribute to reversing the 'red light area'; stigma that has plagued this part of the Town of Vincent in recent years."*

## COMMENTS:

### **Residential Component**

The Town's Policy relating to the "Beaufort Precinct" provides that:-

*"Commercial uses will not be permitted to develop independently of residential uses. Mixed-use developments proposing the integration of, or close relationship between work and residence, will be favoured where acceptable levels of residential amenity can be maintained."*

The Town's Beaufort Precinct Policy - Mixed Residential/Commercial Development requires no less than 66 percent of the existing or approved floor space to be residential. The current proposal is for 42 percent residential and 58 percent office. There is an overlap in floor space between the office and residential components that being the kitchen area.

The Beaufort Precinct Policy encourages the use of existing buildings and states that:

*"Activities related to computer consultancy, corporate business services, data processing, management and consultancy services, media, publishing, advertising and similar uses are to be supported."*

The proposed office component of the application is for a support house for Australian accounting software systems. The business uses phone, fax and email where information is taken and distributed to the consultants. The consultant visits the client's site. The office will have three regular occupants and two visiting consultants.

The Town of Vincent may consider variation of the standards specified in this Precinct Policy to enable the development to conform with the historic character of the area, particularly with redevelopment on small lots.

The proposal allows for the existing dwelling to be retained and therefore keeping the existing streetscape intact. The proposed nature of the business component of the development is not considered to be of a nature that will detrimentally affect the amenity of the adjacent residential areas.

The vast majority of adjacent residential buildings along Edward Street have been converted for commercial use along with purpose-built commercial buildings and it is not considered appropriate to enforce a residential component in this instance in the short to medium term.

### **Car parking**

The commercial car parking component of the development complies with the Town's Policy relating to Parking and Access. In the case of a single bedroom dwelling, the Residential Design Codes requires one space per dwelling.

In this instance, the proposal complies with the number of bays required, with the parking provided at the rear of the property, however for ease of access it is preferable to locate 2 (two) bays off of Edward Street within the front setback area. The front setback area of the property is entirely brick paved and currently being used for car parking. It is recommended that two of these bays be supported within the front setback area to reduce the potential parking problem that may occur on Edward Street, should no easily accessible on site parking be provided. The third angled bay shown on the site plan should be converted to landscaping. This will vastly improve the aesthetic appeal of the property and improve the streetscape. The neighbouring property to the east is used entirely for commercial purposes with no residential component.

**Conclusion**

The proposal is supportable as is not considered to unreasonably adversely affect the amenity of the adjacent properties or the streetscape. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.

**10.1.20 No. 84 (Lot 1) The Boulevard, Mount Hawthorn – Proposed Carport Additions to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Banks, P15	<b>File Ref:</b>	PRO 2252; 00/33/1871
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by S Saville on behalf of the owners M and J Ehlers for proposed carport addition to an existing single house at No. 84 (Lot 1) The Boulevard, Mount Hawthorn, and as shown on the plans stamp dated 21 October 2003, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policies relating to Street Setbacks and Vehicular Access.*

**COUNCIL DECISION ITEM 10.1.20**

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

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-1)**

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

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

<b>LANDOWNER:</b>	M and J Ehlers
<b>APPLICANT:</b>	S Saville
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
<b>EXISTING LAND USE:</b>	Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Carport Location	Car parking is to be accessible from existing rights of way where (legally) available	Car parking is proposed from primary street within the front setback area

Use Class	Single House
Use Classification	"P"
Lot Area	569 square metres

**SITE HISTORY:**

No.84 The Boulevarde is occupied by a single house. A crown owned right of way exists to the rear of the lot. The right of way is sealed with a total width of 5.8 metres.

**DETAILS:**

The carport is proposed in the front setback area of the lot with access from The Boulevarde.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and no written submissions have been received by the Town.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In the case of carports, the Town's Policies relating to Street Setbacks and Vehicular Access disallow carports to be located in the front setback area where there is opportunity to utilise the right of way and there is enough area at the rear of the lot to accommodate the carport structure. It is considered that in this instance, the carport can be readily accommodated at the rear of the lot. This ensures that the intent of the Town's Policies are achieved, which is to maintain the front aspect of the existing house and to preserve the general streetscape, while improving casual surveillance of the right of way.

The proposed carport is considered to depart from the relevant requirements of the Town's Policies. This variation is not supported and it is therefore recommended that the carport be refused.

**10.1.22 No. 501 (Lot 155) Fitzgerald Street, Corner Sholl Lane, North Perth – Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	8 December 2003
<b>Precinct:</b>	Smiths Lake, P 9	<b>File Ref:</b>	PRO1432; 00/33/1880
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners C. Cafarelli and S. Thomson for proposed demolition of existing single house and construction of a two-storey single house at No. 501 (Lot 155) Fitzgerald Street, corner Sholl Lane, North Perth, and as shown on the plans stamp dated 21 November 2003, for the following reasons:*

- (i) the proposed demolition of the place is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality;*
- (ii) the place has cultural heritage significance, in terms of aesthetic, historic and social value; and*
- (iii) non-compliance with the Town's Policy relating to Street Setbacks.*

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**LOST (4-5) ON THE  
CASTING VOTE OF THE MAYOR**

(Cr Torre was an apology for the meeting)

<b><u>For</u></b>	<b><u>Against</u></b>
Cr Chester	Mayor Catania (2 votes)
Cr Cohen	Cr Doran-Wu
Cr Ker	Cr Farrell
Cr Lake	Cr Franchina

**Reasons:**

1. Building is considered dangerous.
2. Requests by surrounding residents.

**COUNCIL DECISION ITEM 10.1.22**

**ALTERNATIVE RECOMMENDATION:**

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

**That;**

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners C. Cafarelli and S. Thomson for proposed demolition of existing single house and construction of a two-storey single house at No. 501 (Lot 155) Fitzgerald Street, corner Sholl Lane, North Perth, and as shown on the plans stamp dated 21 November 2003, subject to:*
- (a) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
  - (b) *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 a 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;*
  - (c) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
  - (d) *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;*
  - (e) *the construction of crossovers shall be in accordance with the Town's specifications;*
  - (f) *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;*
  - (g) *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);*

- (h) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (j) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Fitzgerald Street and Sholl Lane 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;*
- (k) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (l) *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*
- (m) *subject to first obtaining the consent of the owners of No. 2 (Lot 154) Sholl Lane and No. 503 (Lot 9) Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2 (Lot 154) Sholl Lane and No. 503 (Lot 9) Fitzgerald Street in a good and clean condition;*

*to the satisfaction of the Chief Executive Officer;*

- (ii) *the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings in accordance with the provisions of Section 374A of the Local Government (Miscellaneous Provisions) Act 1960, for failing to obtain a Demolition Licence prior to carrying out the demolition work; and*
- (iii) *the Council ADVISES the applicants/owners that the outstanding \$300.00 fee, for application for retrospective Planning Approval for the demolition component of the application, is required to be paid within 14 days of the date of notification.*

Debate ensued.

**CARRIED (5-4) ON THE  
CASTING VOTE OF THE MAYOR**

(Cr Torre was an apology for the meeting)

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania (2 votes)	Cr Chester
Cr Doran-Wu	Cr Cohen
Cr Farrell	Cr Lake
Cr Franchina	Cr Ker

**LANDOWNER:** C Cafarelli and S Thomson  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No.1 – Residential R60  
**EXISTING LAND USE:** Single house

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	430 square metres

Requirements	Required	Proposed
<b>Street Setback-Garage</b> Sholl Lane (ground floor)	At or behind main building wall	1.0 metre - in front of main building wall
<b>Setbacks-</b> North (ground floor)	1.5 metres	1.0 - 2.5 metres
West (ground floor)	1.5 metres	Nil
West (first floor)	1.5 metres	Nil

**SITE HISTORY:**

A chronology of events of the Town's previous actions in relation to No.501 (Lot 155) Fitzgerald Street, North Perth, is outlined in the Appendix to the report.

**DETAILS:**

Approval is sought for the demolition of the existing single house and the construction of a two -storey single house.

**CONSULTATION/ADVERTISING:**

There were no objections received during the advertising period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Street Setback-Garage**

The Town's Policy relating to Street Setbacks requires a garage to be located at or behind the main building wall. As such, should the application be approved a condition should be applied to ensure compliance with this requirement.

**Setbacks (ground floor - west and north)**

The variations to setbacks (north and west) are considered minor as they are single storey in height. As such, they are not considered to unduly impact the amenity of the affected neighbours.

### **Setbacks (first floor - west)**

The nil setback to the west is considered minor as there are no major openings overlooking the neighbouring properties and no objections were received. As such, the variations are not considered to unduly impact the amenity of the affected neighbours.

### **Demolition**

The subject property is listed on the Town's Municipal Heritage Inventory (MHI) and as such is afforded protection under the Heritage List provisions of the Town Planning Scheme No.1. At the time of placing the property on the MHI, the existing dwelling was intact, although in a less maintained condition than its counterparts to the north and south. Since the initial application to Council for proposed demolition, a number of circumstances have arisen with the owner, which is detailed in the site history.

The property was included on the Town's MHI on 20 June 2000. The following is a description of the property taken from previous reports to Council:

*"The existing dwelling at Not.501 (Lot 8) Fitzgerald Street, North Perth, is a Federation style single storey house. It retains much of its original features, including fenestration, chimneys and internal architectural features. While the place is not considered to be rare in the Town of Vincent, it is considered to contribute strongly to the existing streetscape. The western side of Fitzgerald Street between Farmer and Angove Streets, remains an intact group of Federation homes, built during the building boom in the first decade of the 20th century. While the subject dwelling has not been maintained to the same standard as other Federation houses in the immediate vicinity, it is a necessary element in the continuity of the streetscape and the retention of original features, particularly to the street frontages, and is vital to this intact streetscape.*

*Following a site inspection and heritage assessment of No.501 (Lot 8) Fitzgerald Street, North Perth, it is recommended that, upon finding the place has cultural heritage value (refer attached Heritage Assessment as per Policy 3.1.36 [now3.1.6] the application to demolish the existing dwelling at the above mentioned property be refused."*

The unauthorised alterations to the MHI property have obviously effected its general presentation and its aesthetic value has been somewhat reduced, however, it is considered that sufficient merit remains in the existing fabric in terms of the original Statement of Significance to warrant a recommendation of refusal for the proposed demolition.

The condition of the property has been affected by general weathering due to the removal of the roof cladding. The applicant has provided a letter dated 16 September 2003, received 21 October 2003, from Condipodero and Associates Structural Engineers and Designers. The following is the verbatim contents of this letter:

*"I have inspected the existing residence which has no roof or ceilings and appears to have been exposed to the elements for a few years. (See attached photos). The main items that need attention are:*

- 1) The remaining timber roof structure needs immediate work to make it safe. If nothing is done the existing old timbers could collapse and possibly cause injury.*
- 2) The timber floors have extensive water damage.*
- 3) The brick walls have rising damp problems and structural cracks in some areas and although not dangerous would need to be repaired if the house is to be retained.*

*I consider the existing residence derelict and structurally unsafe and the simplest and most economical solution would be to complete the demolition of the residence and start again with a new house."*

Following a site inspection on 3 December 2003, the Town's Building Surveyor and Senior Heritage Officer considered that there was inconsistency in this letter and consequently contacted the author to clarify its contents. Mr Con Condipederro advised the Senior Heritage Officer that *"unless something was done in one to two years the place would be beyond rectification"*. The discrepancy between statements made in point three and the last paragraph of the letter regarding the brick walls was also questioned, for which Mr Condipederro advised that the brick walls are sound, although fretting and cracking, which are not unusual for houses of this age, would need repairing. He also advised that he believed the foundations were *"quite solid"*. It is therefore concluded that the unsafe structure relates to the roof, which *"needs immediate work to make it safe"*.

**Summary**

On the basis of the information above, relating to the heritage significance of the property, the condition of the property and the current notices on the owner to improve and make good the property, it is recommended that the proposal be refused.

**10.1.24 Nos. 204, 206, 206A, 208, 210 and 220 (Lots 202, 203, 204, 205, 208 and 209) East Parade, Mount Lawley - Proposed Demolition of Corner Shop-House, Two Single Houses, Two Grouped Dwellings (One Duplex Pair) and One Warehouse**

<b>Ward:</b>	South	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	Banks, P15	<b>File Ref:</b>	PRO2552 00/33/1883 PRO1580 00/33/1887 00/33/1886 PRO2553 00/33/1884 PRO0766 00/33/1885
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	H Eames, C Wilson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme RECOMMENDS REFUSAL to the Western Australian Planning Commission of the application submitted by the Western Australian Planning Commission stamp dated 14 October 2003 for the demolition of the dwellings at No.206 (Lot 203) and No.220 (Lots 208 and 209) East Parade, Mount Lawley, as the places are included in the Town's Heritage List (Municipal Heritage Inventory) and have local cultural heritage significance in terms of their historic, social and representative values;*
- (ii) *ADVISES the Western Australian Planning Commission that it DEFERS consideration of the application submitted by the Western Australian Planning Commission stamp dated 14 October 2003 for the proposed demolition of corner shop-house, one warehouse and two grouped dwellings (one duplex pair) at Nos. 204, 206A, 208 and 210 East Parade, Mount Lawley, until such time as adequate information (as previously specified in its resolutions at the Ordinary Meetings held on 3 December 2002 and 23 September 2003), relating to the affected properties, are provided to the Town in order to determine if the properties have local cultural heritage significance; and*
- (iii) *REQUESTS the Western Australian Planning Commission, in the event that demolition of the subject properties are undertaken against the wishes of the Town, that full archival documentation of the subject properties comparable to that provided by the Commission for No.40 Guildford Road, is completed prior to any works occurring and a copy provided for the Town's records.*

**Moved Cr Chester, Seconded Cr Ker**

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

- "(iv) *ADVISES the Western Australian Planning Commission (WAPC) that it disapproves of the unsatisfactory property management practices of the WAPC as those practices are considered to reduce amenity, produce a blight on the area and have little regard to the character of the area;"*

**Debate ensued.**

**CARRIED (5-3)**

(Cr Torre was an apology for the meeting)

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

**COUNCIL DECISION ITEM 10.1.24**

*That the Council;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme RECOMMENDS REFUSAL to the Western Australian Planning Commission of the application submitted by the Western Australian Planning Commission stamp dated 14 October 2003 for the demolition of the dwellings at No.206 (Lot 203) and No.220 (Lots 208 and 209) East Parade, Mount Lawley, as the places are included in the Town's Heritage List (Municipal Heritage Inventory) and have local cultural heritage significance in terms of their historic, social and representative values;*
- (ii) *ADVISES the Western Australian Planning Commission that it DEFERS consideration of the application submitted by the Western Australian Planning Commission stamp dated 14 October 2003 for the proposed demolition of corner shop-house, one warehouse and two grouped dwellings (one duplex pair) at Nos. 204, 206A, 208 and 210 East Parade, Mount Lawley, until such time as adequate information (as previously specified in its resolutions at the Ordinary Meetings held on 3 December 2002 and 23 September 2003), relating to the affected properties, are provided to the Town in order to determine if the properties have local cultural heritage significance;*
- (iii) *REQUESTS the Western Australian Planning Commission, in the event that demolition of the subject properties are undertaken against the wishes of the Town, that full archival documentation of the subject properties comparable to that provided by the Commission for No.40 Guildford Road, is completed prior to any works occurring and a copy provided for the Town's records; and*
- (iv) *ADVISES the Western Australian Planning Commission (WAPC) that it disapproves of the unsatisfactory property management practices of the WAPC as those practices are considered to reduce amenity, produce a blight on the area and have little regard to the character of the area.*

**FURTHER REPORT:**

The road widening is approximately 37 metres at its widest point and approximately 27 metres at its narrowest point. The subject buildings are affected because the front third of the structures would need to be demolished. A map showing the impact of the road widening, taking from 'Option1' is attached for reference.

The date of the referral under the Government Heritage Property Disposal Process, pursuant to section 9 of the Heritage of Western Australia Act 1990, in respect to the properties located along East Parade between Gardiner Street and Guildford Road, is not known to the Town because referral details are confidential to the Heritage Council. However, the referral was considered by the Heritage Council at its Development Committee Meeting held on 22 February 2002. As stated in the Agenda Report, the Heritage Council determined that "...it was unlikely that the place would meet the threshold for entry on the State Register of Heritage Places." The matter of State Significance is therefore resolved.

As stated in the Agenda Report, the future management of the properties lies with the determining agency, which is the Western Australian Planning Commission (WAPC). The proposed demolition works are works being undertaken by a public authority, therefore the WAPC is the determining planning authority of such works. The Town can only provide its comments and recommendations to the WAPC for the WAPC's consideration. As such, demolition can occur without the Town's approval.

As indicated in the Agenda Report, Heritage Assessments are only available for two of the subject properties, which were previously presented to the Council at the Ordinary Meeting held on 10 October 2000. The remaining documentation varies in quality and presentation and is essentially an archival record and not a Heritage Assessment, hence they are 'Laid on the Table' rather than reproduced in multiple copies.

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<b>LANDOWNER:</b>	Western Australian Planning Commission
<b>APPLICANT:</b>	Western Australian Planning Commission
<b>ZONING:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme: Residential R60
<b>EXISTING LAND USE:</b>	Corner shop-house, two single houses, two grouped dwellings (duplex pair) and converted warehouse
<b>TOTAL LOT AREA:</b>	2092 square metres

**BACKGROUND:**

This development application received from the Western Australian Planning Commission (WAPC) is for the proposed demolition of five existing buildings along East Parade, Mount Lawley. The proposal is to allow for road widening and traffic improvements. The collective group of all buildings along East Parade between Gardiner Street and Guildford Road are referred to as the East Parade Group.

**SITE HISTORY:**

At the Special Meeting of Council held on 15 October 2002, representatives from Main Roads Western Australia (MRWA) made a presentation to the Mayor and Elected Members on the proposed changes to East Parade. MRWA advised that several studies has been carried out over a number of years, examining possible improvements in the level of service of the Guildford Road / East Parade intersection prior to and after the opening of the Graham Farmer Freeway.

