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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 25 October 2005, commencing at 6.07pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.07pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

John Giorgi - Chief Executive Officer – work reasons.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
Rob Boardman	Acting Chief Executive Officer
Des Abel	Acting Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Mark Fletcher	Journalist – The Perth Voice (until 8.39pm)

Approximately 12 Members of the Public

(c) Members on Leave of Absence:

Cr Steed Farrell – Ordinary Meeting of Council 25 October 2005 for work reasons.

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

1. Ms Sue Wells of 198 Anzac Road, Mt Hawthorn – Item 10.1.2 – Presented a petition on behalf of the local residents opposing the development at 196 Anzac Road. Concerned that the proposed crossovers would require branches of the street tree to be removed and a power pole placed right next to a tree. Believes that the proposed two storey building does not conform with the area and approval would create a precedent. Requested that the application be refused.

2. Mr Matthew Young of 16 Edith Street, Perth – Item 10.1.5 – Requested that condition (iii) be deleted as the proposal already displays the design features so this condition is unnecessary and may cause complications later. Stated that there are already significant recesses, horizontal banding, expression through different use of materials, glazing and a cut-out in the roof for a tree to go through. Requested that Council approve the application.
3. Mr Phillip Goldswain of 228 Brisbane Street, Perth – Item 10.1.1 – Submitted a model of the proposal to illustrate the design more clearly. Thanked the Officers for their assessment of the application. Requested that clauses (i)(a) and (c) be varied with regard to the privacy screening so that they are less prescriptive in a design sense and rather set a performance criteria that could be satisfied with the design proposal. Further requested that the gate be allowed to open out into the right of way.
4. Mr John Kirkness of 87 Duke Street, East Fremantle – Item 10.1.6 – Requested a minor modification to conditions (ii)(a) and (b) regarding privacy screening to include the words “*or equivalent*”. Also requested that a sentence be added to the conclusion of (b) as follows:

“Council may give consideration to revise screening that meets the requirements of the above condition and the amenity of the proposal subsequent to construction of the upper level structures when the clear impact of any overlooking into the neighbours can be accurately assessed, and for this to be fully at Council’s discretion.”
5. Mr Paul Rogers of 24 Camelia Street, North Perth – Item 10.1.4 – Stated that overlooking and overshadowing were no longer an issue. Advised that there had been no objections from one neighbour. Believes that there has to be some dispensation for this site given that they are trying to retain the existing residence. Stated that they have WAPC conditional approval for the subdivision. Believes that copying the existing federation homes diminishes their authenticity.
6. Mr Colin Connor of Whelans Planning Consultants of 162 Central Avenue, Inglewood on behalf of Mr Edward Baddour of 22 Camelia Street, North Perth – Item 10.1.4 – Believes that the development breaks all of the planning rules in terms of setbacks, parapet walls, design guidelines and building bulk. Further believes that the variations to the R Codes are excessive and directly affect the amenity of the adjoining neighbour. Stated that the report does not address the site coverage and that any variation to this should be justified. Advised that there was no condition relating to the subdivision in the Officer recommendation and that he believes it should be included. Requested that the application be refused.
7. Mr Edward Baddour of 22 Camelia Street, North Perth – Item 10.1.4 – Believes that the proposal is bulky and out of character and the 6m high wall on his boundary will overshadow more than half of his backyard and have implications on their amenity, prospective development, privacy and property value. Stated that the development breaches over ten of the requirements for the R40 zoning and will be an oversized building, encroaching all setbacks on both floors with very little useable outdoor space. Believes that it is in conflict with the Monastery Locality statement.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.30pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Maddalena Torre for the Ordinary Meeting of Council to be held on 8 November 2005 for work reasons.

Moved Cr Chester, Seconded Cr Ker

That Cr Torre be granted leave of absence for the Ordinary Meeting of Council to be held on 8 November 2005 for work reasons.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Acting Chief Executive Officer referred to the petition presented by Ms Sue Wells during Public Question Time. The petition contained 16 signatures from local residents opposing the development at 196 Anzac Road, Mt Hawthorn.

The Acting Chief Executive Officer advised that there was an Item on tonight's Agenda relating to this matter (Item 10.1.2). He further advised that the petition would be forwarded to the Acting Executive Manager Environmental and Development Services for investigation and report.

Moved Cr Chester, Seconded Cr Torre

That the petition be received.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Messina, Seconded Cr Doran-Wu

That the Minutes of the Ordinary Meeting of Council held on 11 October 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Planning Institute of Australia (WA Division) - Awards for Planning Excellence

I am very pleased to announce that the Town of Vincent won three awards for Planning Excellence for their Vincent Vision 2024 project at the the Planning Institute Australia (Western Australia Division) Awards for Planning Excellence held at the Parmelia Hilton, 12 October 2005.

The Town of Vincent won three awards for Planning Excellence for their Vincent Vision 2024 project: These were:

- **Award for Excellence in Community Based Planning** (Planning documents, reports, schemes or projects arising out of significant initiative or from a planned program of consultation, which demonstrates achievement of community goals).
- **WA President's Award** (Planning documents, reports, schemes or projects that demonstrate excellence in urban design – these must demonstrate design excellence, distribution of community and environmental benefits and create the possibility for continued adaptation and change).
- **WA Planning Minister's Award** – this award is the *overall winner of the State Awards* (this award is determined by the Hon. Alannah MacTiernan, Minister for Planning and Infrastructure).

I would also like to compliment Cr Helen Doran-Wu for her original vision for this project and also the Town's staff and in particular Mr Des Abel – Manager Planning, Building and Heritage Services and Ms Helen Coulter – Planning Officer for their outstanding efforts.

Received with acclamation.

7.2 Town of Vincent 2005 Rates Prize Draw Winners

I am pleased to announce the winners of the 2005 Rates Prizes for early payment of their rates. They are as follows:

First Prize – Mr J W Hooper

A Commonwealth Bank cash prize of \$1000.

Mr Hooper is here tonight and I have pleasure in presenting him with the cheque.

Received with acclamation.

Second Prize – S & C L Galluzzo

Overnight 'Refresher' accommodation package at the Novotel Langley for two people in a regular room plus buffet breakfast for two in the Gazebo Restaurant.

Third Prize – S C Chapple & G M Roberts

Overnight accommodation at Hotel Northbridge for two in a superior queen spa room.

Fourth Prize – R Topelberg

Overnight 'Breakaway' accommodation package at the Esplanade Hotel Fremantle plus breakfast for two in the Atrium Garden Restaurant.

Fifth Prize – V C Christie

Overnight accommodation package at the Hotel Grand Chancellor in a superior room including a buffet breakfast for two at Seasons on Wellington Restaurant.

Sixth Prize – M & N A Schmiedte

One night in a standard family cabin at any Aspen Park quality resort in WA.

Seventh Prize – R B Easthope, C & CY & J Sun, T Zossos, E & M A Ottaviano

\$50 voucher for Siena's Pizzeria-Ristorante-Caffe, Leederville.

Eighth Prize – J