Further to the above, a detailed report was presented to the Ordinary Meeting of Council held on 3 December 2002. The report outlined the scope of the project, heritage issues, information on the road network usage and a number of options available for consideration. The Council resolved the following at this meeting:

*"Heritage assessments should be undertaken of the buildings proposed to be demolished and such heritage assessments should assess the buildings not only at the state level but also the local level in terms of the Town's Policies relating to Heritage Assessment and Heritage Management - Municipal Heritage Inventory."*

At the Ordinary Meeting of Council held on 23 September 2003, the following information was stated:

*"In reference to the Council's previous resolution DPI's Network Integration section, formerly a function of MRWA, has advised that a heritage assessment of the properties fronting East Parade has now been completed. It is DPI's intention to submit the documentation to the Town's Heritage Officer once the Minister has had an opportunity to review MRWA's East Parade/Guildford Road/Whatley Crescent Planning and Traffic Study."*

The Council at that Meeting resolved as follows:

*"(ii) DEFERS its decision until Main Roads WA furnishes the Town with previously requested documentation for the heritage assessments for the buildings proposed for demolition in East Parade include an archival documented record of the place (with photographs, floor plans and elevations) for the Town's Historical Archive Collection."*

The abovementioned 'heritage assessments' were recently provided to the Town's Heritage Officer via the Town's Technical Services. The documentation is not considered to comply with the specifications outlined at the Ordinary Meeting of Council held on 3 December 2002 and 25 September 2003.

The proposal involves the demolition of the following buildings. The relevant application details and a brief description are included for ease of future reference:

<b>Map Ref.</b>	<b>Street No.</b>	<b>Lot No.</b>	<b>File Ref.</b>	<b>Application Number</b>	<b>Description</b>	<b>Associated Documentation</b>
<b>A</b>	204	202	PRO2552	00/33/1883	Corner Shop and dwelling, corner East Parade and Gardiner Street	<i>Historical Research for Lots 202, 205 and 233 by J Sherriff, on behalf of DHW, February 2002</i>
<b>B</b>	206	203	PRO1580	00/33/1886	Single house	Heritage Assessment for HCWA. Demolition previously refused by Council and placed on MHI
<b>C</b>	206A	204	PRO2553	00/33/1884	Former warehouse, converted for residential use.	None
<b>D</b>	208	205	PRO0766	00/33/1885	Southern half of duplex pair	<i>Historical Research for Lots 202, 205 and 233 by J Sherriff, on behalf of DHW, February 2002</i>
<b>E</b>	210	205	PRO0766	00/33/1885	Northern half of duplex pair	<i>Historical Research for Lots 202, 205 and 233 by J Sherriff, on behalf of DHW, February 2002</i>
<b>F</b>	220	208 and 209	PRO1580	00/33/1887	Single house, corner East Parade and Pakenham Street.	Heritage Assessment for HCWA

**DETAILS:**

The WAPC intends to demolish the above mentioned buildings for the purposes of road widening and traffic management along East Parade.

Two of the above properties, being Items **(B)** and **(F)** at Nos. 206 and 220 East Parade, have previously been presented to the Council for consideration for demolition. The application was submitted with an Independent Heritage Assessment which demonstrated that these two properties have cultural heritage significance on a number of grounds, namely their historic, social and representative values. At this time, the Heritage Assessments were '*Laid on the Table*', however further documentation relating to the additional buildings proposed for demolition has been received from WAPC and together they are '*Laid on the Table*'.

At the Ordinary Meeting of Council held 10 October 2000, the Council resolved to refuse the application for demolition of these two properties based on their cultural heritage significance and further resolved at the Ordinary Meeting of Council held 5 December 2000 that the properties be included on the Town's Municipal Heritage Inventory (MHI). WAPC submitted an objection to this listing.

In accordance with the Government Heritage Property Disposal Process (GHPDP), the Department of Housing and Works (DHW) on behalf of Main Roads Western Australia (MRWA), referred the East Parade Group on Lots 202, 203, 204, 205, 206, 207, 208, 209, 233, 234, 235 and 236 East Parade to the Heritage Council of WA for consideration. The properties are variously owned by WAPC and private persons.

In correspondence dated 18 March 2002, the Heritage Council advised that the East Parade Group "*may have some cultural heritage significance, it was unlikely that the place would meet the threshold for entry on the State Register of Heritage Places.*" The matter of State Significance is therefore resolved.

A number of complaints regarding the condition and disuse of the subject properties have been received by the Town and correspondence relating to this matter has been exchanged between the Town and MRWA. The Town has been informed that fortnightly inspections of the buildings are undertaken by MRWA.

Of the 11 buildings contained in the East Parade Group, all have been referred to HCWA through the GHPDP. One building (on Lot 233) remains in private ownership. This Lot is currently subject to a development application for proposed additional two (2) two-storey single bedroom single houses to existing single house. Two buildings (on Lots 203, 208 and 209) are included on the Town's MHI, which have had Heritage Assessments undertaken for them. Three buildings (on Lots 202, 203 and 233) have had historical research undertaken to satisfy HCWA requirements (noting that Lot 233 is not part of this application). One building (on Lot 204), the former industrial/warehouse, has not been documented, probably owing to its more recent construction.

Under the Town Planning and Development Act and the Town of Vincent Town Planning Scheme No.1, the Planning Commission is not required to obtain Planning Approval for the proposed demolition of the subject buildings. However, approval is required to be obtained from Western Australian Planning Commission under the Metropolitan Region Scheme.

The subject application is for the proposed demolition of a corner shop-house, a pair of duplex cottages and a former warehouse, in addition to the two single houses, which are included on the MHI. In a historical context, the corner shop-house and duplex pair were formed as part of the East Norwood Estate, developed by a syndicate known as the Perth (WA) Estate Company Ltd. The area extended from Guildford Road in the north, to Summers Street in the south, the Eastern railway and through to the Swan River. Unlike the properties closer to the river, properties facing the railway were mostly the last to be purchased and developed.

The following information, taken from documentation compiled by J Sherriff for DHW, is available on the three properties (other than the two listed on the MHI, which are proposed for demolition):

No.204 (Lot 202) East Parade - the main building is a brick and iron shop and attached residence constructed in 1915. William Ernest Poole, a storekeeper, purchased Lot 202 in 1912 and was first listed as No. 4 East Parade and occupied in 1916. The shop continued until the 1950s. Another shop was located at the corner of Guildford Road and East Parade.

No.206A (Lot 204) East Parade - a semi-industrial building, currently used for residential purposes, set to the rear of the lot, utilising the right of way as primary access. It is estimated that the building was constructed circa 1960.

Nos.208-210 (Lot 205) East Parade - a brick and iron duplex constructed in circa 1926. Calib Massingham purchased the lot in 1907 and resold the lot (undeveloped) in 1924 to Michael Waugh, who constructed the cottages about this time. Occupation of the cottages are shown as commencing in 1926 and they continued as rental properties until the 1950s.

It is noted that the quasi triangulation of Lots 204 and 205 resulted from the construction of a drain that ran from East Parade, between these two lots, east then south to Joel Terrace towards the river. The drain is shown on the 1920s sewerage maps as part timbered drain and part open earth drain. It now appears as the right of way between Gardiner Street and Pakenham Street.

In a comparative context, it is likely, given the documented significance of No.206 and 220 East Parade, that the corner shop-house at No.204 (Lot 202) East Parade could be considered for inclusion on the Town's Municipal Heritage Inventory. The duplex pair constructed at Nos.208-210 (Lot 205) East Parade, were built relatively late for this style and form of dwelling, however they are comparable to other earlier and later constructed duplex pairs in the vicinity, such as along Summers Street and West Parade. Their likelihood of having any significance cannot be determined on the basis of information currently available. The warehouse/industrial building at No. 206A (Lot 204) East Parade is unlikely to have any local significance.

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

Application for demolitions is not required to be advertised. Under the Town's Community Consultation Policy, places listed on the Municipal Heritage Inventory (MHI) are required to be advertised. The application for the affected MHI properties was previously determined by the Council at its Ordinary Meeting held on 5 December 2000 and the WAPC is the determining authority for this proposal, and as such the application was not advertised in this instance.

**LEGAL/POLICY:**

The WAPC is the determining authority for this application.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

It should be noted that in 2000 WAPC applied for the removal of a series of dwellings to the immediate north of the East Parade Group, along Guildford Road. These Guildford Road properties also form part of the traffic management plan intersection area of Guildford Road and East Parade. One house remains of the Guildford Road set, at No.40 (Pt Lots 253 and 254), which the Council at its Ordinary Meeting held on 22 May 2000, resolved to refuse the proposed demolition and include the place on the Town's MHI.

In correspondence received from WAPC on 15 October 2003, the Commission advises that *"The properties are considered to have passed their economic life and are vacant. Due to the deteriorating condition they are not fit for human habitation and have been bordered [sic] up to protect against vandalism and itinerants."* Condition and the absence of maintenance are not considered to be criteria when assessing the cultural heritage significance of a place, however they may be considered when determining future management of the place.

The Town received notification on 26 April 2002 that the DHW had commissioned a full archival record of the place on behalf of MRWA, who reserve the land for road widening and traffic management and still require the removal of the property. In regard to the archival documentation of No.40 Guildford Road, HCWA has stated that *"The Heritage Council is aware of the current application for the development of the site. The Heritage Council encourages you [Town of Vincent] to facilitate development which will recognise the heritage values of the place. If extensive redevelopment is approved, the Heritage Council would be pleased to provide advice on appropriate interpretation and historical references for the proposed development. We also request that the place is recorded to Heritage Council standards before work is undertaken."* It is considered that, as part of the common East Norwood Estate development from the 1890s, the comments made by the Heritage Council in regards to No.40 Guildford Road can be broadly applied to the subject application relating to East Parade.

Evidence previously presented to the Council relating to the significance of No.206 (Lot 203) and No.220 (Lots 208 and 209) East Parade, determined that the properties be placed on the Town's Municipal Heritage Inventory. It is therefore recommended that Council advises WAPC that the proposed demolition of these properties is not supported.

The properties at No.204 (Lot 202), No.206A (Lot 204) and Nos.208-210 (Lot 205) East Parade may have some local heritage significance in the context of the development of the East Norwood Estate from the late 1890s onwards. However, a conclusive statement with regards to their significance cannot be provided on the basis of information currently available to the Town. Therefore, it is recommended that, in accordance with the Town's Policy relating to Heritage Management - Municipal Heritage Inventory, the Town defers the determination of the subject application until such time as adequate information is provided to assess the local significance of the places affected by the proposal (excluding those properties at No.206 (Lot 203) and No.220 (Lots 208 and 209) East Parade).

**10.1.28 Project Brief for Leederville Masterplan**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Leederville P3; Oxford Centre P4	<b>File Ref:</b>	PLA0058
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) **RECEIVES** the report relating to the Leederville Masterplan;
- (ii) **ENDORSES** the Project Brief relating to the Leederville Masterplan, as shown in Appendix 10.1.28;
- (iii) **AUTHORISES** the Chief Executive Officer to call tenders for the delivery of a Leederville Masterplan; and
- (iv) **AUTHORISES** a budget reallocation of \$50,000 from the Town Planning Scheme Amendments and Policies to fund the \$50,000 for delivery of a Leederville Masterplan.

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

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

**"(ii) ENDORSES** the Project Brief relating to the Leederville Masterplan, as shown in Appendix 10.1.28; subject to the Project Brief being amended as follows:

**"4.2 Land Use**

**4.2.1 To consider and determine the current and future land uses and development that seeks to enhance interaction and attain best practice and highest and best value for the area. This component should consider, but not be limited to, the following elements within the study area:**

***Leederville Oval including the proposed open space, the Oxford District Centre, the proposed State Indoor Multi Use Sport Centre Multi-Sport Indoor Stadium, the proposed Department of Sport and Recreation building, the Loftus Community Centre and other identified community service providers within the Town, Loftus Recreation Centre, Margaret Pre-Primary, Leederville Child Care, libraries, the Leederville Railway Station Leederville TAFE, Distance Education offices, key landholdings and landowners including the Town of Vincent."***

**"4.7 Oxford Street**

- 4.7.1 To determine the need to develop a coherent streetscape along Oxford Street to Richmond Street ~~Searborough Beach Road~~ and to integrate this section of Oxford Street with the Oxford Centre.**

**Outcome**

**The report to contain a detailed section that examines and determines the need to develop a coherent streetscape up Oxford Street to Richmond Street ~~Searborough Beach Road~~ and recommends the means to integrate this section of Oxford Street with the Oxford Centre. This is to be in the form of guidelines, table(s), map(s), plan(s), sketch(es), illustration(s), diagram(s), photograph(s), survey(s) and/or supporting text."; and**

**"10.0 - TENDER**

**... The following criteria will be applied when assessing and selecting any consultants:**

- Technical expertise (~~30%~~ 20%);**
- Methodology / Project Process (10%);**
- Demonstrated understanding of planning issues within the Town of Vincent (15%);**
- Evidence of ability to meet project milestones (15%);**
- Evidence of experience in similar projects undertaken (~~10%~~ 20%); and**
- Total cost (20%)."**

- (iv) AUTHORISES APPROVES BY AN ABSOLUTE MAJORITY a budget reallocation of \$50,000 from the Town Planning Scheme Amendments and Policies to fund the \$50,000 for delivery of a Leederville Masterplan."**

**Debate ensued.**

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

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

**COUNCIL DECISION ITEM 10.1.28**

**That the Council:**

- (i) RECEIVES the report relating to the Leederville Masterplan;**
- "(ii) ENDORSES the Project Brief relating to the Leederville Masterplan, as shown in Appendix 10.1.28; subject to the Project Brief being amended as follows:**

**"4.2 Land Use**

- 4.2.1 To consider and determine the current and future land uses and development that seeks to enhance interaction and attain best practice and highest and best value for the area. This component should consider, but not be limited to, the following elements within the study area:**

*Leederville Oval including the proposed open space, the Oxford District Centre, the proposed State Indoor Multi Use Sport Centre Multi-Sport Indoor Stadium, the proposed Department of Sport and Recreation building, the Loftus Community Centre and other identified community service providers within the Town, Loftus Recreation Centre, Margaret Pre-Primary, Leederville Child Care, libraries, the Leederville Railway Station Leederville TAFE, Distance Education offices, key landholdings and landowners including the Town of Vincent."*

**"4.7 Oxford Street**

**4.7.1** *To determine the need to develop a coherent streetscape along Oxford Street to Richmond Street Scarborough Beach Road and to integrate this section of Oxford Street with the Oxford Centre.*

**Outcome**

*The report to contain a detailed section that examines and determines the need to develop a coherent streetscape up Oxford Street to Richmond Street Scarborough Beach Road and recommends the means to integrate this section of Oxford Street with the Oxford Centre. This is to be in the form of guidelines, table(s), map(s), plan(s), sketch(es), illustration(s), diagram(s), photograph(s), survey(s) and/or supporting text."; and*

**"10.0 - TENDER**

*... The following criteria will be applied when assessing and selecting any consultants:*

- *Technical expertise (~~30%~~ 20%);*
- *Methodology / Project Process (10%);*
- *Demonstrated understanding of planning issues within the Town of Vincent (15%);*
- *Evidence of ability to meet project milestones (15%);*
- *Evidence of experience in similar projects undertaken (~~10%~~ 20%); and*
- *Total cost (20%)."*

**(iii)** *AUTHORISES the Chief Executive Officer to call tenders for the delivery of a Leederville Masterplan; and*

**(iv)** *APPROVES BY AN ABSOLUTE MAJORITY a budget reallocation of \$50,000 from the Town Planning Scheme Amendments and Policies to fund the \$50,000 for delivery of a Leederville Masterplan."*

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**BACKGROUND:**

The Council at its Ordinary Meeting held on 23 September 2003 resolved to adopt the following in regard to a Leederville Masterplan:

*"That the Council;*

- (i) request the Chief Executive Officer (CEO) prepare a brief to engage a senior consultant architect/urban planner to deliver a Masterplan over the land bordered by Loftus St, Richmond St and the Mitchell freeway;*
- (ii) resolves that the brief for the Masterplan should:*
  - (a) require as a minimum overall guiding plans, imagery and documentation that seeks to enhance interaction and attain best practice and highest and best value for the area;*
  - (b) consider but not be limited to the following elements:*
    - (1) Leederville Oval;*
    - (2) Leederville Oval proposed public open space;*
    - (3) Oxford district centre;*
    - (4) Multi-sport Indoor stadium (proposed);*
    - (5) Department of Sport and Recreation building (proposed);*
    - (6) Loftus community centre and other identified community service providers;*
    - (7) Loftus Recreation Centre;*
    - (8) Margaret Pre-primary;*
    - (9) Leederville Child Care;*
    - (10) Libraries;*
    - (11) TAFE;*
    - (12) Education department (Distance Education);*
    - (13) Land in the ownership of State Government departments;*
    - (14) Input from key stakeholders;*
    - (15) Land in the ownership of the Town of Vincent;*
    - (16) Council owned car parks;*
    - (17) Leederville Railway station;*
    - (18) Potential for Transit orientated development;*
    - (19) Retention of places of heritage significance;*
    - (20) Interaction with surrounding area;*
    - (21) Generation of usable open space (public and private);*
    - (22) Community activities to be taken into consideration;*
  - (c) refer to the following documents:*
    - (1) Oxford Centre Study (Taylor Burrell);*
    - (2) Town of Vincent Town Planning Scheme No. 1 and the Town's policies;*
  - (d) require a feasibility assessment and implementation plan; and*
  - (e) identify a schedule for the preparation of the Masterplan up to and including presentation of the final report and that the timeline of that schedule should ensure the Leederville Masterplan influences the significant projects pending in the area;*
- (iii) request the CEO establish a working group, with terms of reference, to meet and assist in the delivery of the Masterplan to Council, and that the group consist of the Mayor, two councillors, the Town's Executive Officers, the consultant and an invitation of participation be offered to the CEO of the East Perth Redevelopment Authority and the Western Australian Planning Commission (WAPC);*

- (ii) *approaches the Western Australian Planning Commission and the Department for Planning and Infrastructure for the above project to be a joint initiative between the WAPC and the Town of Vincent, with funding from the WAPC Demonstration Projects Programme;*
- (v) *request the Chief Executive Officer to provide a further report to Council, as soon as possible, to identify any potential to include a draft of the Leederville Masterplan in the Vincent Visioning process; and*
- (vi) *notes the full extent and comprehensive nature of the Oxford Centre Study 2000 and confirms its fundamental role as a parent document in the preparation of a Leederville Masterplan whilst noting findings of the Oxford Centre Study may be subject to review in the formulation of the Leederville Masterplan."*

The Council at its Ordinary Meeting held on 2 December 2003 resolved the following :

*"That the Council RECEIVES the report relating to the Notices of Motion relating to Community Visioning, Mount Hawthorn Centre - Place Development Strategy and Leederville Masterplan."*

A meeting was held with Town of Vincent Elected Members, the Chairman of the Western Australian Planning Commission (WAPC), Officers of the Department of Planning and Infrastructure and Town of Vincent Officers on 18 September 2003 to discuss the current and review of Town of Vincent Town Planning Scheme No.1. At this meeting, the WAPC Chairman noted that the WAPC had introduced a \$500,000 Budget allocation to showcase demonstration proposals which may include places of interest, redevelopment schemes, transport schemes and the like.

Accordingly, the Department for Planning and Infrastructure (DPI) recently formed a 'Revitalisation Projects' section. An officer of the DPI advised the Town that they were currently finalising the application forms and information sheets outlining the categories, criteria and requirements for its soon to be launched 'Revitalisation Partnerships'. 'Revitalisation Partnerships' is a grants based program whereby successful applicants are decided on a bidding process, with the Western Australian Planning Commission matching dollar for dollar any program it selects to fund. Submissions for funding will commence in the 2nd half of January 2004.

**DETAILS:**

In accordance with the Council's 23 September 2003 resolution, a Project Brief, for the purpose of appointing a consultant/s to design and facilitate the Leederville Masterplan has been prepared.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure.

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

*Action Plans to implement this strategy include:*

- a) Develop and implement sustainable building design guidelines.*
- b) Review urban design policies and guidelines to enhance amenity, accessibility, neighbourhood interaction and aesthetics.*
- c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision, to:
  - encourage hubs or centres of community within the Town;*
  - review residential densities;*
  - review zoning.**
- d) Incorporate sustainability into the Building and Design Awards to raise community awareness.*
- e) Develop a policy to encourage a proportion of affordable housing, in partnership with the State Government.*
- f) Participate in initiatives and incentives to foster sustainable building and urban design."*

**FINANCIAL IMPLICATIONS:**

The current 2003/2004 Budget has no provision for the proposed Leederville Masterplan project. It is conservatively estimated that the cost of engaging consultants to deliver a Masterplan for the subject area would be \$50,000. Accordingly, a budget reallocation of \$50,000 from the Town Planning Scheme Amendments and Policies account is suggested. Rectification of this amount in the 2004/2005 Budget is also suggested.

**COMMENT:**

The Project Brief outlines that the Leederville Masterplan shall review and encompass the Oxford Centre Study in terms of addressing factors relating to appearance, land use, residential, heritage, movement and car parking, safety and security, the importance of Oxford Street and the wider implications of major land uses both public and private. The Brief details the requirement for the consultant to liaise and work with a working group as well as participating with the consultant appointed to carry out the Town Planning Scheme Review Community Visioning Project within the Town of which the Leederville Masterplan will become a crucial component. Further, the Brief outlines that an assertive Implementation Plan directed at both the Town and key stakeholders will be a critical part of the final document.

With regard to the Western Australian Planning Commission funding, Planning and Building Officers will approach the Department for Planning and Infrastructure with regard to applying for funding from 'Revitalisation Projects' in January 2004 for the Leederville Masterplan project.

The Project Brief is attached for the Council's consideration.

**10.1.30 Draft Local Government Biodiversity Planning Guidelines**

<b>Ward:</b>	Both Wards	<b>Date:</b>	9 December 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ORG0039
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	N Clough		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the draft Local Government Biodiversity Planning Guidelines; and*
- (ii) *AUTHORISES the Chief Executive Officer to arrange a representative of the 'Perth Biodiversity Project', Western Australian Local Government Association, to give a presentation to the Elected Members and Town's Officers.*

Moved Cr Chester, Seconded Cr Doran-Wu

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

- "(ii) *AUTHORISES the Chief Executive Officer to arrange a representative of the 'Perth Biodiversity Project', Western Australian Local Government Association, to give a presentation to the Elected Members and Town's Officers at an Elected Members' Briefing, which is open to the public.*"

Cr Ker departed the Chamber at 9.44pm.

**CARRIED (7-0)**

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

**COUNCIL DECISION ITEM 10.1.30**

*That the Council;*

- (i) *RECEIVES the report relating to the draft Local Government Biodiversity Planning Guidelines; and*
- (ii) *AUTHORISES the Chief Executive Officer to arrange a representative of the 'Perth Biodiversity Project', Western Australian Local Government Association, to give a presentation to the Elected Members and Town's Officers at an Elected Members' Briefing, which is open to the public.*

**BACKGROUND:**

Following increasing concerns over the protection and enhancement of local bushland and wetland eco-systems, the Western Australian Local Government Association (WALGA) is soon to release draft Local Government Biodiversity Planning Guidelines for public comment. The Guidelines provide a framework to help Perth's Local Governments produce Local Biodiversity Strategies, as recommended in Perth's Urban Bushland Policy (1995), Bush Forever (2000) and the draft Bushland Policy for the Perth Metropolitan Region (under Section 5AA of the Town Planning and Development Act). These strategies will help Local Governments address environmental and planning legislation and policy, and adopt a best-practice approach to bushland protection and the wider objective of biodiversity conservation.

**DETAILS:**

**The following is verbatim copy of the 'Executive Summary' provided by the Local Government Association:**

*"Biodiversity and natural areas are integral to our urban and rural areas. They provide key environmental infrastructure for clean water, soil, air and faunal habitat as well as places to recreate and enjoy that have intrinsic value in their own right. Biodiversity conservation is a key objective of sustainable development and natural resource management.*

*In Western Australia, the conservation of biodiversity is especially important in the PMR and South West. The South West region is recognised as one of 25 **biodiversity hotspots** on the planet (Myers et al 2000). At the species level, existing work has identified over 1200 species of native plants on the coastal plain portion of the PMR, 311 species of birds on the greater coastal plain, 33 species of native mammals and 13 species of amphibians (Government of Western Australia 2000b). Perth's 64 reptile species make it one of the most reptile-rich for any major urban area in the world (How & Dell 1993). The complexity increases dramatically when we consider that ecologists have only begun to describe the diversity that occurs at the **ecological community**, invertebrate and genetic scales and the relationships between all of these.*

*Local Governments have a key role in the retention and management of LNAs and the level of impact on local biodiversity (Berwick & Thorman 1999). They make decisions on land use and development, influence land management practices across their entire local government areas and manage significant natural areas on behalf of the community. They are also responsible for interpreting and refining State and Federal land use and management policy for the local environment and applying it on-ground.*

*These Guidelines focus on LNAs, these being largely the responsibility of Local Government. LNAs are areas of **native vegetation**, wetland, revegetated areas, open water (fresh, estuarine, saline), rocky outcrops and sandy or rocky coasts outside of **Bush Forever Sites**, Department of Conservation and Land Management (DCLM) Managed Estate and proposed Regional Parks. For areas of native vegetation recognised as **Bush Forever** or Regional Parks, there are processes in place for negotiating their protection. For areas of native vegetation in DCLM Managed Estate, some level of protection can be assumed. LNAs represent those areas of native vegetation which have no official process in place for their protection. About 75,000 ha of LNAs exist in the PMR with approximately 70% on **freehold** lands, 3% on Council-vested **reserves** and less than 1% on unvested Crown land. Local Government is also responsible for the management of some Bush Forever Sites (3500 ha) and some regional parks lands, and the management of these should be considered as part of the Local Biodiversity Strategy.*

*The identification of LSNAs and those that are to be protected is a key policy in the State Government's Bush Forever initiative (Government of Western Australia, 2000a; 2000b; 2000c) and Urban Bushland Strategy (Government of Western Australia 1995). The protection of these areas will require a strong working relationship between Local and State Government and the participation of communities, landholders and developers.*

*The Guidelines provide advice, statistics and a methodology to help Councils prioritise the protection and management of LNAs. Prioritisation is critical because, in parts of the PMR, not all LNAs can be retained and protected due to planned urbanisation, and resources will always be limited to protect and manage natural areas. In many cases, even protection of the most significant LNAs will be difficult, and Local Governments will need to look seriously at how biodiversity conservation targets can be met within the prevailing constraints and opportunities.*

*Because of the significant challenge that biodiversity conservation poses to Local Government, the Guidelines encourage the strategic integration of biodiversity into land use planning and management by Local Governments. There are four key areas where Local Governments need to focus their efforts:*

- *identification of known LSNAs and recommendations for their future, so that these values can be considered at the earliest possible stage of land use planning;*
- *an ongoing process to ensure biodiversity values and LSNAs are recognised by all local government decision-making processes. This is important as new information comes to hand with botanical surveys and environmental assessments.*
- *assessment of Council's reserves to identify and prioritise management needs, and provide justification for adequate budget allocations; and*
- *establishment of incentives for private land conservation, acknowledging that in excess of 35,000 ha of LNAs in the PMR are in private ownership.*

*To address these four key focus areas, Local Governments are strongly encouraged to prepare Local Biodiversity Strategies with the support of their communities and the involvement of State Government. Preparing these strategies is not only considered best-practice, but is promoted under State and Federal policy and will assist Local Governments to meet a variety of environmental and land planning legislative requirements.*

*A 12-stage framework for the preparation of a Local Biodiversity Strategy is described. Some Local Governments may have already carried out some of the work through existing plans and policies, such as a wildlife corridor strategy or reserves inventory. These Councils will, however, need to review existing plans and policies against the new biodiversity conservation objectives and criteria as presented in these Guidelines to build a comprehensive Local Biodiversity Strategy.*

*The development of a Local Biodiversity Strategy must involve the community and other key stakeholders at critical stages, be based firmly on biodiversity conservation science and cover all LNAs across public and private ownerships.*

*A key part of the Guidelines is the standard set of criteria that have been developed to identify LSNAs and given in-principle support by State Government. These criteria focus on biodiversity conservation and form targets for biodiversity conservation for the Local Government.*

*The criteria are grouped under the following headings:*

- *Representation of ecological communities (at the local and regional scales);*
- *Diversity;*
- *Rarity;*
- *Maintaining ecological processes or natural systems; and*
- *General criteria for the protection of wetland, streamline and estuarine fringing vegetation and coastal vegetation.*

*Adopting the standardised criteria will ensure that each Local Government is doing its bit to contribute to meeting regional biodiversity conservation targets, whilst preserving its own 'sense of place'. Importantly, the criteria challenge Local Government to aim to retain ecological communities at thresholds that may prevent the exponential loss of species and maintain ecosystem processes (30% retention) rather than at levels where the community is considered threatened (10% retention).*

***Stages of the local biodiversity planning process***

*The 12 stages in the local biodiversity planning process are shown below and described in detail in Part B of the Guidelines. Stages are not necessarily carried out in sequential order. Stages 3, 4, 8 and 9 should be reviewed at critical points in the process and adjusted depending on whether the LNA is on freehold or Crown land.*

***Stage 1. Initiate the local biodiversity planning process***

*Assess the need for local biodiversity planning and the resources required to undertake the process. Obtain executive and elected member support for the local biodiversity planning process, and resolution of a General Biodiversity Conservation policy and Interim Biodiversity Assessment and Protection policy. Form the necessary groups to undertake and steer the local biodiversity planning process (for example, a biodiversity planning team and a broader steering committee). Plan for the involvement of local community and State Government in the local biodiversity planning process.*

***Stage 2. Identify the resource***

*Map and describe the extent and types of all natural areas in the local government area. Data and maps are provided to Local Governments by Perth Biodiversity Project. This stage should give Local Governments a broad understanding of the characteristics of the natural area resource and underlying land use planning characteristics.*

***Stage 3. Develop a vision and objectives***

*Plan for the future of all natural areas, particularly LNAs in the local government area, by setting a vision and objectives for local biodiversity conservation. The objectives should reflect local, regional and State objectives and be SMART (Specific, Measurable, Achievable, Relevant and Time-bound). The objectives should be based on the information gathered in Stage 2 and used to consolidate and formalise the **local significance criteria** identified in Stage 4. Public involvement in this stage is important.*

***Stage 4. Adopt Local Significance Criteria and linkages***

*Adopt standard criteria to assess ecological values and tailor them to the local situation by identifying local ecological corridors and other local ecological criteria. The local significance criteria provide targets for the protection and management of natural areas and should be incorporated into the objectives drafted in Stage 3. Public involvement in this stage is important.*

***Stage 5. Desktop assessment of Local Natural Areas***

*The preliminary identification of LSNAs involves a desktop assessment using regional GIS data sets and the completion of a **Natural Area Initial Desktop Assessment template** (Section 21.1) for local reserves, unvested Crown land and private land. Consider the opportunities and constraints for field verification of ecological values at this stage.*

**Stage 6. Field assessment of Local Natural Areas**

*In most cases, the information and values identified in Stage 5 will need to be confirmed via on-ground investigation. The Natural Area Initial Field Assessment templates A and B (Sections 21.3 and 21.4) can be used to undertake this task. The field assessment is required to verify LSNAs. A field assessment should be undertaken on all local reserves and unvested Crown land and any private land where access can be negotiated (strategic verification). Private land containing natural areas that are not assessed during this stage will be subject to reactive verification (Stage 9).*

**Stage 7. Identify and prioritise Locally Significant Natural Areas**

*Use the information collected in the two previous stages to identify those sites that meet local significance criteria, and then prioritise them for protection effort and management resources. Public involvement in this stage is important.*

**Stage 8. Determine Locally Significant Natural Areas to be protected and the status of all Local Natural Areas**

*Identify and develop mechanisms to protect LSNAs on private lands, as follows:*

- *Determine general strategies to meet each protection objective (based on ecological and social criteria, and an overview of major constraints and opportunities).*
- *Assess values against constraints and opportunities for protection.*
- *Identify LSNAs to be protected, and the protection strategy to be used.*
- *Clarify that new LSNAs to be protected will be identified during implementation of the strategy as new information is made available.*

*Public involvement in this stage is important.*

**Stage 9. Implement an ongoing mechanism to achieve protection objectives (reactive assessment)**

*An ongoing protection mechanism can take the form of a Local Planning Policy (LPP), or some other high level policy to ensure that those LNAs not assessed during Stage 6 are assessed at the earliest possible stage of the land use planning process.*

**Stage 10. Manage for biodiversity on local government managed land**

*Plan strategically for the conservation of biodiversity in local government reserves (including local government managed Bush Forever Sites and Regional Parks). For land in public ownership, review the **adequacy** of existing **tenure** to better reflect biodiversity values in its vested purpose.*

**Stage 11. Determine incentives for private land biodiversity conservation**

*Establish a process for providing incentives to reward landholders who have LSNAs that are to be protected from the threat of future land use change/development (as identified in Stage 8).*

**Stage 12. Develop an action plan, and finalise and endorse the Strategy**

*Incorporate all actions identified through all stages of the process to enable the implementation of the Strategy. The action plan should be in a format to demonstrate the 'what, who, when and how much' of each action so that it can be incorporated into Local Government's **Principal Activities Planning** process. Public involvement in this stage is important.*

*Standards, templates, datasets and information are included in these Guidelines to assist Local Governments in progressing through the development of their Local Biodiversity Strategies. For example, the Natural Area Initial Field Assessment templates have been produced to help gather and confirm the values of natural areas and identify management needs with on-ground surveys. Consistent use of the templates by Local Governments, community groups and others will enable the information to be compiled into a regional biodiversity database.*

### ***Protecting Locally Significant Natural Areas***

*Natural areas that meet one or more local significance criteria may not necessarily be able to be protected, should alternative uses of the land be proposed. Where land use zonings or proposals would require the **clearing** of all or part of a LSNA, then a constraints and opportunities analysis must be conducted to consider:*

- *how retention or loss of the natural area will impact on meeting Strategy objectives, set in Stage 3;*
- *the values of the land according to the criteria adopted in Stage 4;*
- *the legislative requirements affecting protection of biodiversity;*
- *the approvals granted over the land; and*
- *the options provided for retention and/or protection of all or part of the natural area(s), given all of the above.*

*The beauty of a Local Biodiversity Strategy is that some of these considerations are brought forward in time, and debated in the light of over-arching local and regional objectives before further land use decisions and investments are made.*

### ***Assistance and support for preparing Local Biodiversity Strategies***

*Local Governments will receive mapping and GIS information and technical assistance from Perth Biodiversity Project, the State Government and regional natural resource management groups to help prepare and implement their Local Biodiversity Strategies. Nevertheless, Local Governments face an enormous challenge in implementing the strategies, and will require significant ongoing support and cooperation from State Government, the community and the private sector.*

### ***Implementing Local Biodiversity Strategies***

*The paucity of information on biodiversity values will prove a significant challenge even after the Strategy has been prepared. In many cases, Local Governments will not be able to gather sufficient information to verify the values of all LNAs during the preparation of a Local Biodiversity Strategy. It is therefore important that Councils put in place ongoing policies and processes for the integration of biodiversity values into land use planning and development assessment processes. A sample Local Planning Policy for Biodiversity Conservation is included in Section 22.2.*

*Another significant challenge will be resourcing the activities required to implement the Strategy, particularly the protection and management of natural areas. While some assistance will be available via new mechanisms available to developers to donate land for tax concessions or land use development incentives or by applying for Federal or State Government grants, Local Governments will need to resource some of the actions as core business. It is encouraging that environmental management is already considered core business by all Perth Local Governments.*

*The implementation of biodiversity incentives strategies is another area where changes should be made over the next five to ten years. The State Government has committed in principle to removing taxation disincentives to private land conservation and likewise, metropolitan Councils with significant areas of private natural areas will need to consider offering financial and non-financial incentives to encourage land owners to responsibly manage their **bushland** and wetland areas. It is important to remember that natural areas in good condition require few ongoing resources to manage and provide substantial ongoing public benefits."*

### **LEGAL/ POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

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

- 1.1 Protect and enhance the environment and biodiversity.
  - e) *Improved natural habitat and increased biodiversity in parks, reserves, wetlands and river foreshore areas.*
  - k) *Public awareness through education programs on environmental issues.*
- 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town supports a proactive approach in the establishment of planning Guidelines to protect fragile eco-systems and enhance the Town's biodiversity. WALGA has offered to give a 20 minutes presentation to the Elected Members and Town's Officers regarding the guidelines. The proposed presentation will provide an opportunity for Elected Members to gain a greater understanding of the importance of biodiversity, the role of the Town to protect these delicate environments under current legislation and the potential implications of these new Guidelines on the Town.

It is preferred that a 20 minutes presentation be made at an Elected Members Briefing, prior to the public release of the draft planning Guidelines in early 2004.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 9.45pm and did not speak or vote on the matter.

**10.1.35 No. 310 (Swan Loc 114) Pier Street, Corner Bulwer/Lord/Brewer Streets, Perth – Proposed Signage to Multi-Purpose Sports Stadium**

Ward:	South	Date:	11 December 2003
Precinct:	Beaufort, P13	File Ref:	RES0051; 00/33/1899;00/33/1956
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	R Rasiah, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

**OFFICER RECOMMENDATION:**

*That;*

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by P Gardner and Town of Vincent on behalf of the owner Town of Vincent for proposed signs A, B C, D, E2, F, G, H1, J and K and signs D1, E1, F1, G1 AND J1 to the Multi Purpose Sports Stadium at No. 310 (Swan Loc 114) Pier Street, corner Bulwer/Lord/Brewer Streets, Perth, and as shown on plans stamp dated 10 December 2003, subject to:*

- (a) *compliance with all relevant Engineering, Environmental Health and Building requirements, including the relevant Australian Standards and noise regulations;*
- (b) *the proposed signage adjacent to the main entrance gates at the corner of Pier and Bulwer Streets shall:*
  - (1) *be provided with sufficient space between the masonry wall of the gates and the signs to ensure easy access for installation and maintenance. Installation and maintenance of the signs should not allow impact on the gates and their foundations in any manner; and*
  - (2) *not be located within the bitumen sealed apron adjacent and to the rear of the main entrance gates;*
- (c) *the signage shall not have flashing or intermittent lighting;*
- (d) *all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town of Vincent prior to the erection of the signage;*
- (e) *the applicant shall submit a sign strategy for all other sponsor related advertising signs likely to be erected at the above site, prior to application being submitted for such signage; and*

(f) *sign B being a temporary sign shall be removed upon erection of the sign A above, or within 6 months of the approval notification date, whichever occurs first;*

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

(ii) *the WAPC be advised that the signage proposal has been forwarded to the Heritage Council of Western Australia (HCWA) for comments, and the HCWA's comments are to be directly forwarded to the WAPC for consideration prior to determination, and a copy of the HCWA's comments be also forwarded to the Town for its information.*

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**COUNCIL DECISION ITEM 10.1.35**

**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted subject to a new clause (i)(g) being added as follows:*

*"(i) (g) the design and location of the "Members Equity Stadium" signage shall be integrated with the "Town of Vincent" signage;"*

Debate ensued.

Cr Ker returned to the Chamber at 9.47pm.

**Moved Cr Chester, Seconded Cr Lake**

*That the words "to address the separateness of the organisations" after the word "signage at the end of clause (i)(g).*

Debate ensued.

**AMENDMENT LOST (2-5)**

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

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

**Moved Cr Ker, Seconded Cr Cohen**

*That clause (i)(g) be deleted.*

**AMENDMENT CARRIED (5-2)**

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

**For**  
Mayor Catania  
Cr Cohen  
Cr Doran-Wu  
Cr Farrell  
Cr Ker

**Against**  
Cr Chester  
Cr Lake

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

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

**Executive Manager Environmental and Development Services Comments:**

The location and design of the signs submitted for the Members Equity Stadium (MES) have been carefully chosen by the applicants to gain maximum exposure, while taking into consideration the visual impact and the preservation of the amenity of the area.

Likewise, the location, size and design of the Town of Vincent signage has been assessed and considered taking into account the MES signage and to preserve the Town's own identity, rather than being identified as part of the MES entity.

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**LANDOWNER:** Town of Vincent  
**APPLICANT:** P Gardner and Town of Vincent  
**ZONING:** Metropolitan Region Scheme (MRS) - MRS Reserve - Parks and Recreation  
 Town Planning Scheme No. 1 - MRS Reserve - Parks and Recreation  
**EXISTING LAND USE:** Recreational facilities with multi purpose sports stadium under construction

**COMPLIANCE:**

<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>
All Signs	Total signage area not to exceed 10 per cent of the total area of the building wall in which that signage is located. Total area of signage on each wall to be 10 square metres in area for walls signs.	Signage proposed vary from 0.7 to 66 square metres
Created roof sign(A)	Maximum 9 square metres	90 square metres
Panel sign (C)	Variation to height (6 metres), area (5 square metres), size and distance between panels (minimum 10 metres)	Signs within 10 metres on same lot, area of 66 square metres each, height from ground level being greater than 6 metres.
Bill posting	Not allowed	Two signs proposed. One attached to an internal fence and the other attached on the fence/gate facing street.

Requirement	Required	Proposed
Pylon sign	Not greater than 4 square metres in area not exceed 2.5 metres vertically or horizontally and limited to one sign per street frontage.	Area proposed is 7.2 square metres, 2 signs facing street and 6 metres in length.
Monolith sign	Not addressed in Town's Signs and Advertising Policy	2.2 metres in height and 0.9 metres in width
Use Class	Parks and Recreation	
Use Classification	N/A	

#### SITE HISTORY:

The Council at its Ordinary Meeting held on 4 November 2003, considered the naming rights for the multi-purpose sports stadium on the subject property, and resolved in part as follows:

*"That the Council;*

- (i) *ADVISES Allia Holdings Pty Ltd (Allia) and Perth Glory Soccer Club Pty Ltd (PGSC) that in accordance with Clause 8.2 of the Heads of Agreement, that it APPROVES of the new name for the Town's Multi Purpose Sports Stadium, 310 Pier Street, Perth to be "Members Equity Stadium", subject to the following conditions; ...*
- (iii) *ADVISES Allia Holdings Pty Ltd that it is required to submit a separate Planning Approval and Sign Licence application demonstrating the details, including the form, size and siting, of any proposed signage, and the Planning Application shall be submitted to and approved by the Western Australian Planning Commission (and Heritage Council of Western Australia, if required), prior to the erection of such signage".*

#### DETAILS:

The applicant seeks to install non-illuminated signage associated with new naming of the former Perth Oval, now known as the "Members Equity Stadium". The signage proposed for the multi-purposed sports stadium under construction is as follows:

SIGN TYPE	NO. OF SIGNS	SIGN DIMENSION	LOCATION
A (created roof sign)	Three (3)	50 metres x 1 metre (1 sign) and 20 metres x 1 metre (2 signs)	Main grandstand facia sign
B (wall sign)-temporary	One(1)	40.85 metres x 0.9 metre	Main grandstand wall sign
C (panel sign)	Two (2)	55 metres x 1.2 metres	Rear of eastern stand signs
D(wall sign)	One (1)	3.4 metres x 0.4 metre	Office entry
E2(monolith sign)	One (1)	2.2 metres x 0.9 metre	Gate signage No.4
F (bill posting)	One (1)	2 metres x 0.35 metre	Gate signage No.2
G (bill posting)	One (1)	2 metres x 0.35 metre	Gate signage No.5
H1 (wall sign)-cut out lettering	One (1)	6.5 metres x 0.275 metre	Back wall of main grandstand
J (created roof sign)	One (1)	12 metres x 0.35 metres	Gate signage No.3
K (pylon sign)	Two (2)	6 metres x 1.2 metres and 3 metres above ground, each.	Gate signage No.1

The Town also seeks to install its own signage indicating its logo and wording stating Town of Vincent alongside the signage proposed for the "Members Equity Stadium". This would result in the Town of Vincent signs being either above, below or beside the signage proposed for the Members Equity Stadium. The signage proposed by the Town of Vincent are as follows:

<b>SIGN TYPE</b>	<b>NO. OF SIGNS</b>	<b>SIGN DIMENSION</b>	<b>LOCATION</b>
D1(wall sign)	One (1)	0.9 metre x 0.12 metre	Office entry
E1 (wall sign)	One (1)	0.9 metre x 0.12 metre	Gate signage No.4, on roller fascia board
F 1(bill posting)	One (1)	0.9 metre x 0.12 metre	Gate signage No.2
G 1(bill posting)	One (1)	0.9 metre x 0.12 metre	Gate signage No.5
J 1(wall sign)	One (1)	0.9 metre x 0.12 metre	Gate signage No.3

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

The Town has forwarded the above Members Equity Stadium sign proposal to the Western Australian Planning Commission (WAPC) for its consideration and ultimate determination as the site is reserved under the Metropolitan Region Scheme as "Parks and Recreation".

The proposed Members Equity Stadium signage was also referred to the Heritage Council of Western Australia (HCWA) for comments.

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

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

Town Planning Scheme No. 1 and associated Policies.

#### **STRATEGIC IMPLICATIONS:**

Nil.

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

Nil.

#### **COMMENTS:**

##### **Heritage**

The Place is included on the State Register of Heritage Places and is therefore subject to the provisions of the Heritage of Western Australia Act 1990. As such, changes to the place affecting significance fabric must be referred to the Heritage Council of Western Australia (HCWA) for its consideration prior to works being carried out.

The proposed signage solution for the main entrance gates at the corner of Pier and Bulwer Streets is generally considered an acceptable approach, utilising a free standing sign located behind the gates. Sufficient space between the masonry wall of the gates and the signs should be allowed to ensure easy access for installation and maintenance. Installation and maintenance of the signs should not allow impact on the gates, their foundation and the bitumenised apron adjacent and to the rear of the gates, in any manner. Comments from HCWA are expected to address these matters.

The signage proposed for other areas of the place is not considered to impact on significant fabric. However, given the commercial pressures and on-going changes likely to occur to the place in the future, it is recommended that a sign strategy and agreement be put in place that identifies the areas of opportunities and restrictions to which the application of signage (or other large scale fixtures) is considered acceptable. This will assist in minimising future referrals to HCWA and preventing any damage to significant fabric.

### **Signs**

Under the general provisions of the Town's Policy relating to Signs and Advertising, signage should not cover more than 10 per cent of the total building wall upon which it is to be placed. The proposed signs for Members Equity Stadium A, B, C, D, E2, F, G, H1, J and K, and the Town of Vincent signs D1, E1, F1, G1, and J1 including the variations proposed, are considered not likely to dominate the immediate area and streetscape, taking into consideration the proposed signage in the context of the size and location of the site and the affected buildings. The signage proposed by the Town will further establish the Town's association with the Stadium's current lessee, and is supported as it complements and is compatible with the signage related to the new naming of the Stadium to "Members Equity Stadium". On the above basis, all the proposed signage are supported.

The applicants have advised that they are unable to access the site with the necessary equipment to install signs "A". As such, temporary sign "B" is proposed for the interim, which will be removed when signs "A" are installed. The time frame for the removal of sign "B" should be appropriately conditioned.

### **Summary**

Accordingly, all the proposed signs are recommended for approval, subject to standard and appropriate conditions to address the above matters, as the proposal will not have an adverse impact on the amenity of the area.

The Council's decision is required to be forwarded to the Western Australian Planning Commission for determination. The HCWA has also been requested to forward its recommendation directly to the Western Australian Planning Commission, including a copy of its recommendation being forwarded to the Town of Vincent.

**10.2.2 London Plane Trees - Birdwood Square and Port Jackson Fig - Hyde Park**

<b>Ward:</b>	South	<b>Date:</b>	20 November 2003
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	RES0022 RES0042
<b>Attachments:</b>	<a href="#">001:</a>		
<b>Reporting Officer(s):</b>	K Godfrey		
<b>Checked/Endorsed by:</b>	J van den Bok; R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *receives the progress report regarding the condition of the London Plane trees in Birdwood Square and the Port Jackson Fig in Hyde Park; and*
- (ii) *receives a further report on the continued treatment/effectiveness of the Trichoderma spraying program and Phosphonate applications in the spring season of 2004.*

At 10.01pm Moved Cr Cohen, Seconded Cr Farrell

*That the meeting continue until the completion of all Items.*

**CARRIED (7-0)**

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

Cr Franchina returned to the Chamber at 10.02pm.

Moved Cr Chester, Seconded Cr Lake

*That the recommendation be adopted subject a new clause (iii) being added as follows:*

*"(iii) a second arboricultural opinion be obtained with regard to the effectiveness of the treatments currently being undertaken on the trees outlined in the report."*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.2.2**

*That the Council;*

- (i) *receives the progress report regarding the condition of the London Plane trees in Birdwood Square and the Port Jackson Fig in Hyde Park;*
- (ii) *receives a further report on the continued treatment/effectiveness of the Trichoderma spraying program and Phosphonate applications in the spring season of 2004; and*

- (iii) *a second arboricultural opinion be obtained with regard to the effectiveness of the treatments currently being undertaken on the trees outlined in the report.*
- 

#### **BACKGROUND:**

**This Item was DEFERRED at the Ordinary Meeting of Council held on 2 December 2003, due to the lateness of the hour.**

In December 2000, Arboricultural Consultant, Charles Aldous-Ball, was commissioned to assess the London Plane trees at Birdwood Square and two (2) large fig trees in Hyde Park that were showing signs of decline with visible leaf defoliation evident within the tree canopy.

#### **Birdwood Square**

The arboriculturist determined, following soil and root tissue analysis, that several of the London Plane trees located along the Beaufort Street frontage of Birdwood Square were suffering from a soil borne fungus called *Armillariella mella* (Honey Fungus). (Refer Plan A)

The condition causes a fungal pathogen to be transferred from tree to tree via the underground root mass. At the time it was recommended that the tree most infected be removed. This work was subsequently undertaken and, as recommended, the remaining trees were treated with "Trichoshield" and monitored over the following months.

#### **Hyde Park**

Following inspection of the two (2) trees, *Ficus Rubiginosa* (Port Jackson figs) located within Hyde Park that were displaying signs of decline, the Arboriculturalist determined they had been infested with Fig Psyllid, a sap sucking insect. The Port Jackson Fig located on the northern side of Hyde Park near Vincent Street had declined rapidly. This tree failed to respond to the recommended treatment, being vascular injections of Rogor (insecticide). (Refer Plan B)

The remaining tree, also a Port Jackson Fig, located on the southern side of Hyde Park adjacent to Glendower Street, was also treated with vascular injections of Rogor and it was also recommended that an application of "Trichoshield" to the root zone be undertaken as was the case with the trees in Birdwood Square. (Refer Plan B)

A progress report in relation to the effectiveness of the treatment was presented to the Council at the Ordinary Meeting held on 9 April 2002, where it was resolved :-

*"That the Council;*

- (i) *receives the report on the London Plane trees in Birdwood Square and Port Jackson Figs in Hyde Park;*
- (ii) *APPROVES the recommended treatment of Trichoderma spraying to be applied to the infected trees within Birdwood Square and Hyde Park.*
- (iii) *receives a further report on the progress/effectiveness of the Trichoderma spraying and fertilising program in the spring season of 2003.*
- (iv) *APPROVES the removal of the declining Port Jackson Fig tree located on the northern frontage of Hyde Park adjacent to Vincent Street for the reasons outlined in the report; and*

- (v) *APPROVES the replanting of the location listed in (iv) above with a grove of Jarrah trees (Eucalyptus marginata) to continue the theme of the established native garden planting within this area of Hyde Park."*

The approved works were undertaken and the Trichoderma spraying has continued and the trees' progress monitored by the Arboricultural Consultant.

**DETAILS:**

**Birdwood Square**

As part of the ongoing process, the Arboricultural consultant has recently inspected the trees (London Plane) within Birdwood Square and again applied "Trichoshield" around the root plate zone of each tree infected with the Armillariella pathogen (Honey fungus). In addition to the "Trichoshield" application, the consultant also recommended that vascular injections of "Phosphonate" into the trunks of the diseased trees be carried out.

"Phosphonate" injections are usually carried out to assist with the development of enzymes and cell division within the trees, which will assist in their recovery. Both these chemical applications were applied to the trees during the month of November 2003, ie Trichoshield application and Phosphonate injections.

Currently the canopies of the trees infected with Armillariella have only slightly recovered over the year since the last application of "Trichoshield". This is evident within the tree canopies, as the recent spring growth was quite sparse in comparison with the adjacent healthy trees.

The slow recovery rate of these trees is expected when taking into account the reduction in their overall stored carbohydrate levels, which has occurred during the past years and thus each tree is now trying to balance its root and leaf shoot ratio ie the healthy root to amount of leaf growth. As with any tree that has declined over time, it can take at least two (2) years before carbohydrate and foliage levels increase and the overall foliage biomass can sometimes take up to five (5) years to show significant signs of improvement.

Soil and root tissue samples have again been taken from the Plane Trees for analysis, to ascertain the progress of the Armillariella (Honey Fungus).

**Hyde Park**

The consultant has confirmed that the Fig Psyllid previously evident within the trees' affected canopy, has been controlled and is no longer present. This tree has recently been vertically fertilised, a process which involved holes being drilled around the trees drip line and a mixture of Osmocote fertiliser, peat and coarse white sand placed into these holes and watered in. This process is to assist in additional nutrient uptake for the trees' recovery.

Whilst The Port Jackson Fig in Hyde Park is not infected with the Armillariella pathogen, the Consultant has advised it would again be prudent to treat the root zone of this tree with "Trichoshield" as a precautionary measure. In addition, it was recommended that vascular injections of "Phosphonate" should be applied to the tree trunk to improve the development of enzymes and cell division. As previously stated, this tree will take three (3) to five (5) years to recover.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Strategic Plan 2003-2008: 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"h) Continue to design and implement infrastructure improvements for public open space."*

**FINANCIAL/BUDGET IMPLICATIONS:**

A total cost for the Trichoderma spraying program and "Phosphonate" injections for the London Plane trees in Birdwood Square and the Port Jackson Fig in Hyde Park is estimated at \$1,500.00.

The costs for this treatment will be sourced from the respective Parks Ground Maintenance budget.

**COMMENTS:**

The trees at both locations mentioned above will be continually monitored in conjunction with the Arboricultural Consultant, Charles Aldous Ball, and Parks Services staff. A further progress report regarding their health and vigour will be presented to Council in December 2004.

As indicated in the progress report the trees that have been treated with the recommended chemical applications may take up to three (3) to five (5) years to complete their recovery and regain their visual prominence with healthy leaf coverage within the tree canopies.

Whilst initially the future for the trees, particularly in Birdwood Square, has not been favourable, the consultant believes that with the new technologies being developed in relation to treatment of mature trees, they will eventually fully recover.

**10.4.3 Planning and Building Policies - Amendment No. 13 Relating to Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas**

<b>Ward:</b>	Both Wards	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0022
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Policy relating to Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas, as shown in Appendix 10.4.3;*
- (ii) *ADOPTS the Policy relating to Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas to be applied immediately;*
- (iii) *ADVERTISES:*
  - (a) *the rescission of the Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas; and*
  - (b) *the proposed new Policy relating to Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas;*

*for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

- (1) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (2) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (3) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
  - (a) *REVIEWS the Policies relating to Non-Residential Uses in/or Adjacent to Residential Areas, and Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas, having regard to any written submissions; and*
  - (b) *DETERMINES the Policies relating to Non-Residential Uses in/or Adjacent to Residential Areas, and Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas, with or without amendment, to or not to proceed.*

**COUNCIL DECISION ITEM 10.4.3**

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

*That the recommendation be adopted.*

**Debate ensued.**

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

*That the Item be DEFERRED.*

**CARRIED (8-0)**

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

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

*That an Elected Members briefing be held.*

**CARRIED (8-0)**

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

---

**BACKGROUND**

**At the Ordinary Meeting of Council held on 2 December 2003, this Item was DEFERRED due to the lateness of the hour.**

The Council at its Ordinary Meeting held on 8 July 2003 resolved:

*"That the Council;*

- (i) requests the Chief Executive Officer to prepare a report in respect of commercial and mixed-use developments abutting residential areas, which specifically addresses aspects such as setbacks, height, bulk, scale, amenity and streetscape, and the use of the car parking allocated for the commercial component and adjoining commercial district by occupiers/visitors of the residential component;*
- (ii) REQUESTS the Chief Executive Officer to investigate and/or prepare a new policy or amend the Town's current Planning and Building Policies to include reference to commercial and mixed-use developments abutting residential areas; and*
- (iii) RECEIVES the report no later than September 2003."*

**DETAILS:**

The draft new Policy relating to Commercial, Non-Residential and Mixed-Use Development In and Abutting Residential Areas is shown as Appendix 10.4.3 to this Report.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

Town Planning Scheme No.1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area One: Environment and Infrastructure.

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

*Action Plans to implement this strategy include:*

- c) *Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision, to:*
- encourage hubs or centres of community within the Town;*
  - review residential densities;*
  - review zoning."*

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

A new Policy has been prepared to address those applications for commercial and mixed-use developments in and abutting residential areas. It is proposed that this new policy will negate the need for the existing Policy relating to Non-Residential Uses In/Or Adjacent to Residential Areas. In light of the above, it is recommended that the Council rescinds the existing Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas, and endorses and advertises the Policy relating to Commercial, Non-Residential and Mixed-Use Development in and Abutting Residential Areas.

**10.4.4 Independent Organisational Review - Implementation of Recommendations Timeline - Public Submissions**

<b>Ward:</b>	Both	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0061
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council NOTES that;*

- (i) *no submissions were received from the public on the Independent Organisational Review (IOR) Indicative Timeline for implementation of recommendations; and*
- (ii) *the Chief Executive Officer will proceed to implement the recommendations as detailed in the report submitted to the Special Meeting of Council held on 14 October 2003.*

---

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

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Lake**

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

- "(ii) *the Chief Executive Officer will proceed to implement the recommendations as detailed in the report submitted to the to the priorities resolved by Council at the Special Meeting of Council held on 14 October 2003.*"

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

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

(Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.4.4**

*That the Council NOTES that;*

- (i) *no submissions were received from the public on the Independent Organisational Review (IOR) Indicative Timeline for implementation of recommendations; and*
- (ii) *the Chief Executive Officer will proceed to implement the recommendations as to the priorities resolved by Council at the Special Meeting of Council held on 14 October 2003.*

**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;*

- (i) APPROVES of the Independent Organisational Review Indicative Timeline for implementation of recommendations as shown below;*
- (ii) ADVERTISES the Independent Organisational Review implementation and indicative timeline and Report for twenty-one (21) days for community consultation and a further report detailing any submissions received be submitted for Council's consideration at the Ordinary Meeting of Council to be held on 2 December 2003;*
- (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'; ..."*

**CONSULTATION/ADVERTISING:**

In accordance with the Council's decision of 14 October 2003, letters were sent to all Precinct and Business Groups in the Town seeking comment. An advertisement was placed in a local newspaper and submissions closed on 14 November 2003. No submissions were subsequently received.

A copy of the Independent Organisational Review report has been placed on the Town's Intranet (for staff) and Council's webpage. Hard copies of the report have been provided to all of the Town's sections, front counter and at the Library and also to several Precinct Groups upon their request.

**LEGAL/POLICY:**

Nil.

**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 were reviewed.

**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. Of this amount \$81,606 will remain as annual cost increases to the organisation.

An amount of \$105,000 has been included in the Budget 2003/04.

**COMMENTS:**

The Chief Executive Officer and Executive Managers have commenced the implementation of the IOR recommendations. Progress reports will be submitted to the Council during 2004.

**10.4.9 National General Assembly of Local Government 2003 and Melbourne Study Tour - Report**

<b>Ward:</b>	-	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Mayor Catania, Cr Steed Farrell, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) RECEIVES the report of the Mayor, Cr Farrell (part attendance) and Chief Executive Officer's attendance at the National General Assembly of Local Government held in Canberra, from Sunday 23 November 2003 to Wednesday 26 November 2003 and Melbourne Study Tour from Thursday 27 November to Friday 28 November 2003;*
- (ii) APPROVES of the Town's participation in the International Council for Local Environmental Initiatives (Cities for Climate Protection) Water Campaign at a cost of \$1,210; and*
- (iii) NOTES that a further report will be submitted to the Council on the Report titled "Rates and Taxes: A Fair Share for Responsible Local Government - October 2003".*

---

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

*That the recommendation be adopted subject to clause (iii) being amended and new subclauses (iii)(a), (b) and (c) be added as follows:*

*"(iii) NOTES that a further report will be submitted to the Council on the Report titled "Rates and Taxes: A Fair Share for Responsible Local Government - October 2003" and to include:*

*(a) an outline of the current financial arrangements between Federal/State and Local Government;*

*(b) a description of what cost shifting has taken place, giving examples and the impact it has on Local Government in general and the Town in particular; and*

*(c) possible future areas of cost shifting eg education, health, security, provision of infrastructure and any foreseeable impact, positive and negative on the Town."*

**CARRIED (8-0)**

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

**COUNCIL DECISION ITEM 10.4.9**

*That the Council;*

- (i) RECEIVES the report of the Mayor, Cr Farrell (part attendance) and Chief Executive Officer's attendance at the National General Assembly of Local Government held in Canberra, from Sunday 23 November 2003 to Wednesday 26 November 2003 and Melbourne Study Tour from Thursday 27 November to Friday 28 November 2003;*
- (ii) APPROVES of the Town's participation in the International Council for Local Environmental Initiatives (Cities for Climate Protection) Water Campaign at a cost of \$1,210; and*
- (iii) NOTES that a further report will be submitted to the Council on the Report titled "Rates and Taxes: A Fair Share for Responsible Local Government - October 2003" and to include:*
  - (a) an outline of the current financial arrangements between Federal/State and Local Government;*
  - (b) a description of what cost shifting has taken place, giving examples and the impact it has on Local Government in general and the Town in particular; and*
  - (c) possible future areas of cost shifting eg education, health, security, provision of infrastructure and any foreseeable impact, positive and negative on the Town.*

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**BACKGROUND:**

The Tenth National General Assembly of Local Government was held in the Canberra from Sunday 23 November 2003 to Wednesday 26 November 2003. This National General Assembly of Local Government is the peak annual forum for Local Government Elected Members from throughout Australia.

**Attendance**

The Assembly was attended by in excess of 500 delegates Elected Members and Senior Local Government personnel and provided an excellent forum to discuss issues affecting Local Government and also for "networking". The Mayor and CEO attended. Councillor Steed Farrell, who was in Canberra on work business, also attended on Monday 24 November 2003.

The theme for Assembly 2003 was "Forging our Future - Local Governance Towards 2020". This provided the chance to look deeper into the future, to look at the impact of likely demographic, political and economic change on local government and to examine actions which might be taken to forge the kind of future that will best serve councils and communities.

**National Awards for Local Government 2003**

The Mayor, CEO and Cr Farrell attended a presentation dinner (at nil cost) at the National Museum where Senator the Hon. Ian Campbell, Minister for Local Government, Territories and Roads presented the National Awards. The Town was a joint winner in the Information

Services category for its Beatty Park Leisure Centre's "PoolWatch" Program - the Award was announced by the Mayor at the Ordinary Meeting of Council held on 2 December 2003.

A copy of the National Awards for Local Government 2003 booklet is "Laid on the Table" and a copy is displayed in the Town's Library.

### **International Council for Local Government Initiatives (ICLEI)**

The Mayor, CEO and Cr Farrell attended a complementary breakfast for the International Council for Local Government Initiatives. At this breakfast Awards were presented to participating Local Governments by the Minister for the Environment and Heritage, Dr David Kemp. Also at this breakfast, a presentation was made on the proposed Water Campaign™. This campaign will cover the following;

#### **"How can Councils benefit from joining the Water Campaign™"**

The Water Campaign™ will highlight how councils can:

- Improve environmental performance by using best practice management in the areas of open space, construction and waste collection
- Save money through the installation of water efficient devices in council buildings
- Influence the urban form through the promotion of water sensitive urban design features
- Influence community use and attitude towards water resources
- Demonstrate leadership amongst other councils and their community through the sustainable management of water resources
- Create opportunities for networking, sharing information and developing partnerships with other councils
- Protect local water bodies from contaminants entering through the drainage system.

#### **Framework of the Water Campaign™**

The objective of the Water Campaign™ is to provide a Milestone Framework, which covers a broad spectrum of water management issues and involves;

1. An assessment of the current state of water quality and quantity consumed;
2. Setting of goals to improve the current situation;
3. Adoption of an Action Plan to achieve the goals set;
4. Implementation of the Action Plan;
5. Monitoring and evaluation of the actions being implemented.

The Water Campaign™ supports a systematic identification and evaluation of the water resource management challenges facing local governments three levels;

- Corporate module - what councils can control
- Community module - what councils can influence
- Catchment module - what councils can achieve by working with other catchment stakeholders

#### **How do Councils join the Water Campaign™**

To join the ICLEI Water Campaign™ a Council resolution is required, which commits Council to completing the Five Milestones of the Water Campaign™ and the payment of a one-off participation fee inclusive of GST.

<b>Council Size by Population</b>	<b>Participation Fee Non-ICLEI Members</b>	<b>Participation Fee ICLEI Members</b>
Greater than 50,000	\$2,200	\$1,650
20,000 to 50,000	\$1,650	\$1,210
Less than 20,000	\$770	\$550

### **What does the Water Campaign™ provide?**

Promotion and recognition;

- Communications and media materials to help Councils gain local support for initiatives
- Recognition events where Councils gather to celebrate milestones achievements
- Assistance with planning local media events
- Opportunities to contribute information on actions they have implemented

Technical support and training;

- Water Campaign online database and materials for recording and identifying the priority areas for action
- Training workshops and program support to walk participants through the milestones and provide assistance in developing and implementing an action plan
- Access to expertise and networks of Councils to exchange ideas and solutions."

It is considered that participation in this program will have many benefits to the Town and is in keeping with the Town's philosophy on environmental matters. It is also in keeping with the Council's Strategic Plan 2003-2008, Key Result Area 1.1, *"Protect and enhance the environment and biodiversity"*, in particular 1.1(h) *"Implementation of water conservation initiatives."*

As Members will be aware, the Town has been an active participant in the ICLEI Cities for Climate Protection (CCP) Awards and has achieved Milestone 5.

### **Federal Members**

The Mayor, CEO and Cr Farrell attended a dinner (at nil cost) hosted by the Federal Member for Perth, Stephen Smith and Federal Member for Cowan, Graham Edwards, along with Elected Members and Officers from the Cities of Swan, South Perth, Joondalup and Town of Bassendean. (The Cities of Stirling, Bayswater and Belmont attended separately.)

### **Trade Display**

A large trade display comprising of 40 exhibitors formed part of the Assembly. One of the exhibitors was for the "LibertySwing" which is a specialised swing to enable children in wheelchairs to participate in this play activity. A list of the trade displays is "Laid on the Table".

The Town has included in its Budget 2003/04 an amount to upgrade its play equipment and to purchase a swing for children with disabilities. The Mayor and CEO were able to negotiate a \$5,000 discount on the purchase of one of these swings, which is proposed to be installed in Hyde Park. The Town was advised that it was one of the first Local Governments in Western Australia to purchase a swing and that only one other Local Government had placed an order.

A brochure of the "LibertySwing" is "Laid on the Table".

### **Presentations and Guest Speakers**

The Assembly was addressed by Prime Minister, John Howard, the Deputy Prime Minister, the Hon. John Anderson, Ms Julie Bishop - Minister for the Aging, Senator the Hon. Kay Patterson - Minister for Family and Community Services, and Mr Mark Latham in his capacity as Shadow Treasurer (now the Leader of the Opposition). A number of other politicians also spoke. A copy of the various presentations is "Laid on the Table".

Other guest speakers included: Mr Paul Kelly - Political Analyst and Contemporary Historian; Dr Simon Longstaff - Executive Director, St James Ethics Centre; The Hon Tim Fischer - Consultant and Company Director and Multiple Patron; Ms Maxine McKew - Opening Ceremony Master of Ceremonies and Governance Panel Facilitator.

### **Report of Inquiry into Local Government and Cost Shifting**

Mr David Hawker, MP, Chair, House of Representatives Standing Committee on Economics, Finance and Public Administration released a report entitled "Rates and Taxes: A Fair Share for Responsible Local Government - October 2003".

This report is considered most important and makes 18 recommendations relating to the financial relationship between the Federal, State and Local Governments. A copy of this report is "Laid on the Table" and the recommendations are shown at Appendix 10.4.9. The Chief Executive Officer has requested the Town's Executive Manager Corporate Services to provide a detailed report to the Council on the impact and significance of this report.

### **State of the Regions Report 2003**

A copy of this report which presents the latest statistical indicators on how Australian regions are performing is "Laid on the Table" and will then be kept in the Town's Library.

### **Information relating to the Ageing**

Considerable information relating to the ageing was obtained and these are "Laid on the Table". This information will be provided to the Town's Community Development Section to assist in its seniors' strategies. A compact disc entitled "Ageing in Australia" is "Laid on the Table" and a copy has also been provided to the Town's Community Development Section and the Library.

Approximately 8kg of publications and material were obtained and has been issued to the various Sections.

### **National General Assembly Resolutions**

Motions submitted for debate by Councils from throughout Australia were considered and debated. Copies of the Resolutions are "Laid on the Table".

### **Melbourne Study Tour**

#### Melbourne City

On Thursday 27 November 2003, the Mayor and CEO met with CEO and Senior Officers of the Melbourne City Council. A guided tour of Melbourne's "Chinatown", Lygon Street, Carlton (well reknown for its Italian restaurants) and various heritage streetscape programs in North Melbourne were inspected. Numerous similarities exist with Lygon Street and the Town's Oxford Street, particularly relating to al fresco dining and heritage aspects. The streetscape upgrades in North Melbourne are similar to the Town's Angove Street. Photographs are "Laid on the Table".

A copy of the Melbourne City Council's recently released "Kerbside Cafe Code" was obtained and is "Laid on the Table" and a copy has been provided to the Town's Environmental and Development Services Section.

The Mayor and CEO were also invited to attend a Special Meeting of the Council, in the historic Town Hall Chambers.

#### Council of Port Phillip Bay

The Mayor and CEO met with Mayor Johnston, Deputy Mayor David Brand and Senior Officers from the Planning and Engineering sections. An inspection of Acland Street, which is a popular cafe strip, was carried out. Also a multi-level carpark which incorporates a residential component. This street is similar to the Town's Beaufort Street cafe strip. Photographs are "Laid on the Table".

A copy of this Council's strategies relating to street prostitution is being obtained, as it has a number of similarities with the Town.

#### **FINANCIAL IMPLICATIONS:**

N/A.

#### **LEGAL POLICY:**

N/A.

#### **STRATEGIC IMPLICATIONS:**

Attendances at conferences is in keeping with the Town of Vincent Draft Strategic Plan 2003-2008, Key Result Area 4.3 (d) - *"Actively participate in community, local government and higher level forums."*

#### **COMMENT:**

Attendance at this National Forum was 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 directly lobby Federal politicians and to obtain relevant information.

The two day study tour in Melbourne proved most beneficial and information obtained will be used in formulation of strategies relating to infrastructure upgrades in various parts of the Town.

**10.4.10 Strategic Plan 2003-2008 - Amendments, Adoption of Timeline and Indicative Costings**

<b>Ward:</b>	Both	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0038
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of the amendments, indicative priorities and financial implications to the Strategic Plan 2003-2008, as shown in Appendix 10.4.10; and*
- (ii) *NOTES that the indicative priorities, financial implications and timeline will be further reviewed during the Budget 2004/05 process.*

Moved Cr Chester, Seconded Cr Doran-Wu

*That the recommendation be adopted.*

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

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

*"(i) APPROVES of the amendments, indicative priorities and financial implications to the Strategic Plan 2003-2008, as shown in Appendix 10.4.10; ~~and~~ subject to the Town of Vincent Strategic Plan 2003-2008 being amended as follows:*

*(a) Item 1.2(c) being given a timeframe of February 2004;"*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

Moved Cr Chester, Seconded Cr Lake

*That new clauses (i)(b), (c), (d) being added to the Strategic Plan as follows:*

*"(i) (b) 1.1(a) the word "of" being deleted;*

*(c) 1.4(p) the words "Review and" being added prior to the word "Implement";*

*(d) 4.1(a) the words " and ongoing" being added after "2004" in the Timeframe"; and"*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

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

(Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.4.10**

*That the Council;*

*"(i) APPROVES of the amendments, indicative priorities and financial implications to the Strategic Plan 2003-2008, as shown in Appendix 10.4.10 subject to the Town of Vincent Strategic Plan 2003-2008 being amended as follows:*

*(a) Item 1.2(c) being given a timeframe of February 2004;"*

*(b) 1.1(a) the word "of" being deleted;*

*(c) 1.4(p) the words "Review and" being added prior to the word "Implement";*

*(d) 4.1(a) the words " and ongoing" being added after "2004" in the Timeframe"; and*

*(ii) NOTES that the indicative priorities, financial implications and timeline will be further reviewed during the Budget 2004/05 process.*

---

**BACKGROUND:**

At the Ordinary Meeting of the Council held on 9 September 2003 the Council resolved as follows:

*"That the Council;*

*(i) ADOPTS the Draft Strategic Plan 2003-2008, as shown in Appendix 10.4.5;*

*(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."*

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.

The indicative priorities, timeline and financial implications were presented to an Elected Members Briefing Session held on 8 December 2003. At this Briefing Session, minor amendments were suggested and these have been incorporated. It was also expressed that the priorities and indicative timeline would be further reviewed during the budget process for 2004-05.

**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:**

Costs of approximately \$1,500 will be required for printing purposes.

**COMMENTS:**

The Strategic Plan is a very important document for the Town, as it will provide the future direction to the Council for the next five (5) years. The indicative priorities and financial implications have now been finalised and will give the Town its future direction during 2004/05 onwards.

It is therefore recommended that the amended Strategic Plan be adopted.

**10.4.13 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletins dated 2 December 2003 and 16 December 2003 as distributed with the Agenda, be received.*

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

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Lake**

*That Item IB03 listed in the Information Bulletin dated 2 December 2003 be DEFERRED.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

**COUNCIL DECISION ITEM 10.4.13**

*That;*

- (i) *the Information Bulletins dated 2 December 2003 and 16 December 2003 as distributed with the Agenda, be received; and*
- (ii) *Item IB03 listed in the Information Bulletin dated 2 December 2003 be DEFERRED.*

**DETAILS:**

1. The items included in the Information Bulletin dated 2 December 2003 are as follows:

**(This Item was DEFERRED at the Ordinary Meeting of Council held on 2 December 2003, due to the lateness of the hour.)**

ITEM	DESCRIPTION
IB01	Report on Causes of Death and Injury in Western Australia - An Epidemiology of Injury
IB02	Private Swimming Pool Inspections - Progress Report
IB03	Review of Existing Policy Relating to Street Walls and Fences

<b>ITEM</b>	<b>DESCRIPTION</b>
IB04	Letter from Western Australian Local Government Association - Heritage Loan Scheme
IB05	Department of Housing and Works - Building Note Number 13-2003, October 2003 - Builders Registration Act and the New Form 2 Application for Building Licence
IB06	Letter to Department of Housing and Works - No. 412 (Lot 37 and Pt Lot Y36) William Street, Perth - Notice Appeal
IB07	Letter from Department of Housing and Works - No. 412 (Lot 37 and Pt Lot Y36) William Street, Perth - Notice Appeal
IB08	No. 86a (Lot 9) Bourke Street, Leederville - Town Planning Appeal Tribunal - Statement by Respondent
IB09	No. 10 (Lot 11) Marian Street, Leederville - Town Planning Appeal Tribunal - Statement by Respondent
IB10	No. 39 (Lot 102) Farmer Street, North Perth - Town Planning Appeal Tribunal - Statement by Respondent
IB11	Nos. 89-95 (Lots 63 and 64) Smith Street, North Perth - Town Planning Appeal Tribunal - Statement by Respondent
IB12	No. 14 (Lot 1 on Strata Plan 35458) Bulwer Street, Perth - Town Planning Appeal Tribunal - Statement by Respondent
IB13	Western Power Letter to the Householder re Edward Street Cable Works
IB14	Letter of congratulations from Australian Council on Smoking and Health for the Town's proposal to implement a ban on smoking in public playgrounds
IB15	Letter of thanks from the West Australian Croquet Association for the approval of the partitioning at Forrest Park
IB16	State Records Act 2000 - Recordkeeping Plan
IB17	Register of Petitions - Progress Report - December 2003
IB18	Register of Notices of Motion - Progress Report - December 2003
IB19	Register of Reports to be Actioned - Progress Report - December 2003

2. The items included in the Information Bulletin dated 16 December 2003 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Planning Bulletin No 64 - Acid Sulfate Soils
IB02	No 412 (Lot 37 and Pt Lot Y36) William Street, Perth - Town Planning Appeal Tribunal - Statement by Respondent
IB03	Letter from the Office of Crime Prevention - Local Government Partnership Fund 2003/04 - Invitation to Apply

<b>ITEM</b>	<b>DESCRIPTION</b>
IB04	Letter of Thanks from Gaelic Footballers for Charity of WA
IB05	2003 Heart Foundation Kellog Local Government Awards Annual
IB06	Letter of Congratulations from Jamie Edwards MLA - Member for Greenough, Shadow Minister for Local Government re Best Practice Awards
IB07	Letter of Congratulations from the Western Australian Local Government Association re National Awards for Local Government - Poolwatch Programme
IB08	Western Australian Local Government Association - Local Government News Issue No 48.03
IB09	Letter of Appreciation from Ms Christine Papakostas re Swim School
IB10	Elected Members Briefing Session - 8 December 2003
IB11	Reply to Mr G Budrikis of 108 Chelmsford Road, Mt Lawley - Questions asked at the Ordinary Meeting of Council held on 2 December 2003

**10.4.14 Confidential Report - Nominations - Premier's Australia Day Active Citizenship Awards**

<b>Ward:</b>	-	<b>Date:</b>	11 December 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	CVC0005
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the Nominations - Premier's Australia Day Active Citizenship Awards.*

**COUNCIL DECISION ITEM 10.4.14**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information which should not be made public until the Australia Day Council of Western Australia considers the nomination.

**LEGAL:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*"2.15 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
  - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
    - (a) *the Members; and*
    - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

*prior to the discussion of that matter at a meeting of the council held with open doors.*

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*

- (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1)."*

The confidential report is provided separately to Elected Members and the Chief Executive Officer.

## 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 11.1 Notice of Motion – Councillor Sally Lake - Development of Vacant Land

*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 10 February 2004.*

---

**Moved Cr Lake, Seconded Cr Ker**

*That the motion be adopted.*

**Moved Cr Lake, Seconded Cr Chester**

*That the "10 February" be changed to "24 February"*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

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

(Cr Torre was an apology for the meeting)

### **COUNCIL DECISION ITEM 11.1**

*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.*

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**At the Ordinary Meeting of Council held on 2 December 2003, this Item was DEFERRED due to the lateness of the hour.**

## 12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

<b>12.1 WALGA Nominations – Keep Australia Beautiful Council (WA) (Ministerial Approval), Local Government Self Insurance Schemes Board, Municipal Building Surveyors Qualifications Committee (Approval by Governor)</b>
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Ward:	-	Date:	11 December 2003
Precinct:	-	File Ref:	ORG0045
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

### RECOMMENDATION:

*That;*

- (i) ----- *..be nominated as WALGA Member – Keep Australia Beautiful Council (WA), (Panel of 3 Names), (Ministerial Approval); and*
- (ii) ----- *..be nominated as WALGA Deputy Member – Keep Australia Beautiful Council (WA), (Panel of 3 Names), (Ministerial Approval); and*
- (iii) ----- *..be nominated as WALGA Member – Local Government Self Insurance Schemes Board (Serving Officer of a Scheme Member Council);*
- (iv) ----- *..be nominated as WALGA Member – Municipal Building Surveyors Qualifications Committee, (Panel of 3 Names), (Approval by Governor); and*
- (v) ----- *..be nominated as WALGA Deputy Member – Municipal Building Surveyors Qualifications Committee, (Panel of 3 Names), (Approval by Governor); and*

### BACKGROUND:

Please see Appendix 12.1 for details.

**NOMINATIONS CLOSE COB MONDAY 12 JANUARY 2004.**

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### **COUNCIL DECISION ITEM 12.1**

**Moved Cr Ker, Seconded Cr Lake**

*That nil nominations be made.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

### 13. URGENT BUSINESS

Nil.

At 10.32pm **Moved Cr Lake, Seconded Cr Doran-Wu**

*That the meeting move "Behind Closed Doors" to discuss the following items:*

- *10.4.12 - Loton Park and Members Equity Stadium, 310 Pier Street, Perth - Parking - this report contains commercially sensitive information about negotiations with Allia Holdings Pty Ltd.*
- *10.4.14 - Nomination - Premier's Australia Day Active Citizenship Award - this report contains personal information about nominees for the Award and should remain confidential until the Award has been announced.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 10.35pm and did not speak or vote on the matter.

<b>10.4.12 LATE REPORT: Loton Park and Members Equity Stadium, 310 Pier Street, Perth - Parking</b>
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<b>Ward:</b>	South	<b>Date:</b>	15 December 2003
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0051
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES report relating to parking on Loton Park and at Members Equity Stadium, 310 Pier Street, Perth;*
- (ii) *NOTES that;*
  - (a) *parking on Loton Park adjacent to Members Equity Stadium is under the control of the Town; and*
  - (b) *a Parking Management Plan will be prepared for the temporary parking on Loton Park and for Members Equity Stadium.*
- (iii) *APPROVES of the cost of temporary parking for vehicles on Loton Park for event days (other than Perth Glory Soccer Club (PGSC) sponsors, Golden Members or Players on National Soccer League (NSL) match days), to be as follows;*

<i>Vehicle with one person</i>	<i>\$10.00</i>
<i>Vehicle with two persons</i>	<i>\$ 9.00</i>
<i>Vehicle with three persons</i>	<i>\$ 8.00</i>
<i>Vehicle with four persons</i>	<i>\$ 7.00</i>
<i>Vehicle with more than four persons</i>	<i>\$ 5.00; and</i>

(iv) *REVIEWS the fees stated in Clause (iii) during the annual budget process.*

---

**Moved Cr Ker, Seconded Cr Chester**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Lake**

*That new clauses (ii)(c) and (d) be added as follows:*

"(ii) (c) *in the event that the condition of Loton Park deteriorates and does not allow parking, the Town is under no obligation to provide parking bays at no charge to Allia Holdings Pty Ltd on National Soccer League game nights; and*

(d) *temporary parking on Loton Park will be restricted to the training pitch and adjoining grassed area bordered by pedestrian paths to minimise pedestrian/motor vehicle conflict;"*

Debate ensued.

Mayor Catania advised that each subclause would be dealt with separately.

Clause (ii)(c) was put.

With the approval of the mover and seconder, the proposed clause (c) was amended as follows:

"(ii) (c) *in the event that the Management Committee determines the condition of Loton Park deteriorates and does not allow parking, the Town is under no obligation to provide parking bays at no charge to Allia Holdings Pty Ltd on National Soccer League game nights and negotiate to include this in the Heads of Agreement; and"*

Debate ensued.

**AMENDMENT CARRIED (7-0)**

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

Clause (ii)(d) was put.

Debate ensued.

The mover withdrew the amendment.

Moved Cr Ker, Seconded Cr Lake

"(ii) (d) *temporary parking on Loton Park will be restricted to the training pitch marked "A" on Plan 2238-CP-2 to minimise pedestrian/motor vehicle conflict;*"

Debate ensued.

AMENDMENT CARRIED (5-2)

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

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

Moved Cr Ker, Seconded Cr Chester

*That:*

(i) *clause (ii)(b) amended to add the words "and submitted to Council for approval at the earliest opportunity"; and*

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

"(v) *REQUESTS the Parking Management Plan to address, amongst other things (and not exclusively):*

- *pedestrian/motor vehicle conflict;*
- *preservation of the public open space;*
- *the number of bays that can practically be accommodated;*
- *before game and after game access and egress for both pedestrians and cars;*
- *process for reviewing performance during and after each NSL season;*
- *confining the car parking to a single area to minimise pedestrian/motor vehicle conflict;*
- *actions that can be taken in response to deterioration of the Public Open Space or other issues identified in respect of performance."*

Debate ensued.

AMENDMENT CARRIED (7-0)

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

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

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

**COUNCIL DECISION ITEM 10.4.12**

*That the Council;*

(i) *RECEIVES report relating to parking on Loton Park and at Members Equity Stadium, 310 Pier Street, Perth;*

(ii) *NOTES that;*

(a) *parking on Loton Park adjacent to Members Equity Stadium is under the control of the Town;*

(b) *a Parking Management Plan will be prepared for the temporary parking on Loton Park and for Members Equity Stadium and submitted to Council for approval at the earliest opportunity;*

(c) *in the event that the Management Committee determines the condition of Loton Park deteriorates and does not allow parking, the Town is under no obligation to provide parking bays at no charge to Allia Holdings Pty Ltd on National Soccer League game nights and negotiate to include this in the Heads of Agreement; and*

(d) *temporary parking on Loton Park will be restricted to the training pitch marked "A" on Plan 2238-CP-2 to minimise pedestrian/motor vehicle conflict;*

(iii) *APPROVES of the cost of temporary parking for vehicles on Loton Park for event days (other than Perth Glory Soccer Club (PGSC) sponsors, Golden Members or Players on National Soccer League (NSL) match days), to be as follows;*

<i>Vehicle with one person</i>	<i>\$10.00</i>
<i>Vehicle with two persons</i>	<i>\$ 9.00</i>
<i>Vehicle with three persons</i>	<i>\$ 8.00</i>
<i>Vehicle with four persons</i>	<i>\$ 7.00</i>
<i>Vehicle with more than four persons</i>	<i>\$ 5.00; and</i>

(iv) *REVIEWS the fees stated in Clause (iii) during the annual budget process; and*

(v) *REQUESTS the Parking Management Plan to address, amongst other things (and not exclusively):*

- pedestrian/motor vehicle conflict;*
- preservation of the public open space;*
- the number of bays that can practically be accommodated;*
- before game and after game access and egress for both pedestrians and cars;*
- process for reviewing performance during and after each NSL season;*
- confining the car parking to a single area to minimise pedestrian/motor vehicle conflict;*
- actions that can be taken in response to deterioration of the Public Open Space or other issues identified in respect of performance.*

## **BACKGROUND:**

At the Ordinary Council Meetings held on 2 December 2003, the Council considered a Notice of Motion and resolved as follows;

*"That the Council REQUESTS that the Chief Executive Officer prepares a report containing the following for the Ordinary Meeting of Council to be held on 16 December 2003;*

- (i) a plan showing the proposed 350 carparking bays on Loton Park;*
- (ii) an alternative plan showing carparking bays restricted to the training pitch and adjoining grassed area bordered by pedestrian paths;*
- (iii) a report outlining a method by which the Town will retain absolute control of parking on Loton Park and ensuring that the game day parking is restricted to the approved areas;*
- (iv) the history of relevant negotiations with Allia Holdings with respect to the provision of parking on Loton Park; and*
- (v) by what authority was the agreement to provide approximately 350 carbays on Loton Park made considering that the matter was not referred to in the Heads of Agreement approved by Council on 1 July 2003 and the Council gave the Mayor and the Chief Executive Officer authority to approve minor variations only."*

## **LOTON PARK PARKING - 350 BAYS**

A Plan No. 2238-CP-1 showing the proposed 350 carparking bays on Loton Park is attached (see Appendix 1). This plan has been prepared by the Town's Technical Services Staff and indicates that approximately 330 carbays can be accommodated on the large expanse of lawn (marked "A"), which also serves as the practice pitch. A further 25 cars are shown immediately off the path/driveway which runs parallel to Lord Street (marked "B"). It should be noted that previous concept plans indicated that approximately 54 cars would also be parked on the open area (marked "C") near the southern stand.

## **LOTON PARK PARKING - ALTERNATIVE**

Plan No. 2238-CP-2 (see Appendix 2) indicates the 325 carparking bays (approximately) on the large expanse of lawn. However, to achieve 350 bays it will be necessary to allow those 25 cars to park immediately off the driveway which runs parallel to Lord Street.

## **LOTON PARK - PREVIOUS ARRANGEMENT**

Perth Oval has been used since 1995 as a temporary venue for the playing of soccer. Initially, East Perth Football Club (EPFC), who were the former lessees of Perth Oval had a sub-lease with Perth Glory Soccer Club (PGSC). A subsequent agreement existed between EPFC and PGSC and the Town. In 2002 and 2003, PGSC have operated under an exchange of letters - detailing conditions of approval from the Town.

Under previous arrangements, PGSC advised that up to 400-450 cars were parked on the grass banks and land which surrounded the temporary playing pitch. This is shown in Plan No. 2238-CP-3 (Appendix 3). All control of parking under this arrangement was by PGSC employees and the Town had no involvement. The staff comprised of one person on the entry gate and 3-4 staff to direct and control vehicles inside the area. As can be seen from this plan, the area used under this previous arrangement was considerably larger than what is being proposed.

## PUBLIC OPEN SPACE CONCEPT PLANS

Briefing sessions have been held on 27 February 2002, 19 March 2002, 12 March 2003, 10 May 2003 and 27 August 2003.

On a number of occasions when the redevelopment matter has been discussed with Elected Members over the previous years, the CEO has verbally indicated that temporary parking would be proposed on the public open space for match days.

The original concept plan placed on the Town's website in mid-July 2003 for public consultation showed the proposed temporary parking on Loton Park. After a query from a member of the public, this plan showing the temporary parking was removed and the concept plan (minus the temporary parking) was inserted in its place. This was to avoid confusion between the originally proposed permanent carpark near Loton Park Tennis Club and the temporary parking.

The Town advertised the Concept Plan No. 2169-CP-1 (Appendix 4) locally on 19 July 2003. Letters were also sent to all Precinct/Community and Business Groups in the Town. Submissions closed on 8 August 2003 and at the close of submissions, six (6) responses were received. Extracts of submissions which made reference to parking as stated in the report to the Ordinary Meeting of Council held on 9 September 2003, are as follows;

1. **Forrest Precinct Group Inc:** [Underlining added.]

This group stated inter alia:

- "1. Members of the community who attended the 21 July 2003 FPG public meeting were unanimous in opposing any future permanent carparks within the Public Open Space (POS). There is more than sufficient car parking and street parking for the Loton Park Tennis Club to utilise without losing any more public open space. ...*
- 3. We would recommend the Town of Vincent charge a suitable amount for parking on the temporary carpark on game nights, collected by the Town of Vincent to cover the costs of maintaining the public open space utilised for the temporary parking. ...*
- 4. Temporary car bays in South East corner of ground - the plans do not indicate how the cars could access this area without driving along the pedestrian footpath and past the pedestrian gates to the oval. This would seem excessive utilisation for temporary parking. ...*

**Chief Executive Officer's Comments** ...[Underlining added.]

- 3. The temporary parking will be controlled by the Council. Appropriate fees will be investigated. The cost for temporary parking on Mueller Park at Subiaco Oval is \$10. However, it is reduced by \$1 for each additional person in the vehicle (e.g. \$9 for 2, \$8 for 3, \$7 for 4, \$6 for 5 persons).*
- 4. Temporary carparking in the POS area will be investigated to ensure that there is no conflict with persons. The plan will be finalised after the POS has been constructed. ..."*

2. **Mr Dudley Maier, Highgate (inter alia):** [Underlining added.]

*"Driveways*

*The public open space should be a park that can be used as a carpark and not vice versa.*

*The plan shows two significant driveways. These reduce the recreational value of the park, are excessive in size, promote car use by making car access easier, and most importantly, reduce pedestrian safety by increasing the potential for car-pedestrian conflict.*

- *There should only be one 'driveway'. While providing parking on the park has some benefit for the local community, the Town should not be making it even easier for people to use their cars. A single entrance/exit point should therefore be encouraged. Although the Bulwer Street entrance has the advantage of reducing the conflict with pedestrians going to/from the train stations, it does not provide efficient access for parking. It should be dropped completely.*
- *The 'driveway' off Lord St should only go a short distance into the park and should not have the dogleg that leads to the eastern gate.*
- *The pedestrian path to the north east of the eastern gate should be entirely separate from the 'driveway' in order to reduce potential car-pedestrian conflict. They should not overlap at all.*
- *There should be large signs on any driveway stating "Pedestrians have right of way".*
- *Car access to the two proposed parking areas on the east (19 bays) and south east (54 bays) is not clear. Surely it isn't proposed to have cars use the pedestrian path from the south east corner? These areas should not be used for car parking (see below). ...*

*Parking – South East and East*

*The parking areas on the south east (54 bays) and east (19 bays) should be removed. Car access to these areas is problematical (above). ..."*

*Future carparks*

*I do not support the 'possible future car parks' within the public open space. The Town is providing 69 bays on Pier St ...*

**Chief Executive Officer's Comments**

Driveways ...

The driveway from Bulwer Street is required to allow emergency service vehicles (and other services) access into the stadium from the Northern end and will allow an alternative entry/exit for vehicles parking on the Public Open Space during match days.

...

Parking

See previous comment. ...

Future Carparks

See previous comment. ...

Public Transport

This is not a part of the landscape plan. However, initiatives will be investigated to increase and promote the use of public transport."

Cr Sally Lake submitted on 10 August 2003 inter alia the following comments about parking;

*"Please accept the following submission on the landscaping of Loton Park - Yoordgoorading ...*

10. *I am concerned that using every bit of the open space for parking on match days may cause a conflict between pedestrians entering the grounds, and cars crossing the paths, I would prefer that parking was restricted to the single large area of open space, with traffic very strictly controlled.*
11. *Carparking on the open space should only be allowed when justified. Perhaps the users of the oval could "earn" the right to use the open space for parking only when they have included the cost of public transport within the event tickets.*
12. *I do not support the creation of permanent carparks within the parkland. This area will be well supplied with on-street and off-street parking once the redevelopment is complete. ..."*

**Management and Control**

Temporary parking of vehicles on Loton Park will be under the control of the Town. The Town proposes that it will provide staff to control parking on this area. The parking on this area is for "PGSC sponsors, Golden Members and players on NSL match days only". Most arrive for the pre-game function which is held 2 hours before kick-off time. At this time of the day, there are very few general admission spectators arriving. Therefore, the potential conflict between the spectators and vehicles is considered minimal. Except for PGSC, Golden Members and players, on National Soccer League (NSL) games, the Town will receive all income, which is proposed to be used for the maintenance of this open space.

The Town's Law and Order Services Section has previously enforced all parking restrictions in the streets surrounding Perth Oval and this arrangement will continue. On average, 10 rangers (comprising of permanent and casual employees) are employed on each match day to enforce the parking restrictions approved by the Council at its Ordinary Meeting held on 9 September 2003.

Additional staff to manage and control the proposed temporary parking on Loton Park is a natural extension of the current duties and a Parking Management Plan is currently being prepared.

## HISTORY OF NEGOTIATIONS WITH ALLIA HOLDINGS

### Key Dates

30 October 2001	Council decision to enter into a partnership with State Government to redevelop Perth Oval, Leederville Oval, construct a State Indoor Sports Stadium and construct an Office Building for the Department of Sport and Recreation.
October 2001-December 2002	Discussions held with all stakeholders. Plans prepared.
10 December 2002	Council decision to approve redevelopment of Perth Oval.
22 March 2003	Tenders advertised for Management, Catering and Naming rights.
11 April 2003	Tenders closed
11 April-May 2003	Tenders assessed
13 May 2003	Council decision to not accept tenders and authorise CEO to enter into negotiations

At the Ordinary Meeting of Council held on 13 May 2003, the Council considered tenders relating to the provision of operational management and catering services and naming rights and resolved inter-alia as follows;

*"That the Council ...*

- (ii) not accept the tenders as submitted by Allia Holdings Pty Ltd and Burswood Catering and Entertainment Pty Ltd as they are considered to be unacceptable;*
- (iii) notes that the tender submitted by Allia Holdings Pty Ltd has many potential advantages and benefits to the Town;*
- (iv) pursuant to Regulation 11(2)(c)(i) of Part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer be authorised to enter into negotiations with Allia Holdings Pty Ltd using their tender document submitted to the Town as a basis with the objective to address matters identified by the Chief Executive Officer and the Town's Solicitors (including the following) to the satisfaction of the Town:*

*Applicable to all tenders*

- (a) the acceptance of any one tender being conditional upon the other two tenders for Naming Rights and Operational Management Services also being accepted;*
- (b) the lease options are exercisable by Allia Holdings Pty Ltd jointly and which are not severable;*
- (c) the payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;*
- (d) monies be set aside in a Sinking Fund with a Full Asset Management Plan to be prepared, to ensure the long term maintenance of the facility;*
- (e) the type of security to be provided is to be specified;*

- (f) *the period of rent reviews to be determined, and in any case, not to exceed a period of five (5) years;*
- (g) *parking revenue from any proposed parking on public open space or other parking areas associated with the proposed stadium to be available to the licensee/vendor (page 12 - clause 6.5);*
- (h) *the Naming Rights fee of \$150,000 per annum inclusive of GST (page 52, clause 5.1);*
- (i) *selling of Naming Rights over \$150,000, any amount greater than \$150,000 will be shared between the Tenderer and the Town at a percentage to be negotiated;*

*Applicable to Catering Services Tender*

- (j) *clarification of the catering commission to be paid to venue users (page 28 - clause 13.1.3);*
- (k) *the recommendation is subject to the confirmation of the figures in this Item's report relating to the Burswood Catering and Entertainment Pty Ltd, against the offer from Burswood Catering and Entertainment Pty Ltd.*

*Applicable to Operational Management Tender*

- (l) *clarification of the submission that Perth Glory Soccer Club Pty Ltd being granted the right and entitlement to be the major licensee and lessee (page 11- clause 6.1);*
- (m) *clarification of an identical licence fee to be charged to a proposed second National Soccer League Team (which is currently charged to Perth Glory Soccer Club Pty Ltd) (page 12);*
- (n) *determination of ownership of capital works and improvements at an estimated value of \$100,000 to be provided by Allia Holdings Pty Ltd (page 23 - clause 5.1);*
- (o) *clarification of contribution towards the cost of maintenance for building repairs and ground maintenance (other than the pitch) (page 24 -clause 5.3);*
- (p) *clarification of the contribution towards the building insurance;*
- (q) *clarification of the request for the Town to install security cameras in priority areas (page 24, clause 5.2.8);*
- (r) *clarification of the venue users' requirement to pay outgoings above the rental to be charged (page 26, clause 8);*
- (s) *clarification of roles and responsibilities of the venue managers;*
- (t) ***the management plan outline public transport, and encourage use of transport alternatives other than the private car;***

- (u) *the management plan address issues of litter in Perth Oval and the surrounding streets and issues of security and inappropriate behaviour of patrons;*

*Applicable to Naming Rights Tender*

- (v) *clarification of the Town's requirements to contribute towards the installing of grandstand signage;*
- (w) *clarification of surplus funds from Naming Rights payable to the Town (pages 12 & 43);*
- (x) *clarification that a "clean venue" - free of advertising will be provided for the various users; and*
- (y) *note that all the amendments (carried at tonight's meeting) for Item 10.4.8 will also be applicable to Items 10.4.9 and 10.4.10."*

### **Details**

During May to July 2003, extensive negotiations were carried out between the Town, Allia Holdings Pty Ltd and Department of Sport and Recreation (DSR). These negotiations comprised of numerous telephone discussions between the Town's CEO and Jeff Dennis, CEO of Allia, the Town's CEO and the Town's Solicitors, the Town's CEO and DSR (and a combination of these), numerous emails and meetings.

### **Records**

The Town's records reveal there are six files relating specifically to the Heads of Agreement (HOA), one file relating to the Financial Assistance Agreement (which also refers to HOA conditions), in excess of 136 CEO emails and also numerous file notes relating to important telephone discussions incorporated in at least ten files relating to Perth Oval.

### **Negotiations**

As negotiations progressed, several lengthy meetings comprising of the Town's CEO, (and on occasions the Executive Manager Corporate Services, Executive Manager Technical Services and/or Executive Manager Environmental & Development Services), the Town's Solicitors, represents of DSR and Allia's CEO and Solicitors. At these meetings, the draft Heads of Agreement (HOA) were scrutinised and following the meeting, the Town's Solicitors would amend the draft version of the HOA and issue an amended version to both Allia and DSR. Comments would be received and the document would be further amended to reflect the changes and subsequent meetings were held.

The Town's records indicate that after Draft 3 had been completed by 20 May 2003, the prime negotiations focused on the following;

- Definitions
- the financial components and contributions
- the need for a bank guarantee to cover the Town's loan
- the type of guarantee to be provided
- the role of Allia
- the role of the Committee
- the responsibility for maintenance and capital improvements and asset management

- the need for a Reserve Fund
- the need for Key Performance Indicators
- Insurances
- "Clean Stadium" requirements for Special Events
- Licences for Users

The Heads of Agreement were prepared in draft form and up to six Drafts (of approximately 60 pages, excluding Appendices) were prepared prior to the final draft being submitted to the Council at its Special Meeting on 1 July 2003.

### **Significant Relevant Meetings**

Records reveal the following relevant meetings;

#### **22 May 2003 - between 2pm and 7.30pm**

Present: Town: CEO  
Executive Manager Corporate Services (EMCS)  
Executive Manager Environmental & Development Services (EMEDS)  
Town's Solicitors - M. Henderson, M. Matthews

Allia: Nil

DSR: Director, Graham Brimage  
Officer, Steve Humfrey

The main items for discussion at this meeting were;

- Principles for HOA
- Definitions
- Use and control of the venue
- Management rights
- Naming rights
- Role of the Committee
- Role of DSR in events
- Parity of use
- Costs for Community Groups
- Financial contributions
- Reserve Fund
- Responsibility for maintenance

#### **10 June 2003 - between 11am and 4.15pm**

Present: Town: Mayor  
CEO  
EMCS  
Town's Solicitors - M. Henderson, M. Matthews

Allia: Chairman, Nick Tana  
CEO, Jeff Dennis  
Solicitor, Orlando Fernandes

DSR: Director General, Ron Alexander

The main items for discussion at this meeting were;

- HOA Principles
- Bank Guarantee
- Parity Clause - to ensure availability of stadium on a "fair and consistent basis"
- Profit Sharing
- Role of Committee
- Redevelopment Clause
- Reserve Fund

### **18 June 2003**

Whilst the issue of parking was discussed on various occasions with all parties, in an email to the Town's CEO on 18 June 2003, Allia responded to a number of issues. In relation to parking the following was requested;

*"...approximately 400 vehicles be made available to Allia in the POS for all events held at the Stadium and that Allia reserve the right to collect any fees associated with this parking."*

### **24 June 2003 - between 8am and 12.55pm**

Present: Town: Mayor  
CEO  
Town's Solicitors - M. Henderson, M. Matthews

Allia: Chairman, Nick Tana  
Company Secretary, Gary Kift  
CEO, Jeff Dennis  
Solicitor - T. Di Francesco

DSR: Director General, Ron Alexander  
Director, Graham Brimage  
Officer, Steve Humfrey

The main items for discussion at this meeting were to review the whole of the final draft of the HOA and to clarify specific matters; such as;

- Bank Guarantee/Mortgage
- Insolvency Event
- Reserve Fund - contributions
- Function of Committee
- Public Liability and Insurances
- Contractual Rights
- Default of Contract
- Parking

The matter of parking, as per Allia's email of 18 June 2003, was discussed. The following is a summary;

Allia's Request		Town's Negotiated Outcome
No. of Cars	<ul style="list-style-type: none"> <li>• 400</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 350</li> </ul>
No. of Events	<ul style="list-style-type: none"> <li>• All events</li> </ul>	<ul style="list-style-type: none"> <li>• For NSL games only for PGSC sponsors, Golden Members and Players</li> </ul>
Collection of Fees	<ul style="list-style-type: none"> <li>• Allia to collect</li> </ul>	<ul style="list-style-type: none"> <li>• Town to collect, except for NSL games - Sponsors, Golden Members and Players</li> </ul>
Control	<ul style="list-style-type: none"> <li>• Allia to control</li> </ul>	<ul style="list-style-type: none"> <li>• Town to control</li> </ul>

The final negotiated outcome was detailed in the CEO's letter dated 11 July 2003.

### 9 July 2003 - between 5pm and 7pm

At this meeting, the Town's CEO and Solicitors met with representatives of Allia CEO Jeff Dennis and their legal representative. Two Senior Officers of the DSR were present. The main items of discussion at this meeting were;

- To finalise the HOA and Financial Assistance Agreement (FAA) - to enable signing of the document
- Guarantee details
- Loan repayments
- Ensure the HOA and FAA were not in conflict.

### Temporary Parking on Loton Park and Use of Parking at the Stadium

It is relevant to note that parking matters, whether street parking or parking in the carpark accessed via Pier Street (now converted into the Stadium carpark) and temporary parking on the public open space were raised on a frequent basis during discussions since October 2001.

PGSC have always stated that it was always their understanding that the existing status quo would continue. They further contend that if it was the Council's intention to discontinue this previous arrangement or significantly vary it, that they would not have entered into negotiations for the HOA - as the proposal would be commercially unsound.

The CEO entered into the negotiations on the basis that this "status quo" would continue, and there have been no instructions to the contrary.

On 11 July 2003, the Town's CEO wrote to Allia Holdings Pty Ltd and confirmed the negotiations which occurred on 24 June 2004, as follows;

*"It is understood and agreed by both the Town of Vincent and Allia Holdings Pty Ltd that;*

#### *Public Open Space*

1. *Approximately 350 parking bays will be made available free of charge to Perth Glory Soccer Club Pty Ltd Sponsors, Golden Members and Players in the Public Open Space (POS) adjacent to the multipurpose stadium and Lord St for all scheduled Perth Glory home games. Perth Glory Sponsors, Golden Members and Players will be permitted free parking in the POS on displaying a parking pass on entry provided by Perth Glory Soccer Club.*

2. The Town of Vincent will be permitted to collect a fee from any other person attending a Perth Glory home game and parking a vehicle in the POS without a valid parking pass (subject to availability).
3. *The Town of Vincent will be permitted to collect a fee from any person parking a vehicle in the POS for any event played at the multipurpose stadium other than a Perth Glory home game.*
4. The Town of Vincent will provide at the Town's cost parking staff and will be entitled to collect all proceeds generated from parking in the POS. These funds will be contributed towards the maintenance of the POS.

#### *Carpark*

1. *The carpark (approximately 70 ticket parking spaces) on the land adjacent to Pier St (as defined in the Heads of Agreement (HOA)) will be made available free of charge for VIP and/or Sponsors parking for all events held at the venue. Allia or the Licensee will provide parking staff for this area at their own cost.*

*These parking spaces will be ticketed parking under the control of the Town of Vincent for all other times."*

#### **HEADS OF AGREEMENT**

The HOA detail arrangements for parking as follows;

#### Clause 6.28

#### **"On-Site Parking**

- (a) The Town must supply to Allia free of cost 35 parking bays on the Land for use by Allia's visitors and staff, PGSC players, coaching and support persons.
- (b) The Town may relocate any of the parking bays provided by it to Allia under this Clause to other parts of the Land, but will consult with Allia concerning any such proposed relocation.
- (c) Allia must not require the payment of any fee from any person permitted to use any of those car parking bays."

#### Comment

This Clause 6.28 is to reflect the current use of the carpark (and informal carparking bays) on match days, which are accessed off Pier Street. It is now converted to the Stadium Carpark for 72 car bays.

This Clause reflects the CEO's letter of 11 July 2003 Clause 1 relating to the carpark.

It should be noted that on non-event days, parking by PGSC staff, players, coaching and support staff (up to 35) will park on the asphalt surrounding the grandstand - as has been the previous practice. On event days, this area will be restricted in parking, to allow for spectator access and movement. Therefore, parking will occur in the stadium carpark.

Clause 9.12

**"Parking**

- (a) The Town agrees to provide on the Land six staff parking bays and four visitors parking bays for use by Allia's catering staff and their visitors.
- (b) The Town reserves the right to relocate the parking bays referred to in Clause 9.12(a) in its discretion."

Comment

The parking on non-event days will be around the grandstand, as detailed above. The bays are to allow for servicing of the catering facilities and preparation for events.

It should also be noted that parking for the Western Australian Rugby League staff (7 persons) will also be on the asphalt around the grandstand. This is to be the subject of the proposed lease.

"Land" is defined as meaning the whole of the area comprising of Perth Oval, excluding the Caretaker's Cottage and Loton Park Tennis Club.

**AUTHORITY**

The Chief Executive Officer has carried out negotiations with the authority of the Council decision of the Ordinary Meeting of Council held on 13 May 2003, Items 10.4.8-10, Clause (iv);

*"(iv) pursuant to Regulation 11(2)(c)(i) of Part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer be authorised to enter into negotiations with Allia Holdings Pty Ltd using their tender document submitted to the Town as a basis with the objective to address matters identified by the Chief Executive Officer and the Town's Solicitors (including the following) to the satisfaction of the Town:"*

and the Special Meeting of Council held on 1 July 2003, Item 7.7, Clause (ii);

*"(ii) AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to make minor variations to the Heads of Agreement, which may arise during the finalisation of the document;"*

As previously stated, the discussions relating to parking, including the temporary parking on Loton Park were raised on a number of occasions during the progression of the project since October 2001 and also during negotiations. The proposed arrangement for up to 350 cars on NSL games is considerably less than what was requested from Allia Holdings Pty Ltd and was provided on the basis that this was an integral part of their negotiations and maintained their status quo in this matter. PGSC have advised that had this not been a part of their proposal, they would not have entered into the HOA.

Whilst the HOA contains details relating to parking for Allia and the caterer, for some unexplained reason the details relating to temporary parking on Loton Park was not included.

The CEO has always carried out the negotiations "in good faith" since the inception of this project in July 2001, to obtain the best possible outcome for the Town. The CEO believes he has acted with the authority and in accordance with the Council's decisions in negotiating the conditions and requirements of the Council. At no previous stage, has he been advised of a contrary view about the temporary parking on the public open space. In hindsight, the CEO acknowledges that the matter relating to temporary parking on Loton Park for NSL games should have been included in the Heads of Agreement.

**LEGAL/POLICY IMPLICATIONS:**

N/A.

**ADVERTISING/COMMUNITY CONSULTATION:**

N/A.

**STRATEGIC IMPLICATIONS:**

Nil.

**COMMENT:**

This report has been provided on the basis of outlining the relevant details of the project.

**10.4.14 Confidential Report - Nomination - Premier's Australia Day Active Citizenship Awards**

<b>Ward:</b>		<b>Date:</b>	15 December 2003
<b>Precinct:</b>		<b>File Ref:</b>	CVC0005
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **SUPPORTS** the nomination of \*\*\*\*\* for the Premier's Australia Day Active Citizenship Award in the category of "A Person of 25 Years or Older" for his services to the Vincent community as outlined in this report; and
- (ii) **FORWARDS** this nomination to the Australia Day Council of Western Australia for consideration.

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Cr Lake departed the Chamber at 11.11pm.

**COUNCIL DECISION ITEM 10.4.14**

**Moved Cr Chester, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (6-0)**

(Crs Franchina and Lake were absent from the Chamber and did not vote. Cr Torre was an apology for the meeting)

Mayor Catania advised that Item 10.1.14 would be recommitted as Cr Franchina was not in the Chamber.

**Moved Cr Chester, Seconded Cr Ker**

*That the Item be recommitted*

**CARRIED (6-0)**

(Crs Franchina and Lake were absent from the Chamber and did not vote. Cr Torre was an apology for the meeting)

Cr Franchina returned to the Chamber at 11.12pm.

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

**Cr Lake returned to the Chamber at 11.13pm.**

**At 11.13pm Moved Cr Ker, Seconded Cr Farrell**

*That Council resume an open meeting.*

**CARRIED (8-0)**

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

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#### **DETAILS:**

In September 2003 the Australia Day Council of Western Australia wrote to the Town advising of the Premier's Australia Day Active Citizenship Awards. The Awards foster, recognise and celebrate significant contributions to community life and active citizenship in all local government areas of Western Australia.

#### **Guidelines and Criteria**

Each year two local citizens and one local community group in each local government area are eligible for this Award. Only one nomination in each category can be forwarded to the Australia Day Council for consideration.

The recipients are selected from people and groups who have made a noteworthy contribution during the current year, or given outstanding service to the local community over a number of years through active involvement.

#### **Categories**

The Awards include the following categories:

- Premier's Australia Day Active Citizenship Award for a person of 25 years or older
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event

#### **Selection Criteria**

The winners will have been judged to have shown active citizenship and:

- Significant contribution to the local community.
- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

#### **Eligibility Criteria**

- Nominees should reside principally within the local authority.
- Awards will not be granted posthumously.
- Groups of people or couples will not normally be eligible except when meeting the criteria for a community group.

- A person cannot receive the same award twice, but can be considered for another award.
- Unsuccessful nominees may be nominated in future years.
- Sitting members of State, Federal and Local Government are not eligible.

### **Judging Process**

All category winners of the Premier's Australia Day Active Citizenship Awards will be selected from nominations received from the community, your local government or its appointed committee.

The judging panel will be made up of representatives from the local government and the local community.

These prestigious awards are only available to one recipient in each category in each year. Where local government represents more than one district or town, awards may be made to one winner from each category in each centre.

The judge's decision will be final and no correspondence will be entered into by the Australia Day Council of Western Australia.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina was not in the Chamber.

**10.4.1 Progress Report No. 5 - Members Equity Stadium and Redevelopment of Loton Park; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Oxford Centre, P4; Beaufort, P13	<b>File Ref:</b>	RES0051/RES0052/ RES0061
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 5 as at 10 December 2003, relating to the Members Equity Stadium (formerly referred to as the Multi Purpose Sports Stadium) and Redevelopment of Perth Oval; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre; and*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of various projects.*

**COUNCIL DECISION ITEM 10.4.1**

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

*That the recommendation be adopted.*

The Mayor and the CEO advised of the progress of the recent negotiations between the Town and Allia Holdings Pty Ltd. These relate to the Heads of Agreement and the need to ensure that the mortgage is in place as previously agreed. There has also been a need for a Catering Deed of Covenant to be signed by Allia Pty Ltd to protect the Town's position in the matter should default occur to ensure compliance with the Heads of Agreement.

Debate ensued.

**CARRIED (7-0)**

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

**BACKGROUND:**

This Item was DEFERRED at the Ordinary Meeting of Council held on 2 December 2003, due to the lateness of the hour. The progress report has been updated to reflect works as at 10 December 2003.

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.

A site inspection of all stakeholders was carried out on 8 December 2003 and a site inspection for Elected Members and Senior Staff is scheduled for 15 December 2003.

### **Members Equity Stadium and Redevelopment of Perth Oval**

1. External Paths, Lighting and Main Forecourt

External paths, lighting and main forecourt is being advanced by the Town's employees. The forecourt and street lighting are completed. Paths are almost completed. Concreting of the plats will be finished within one week and walkways will be finished within two weeks.

2. Seating

Seating has been erected in the bowl on the southern and eastern sides - awaiting concreting of northern area. Grandstand seating almost completed.

All sealing will be completed.

3. Media Boxes

The Media Boxes are completed.

4. Corporate Suites

These are almost completed. Fit out is in progress. Dividers between the suites will not be in place for the first game.

5. External Toilets

Two external toilet blocks are completed. Toilet block behind "The Shed" is about 98% completed and will be finished for the first game.

6. Public Open Space and Access Roads

Access roads are in place, together with drainage. Earthworks on public open space in progress. Reticulation is almost completed.

7. Grandstands

- Fitout - tiling and painting in changerooms completed. These are completed.
- Grandstand painting has commenced and is well advanced.
- Eastern grandstand in place.
- Temporary southern grandstand - almost erected.
- Function Room No. 1 - Female toilets' refurbishment will not be completed for first game.

8. Function Rooms

Walls, mechanical services and ceiling struts completed. Ceiling and lightings installed. Painting in progress. Awaiting carpets.

9. Kitchens

Wall tiling completed and coolrooms in place. Equipment fitout is by the caterer.

10. Lift

Lift shaft completed and motor being installed.

12. Pier Street Carpark

Works are well advanced by the Town's employees and will take approximately 1.5 weeks to complete.

13. Signage

Signage order placed and manufacturing in progress.

14. Scoreboard

This will be refurbished and repainted, subject to funding.

15. Lease Area Fencing - 50% completed, to be completed before first game.

16. "The Shed" - 100% completed.

17. Grass Banks adjoining "The Shed"

The Health Department of WA has requested crash rails for these areas and these will not be completed and installed in time. These were previously not required. Funding is not available for these items and the matter needs to be further investigated. **Therefore these two grass banks will not be available until at least mid to late January 2004.**

18. Public Open Space

Works to be substantially completed, that is - reticulation installed, turfing laid, pathways and roads installed, lighting conduits (and possibly lights) installed. **However, parking will not be available until late January/early February 2004 - to be reviewed at this time.**

19. Practice Pitch Lighting

To be completed in late January 2004.

20. Western Australian Rugby League (WARL) Offices

To be completed in late January 2004 ready for occupancy.

The builder, John Holland, are quite confident that they have the project well in hand and the Stadium should be ready for the first game on 27 December 2003.

A site inspection for Elected Members and Senior Officers has been arranged for Monday 15 December 2003.

### **Leederville Oval Redevelopment**

1. Works:

Subiaco Football Club (SFC) clubrooms and offices are finished. SFC relocated their furniture on 21 November 2003 and commenced operations on 24 November 2003. A "snag" list is being prepared.

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 has been meeting on a monthly basis. No problems have been encountered.

3. Leases:

Draft leases were issued to both Clubs and several meetings have been held. It is anticipated to report to Council in February 2004.

4. Floodlighting:

Application has now been made to the West Australian Planning Commission for planning approval. Preliminary works have commenced on the light fittings.

5. Public Open Space

Plans are being prepared and it is proposed to report to the Council in February 2004 for approval of the final concept plan.

### **State Indoor Multi Use Sports Centre**

This project has been placed "on hold" whilst the DSR carries out a feasibility study on Challenge Stadium. This study is almost complete and the findings may have an impact on the final composition of this project.

#### **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.

**10.4.8 Members Equity Stadium, 310 Pier Street, Perth and Leederville Oval, Vincent Street, Leederville - Proposed Official Openings**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Oxford Centre, P4; Beaufort, P13	<b>File Ref:</b>	RES0051/RES0052
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of the Official Opening of Members Equity Stadium/Loton Park to be Saturday 7 February 2004 (or other suitable date in February 2004 subject to confirmation by the Premier) and the refurbished Leederville Oval to be on Saturday 20 March 2004;*
- (ii) *INVITES the Premier the Hon Dr G Gallop to officially open both the facilities with Mayor Nick Catania; and*
- (iii) *AUTHORISES the Chief Executive Officer, in liaison with the Mayor, to prepare and organise the Official Openings of the facilities.*

**COUNCIL DECISION ITEM 10.4.8**

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

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

**BACKGROUND:**

During 2003, the Town has carried out refurbishment of Leederville Oval into a "Football Centre of Excellence" and Perth Oval into a multi purpose sports stadium.

**Leederville Oval**

Leederville Oval is now jointly occupied by East Perth Football Club (EPFC) and Subiaco Football Club (SFC) and the Stage 1 works have now been completed. The installation of lighting is currently in progress and it is proposed to be installed in February 2004, in time for the first night game which is proposed to be held on Saturday 20 March 2004 between EPFC and SFC. Both Clubs have recommended that the official opening be carried out on this date, as it will be a historic occasion.

### **Members Equity Stadium**

The completion of this facility is currently being finalised in time for the first game to be held on 27 December 2003.

A number of games will be held during January 2004 (which have been deferred as a result of the project redevelopment). However whilst the majority of works have been completed, "finishing touches" will be carried out from mid to late January 2004. As the State Government has contributed approximately \$7 million towards this project, and it is of significant regional importance, it is appropriate that the State Premier be invited to officially open this facility with the Town. A preliminary date has been set as 7 February 2004, when PGSC play their arch-rival "Woollongong". The official opening will be held just prior to the normal match start time of 7.00pm.

### **Working Group**

A Working Group for each of the openings will be formed comprising of the Town, Department of Sport and Recreation, Western Australian Football League and both Football Clubs for Leederville; and the Town, Perth Glory Soccer Club/Allia Holdings Pty Ltd and the Department of Sport and Recreation for the Members Equity Stadium.

The Premier has verbally indicated that he is available to open each facility. In order to allow sufficient time to prepare for both openings, it will be necessary for the Town to co-ordinate a Working Group to progress the various matters.

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

No specific costs have been identified at this stage, however it is envisaged that the normal printing costs, advertising and catering costs will be minimal. A plaque for each venue will cost approximately \$500 to \$1,000 and these will be included in the project budget costs.

A contribution from the Department of Sport and Recreation and the various stakeholders has been requested and at this stage it is envisaged that the costs will be split between all parties.

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

It is a requirement of the Financial Assistance Agreement that a sign indicating the State Government's contribution to the Stadium be erected in a prominent place - it is proposed that this will form part of the official plaque.

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

No statutory advertising is required, however in keeping with normal protocol this will occur.

### **STRATEGIC IMPLICATIONS:**

The official opening of both facilities is considered symbolic and signifies the importance of these facilities to the Town and State.

### **COMMENT:**

As the Council will be in recess during January 2004, it is appropriate that approval be granted to allow sufficient time for the official openings to be prepared.

Cr Franchina returned to the Chamber at 11.26pm.

At 11.26pm Moved Cr Chester, Seconded Cr Lake

*That the meeting reconvene to allow Item 10.1.33 to be recommitted.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

The meeting was reconvened with all present.

Moved Cr Chester, Seconded Cr Lake

*That Item 10.1.33 be recommitted.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting)

**10.1.33 Temporary Restricted Fee Paying Parking in Brisbane Street Car Park and Brewer Street to Perth Glory Soccer Club on Perth Glory Soccer Game Days, until 1 February 2004**

<b>Ward:</b>	South	<b>Date:</b>	10 December 2003
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PKG0049
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	J McGee, S Beanland, R Lotznicher		
<b>Checked/Endorsed by:</b>	R Boardman John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the exclusive temporary use by Perth Glory Soccer Club of all 213 bays in the Brisbane Street Car Park and the 70 angled parking bays in Brewer Street on 27 December 2003 and 3, 7, 10, 17, 21 and 31 January 2004, subject to;*

- (a) *the payment of all associated costs (estimated to be \$8,264) as outlined in the report;*
- (b) *the payment for the provision of Town of Vincent personnel at the Brisbane Street Car Park on the dates outlined in clause (i) to control entry into the car park and direct patrons to other suitable parking locations;*
- (c) *reimbursement to the Town for all associated costs incurred as a result of the proposal; and*
- (d) *Perth Glory Soccer Club providing adequate and trained Traffic Management Personnel to control access to Brewer Street during match days, at their full expense estimated to be \$2,560;*

*to the satisfaction of the Chief Executive Officer.*

Cr Franchina departed the Chamber at 11.27pm.

Moved, Crs Chester, Doran-Wu and Farrell

*That Item 10.1.33 be changed or revoked.*

**CARRIED (7-0)**

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

Moved Cr Ker, Seconded Cr Chester

*That;*

- (i) *the words "and the 70 angled parking bays in Brewer Street" be deleted in the preamble' and*
- (ii) *clause (d) be deleted.*

**CARRIED (7-0)**

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

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (7-0)**

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

**COUNCIL DECISION ITEM 10.1.33**

*That the Council APPROVES the exclusive temporary use by Perth Glory Soccer Club of all 213 bays in the Brisbane Street Car Park on 27 December 2003 and 3, 7, 10, 17, 21 and 31 January 2004, subject to;*

- (a) *the payment of all associated costs (estimated to be \$8,264) as outlined in the report;*
- (b) *the payment for the provision of Town of Vincent personnel at the Brisbane Street Car Park on the dates outlined in clause (i) to control entry into the car park and direct patrons to other suitable parking locations; and*
- (c) *reimbursement to the Town for all associated costs incurred as a result of the proposal;*

*to the satisfaction of the Chief Executive Officer.*

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**14. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 11.37pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker (Deputy Mayor)	South 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
Craig Wilson	Acting Executive Manager, Technical Services
Jeremy van den Bok	Manager Parks Services
Annie Smith	Executive Assistant (Minute Secretary)

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 16 December 2003.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2004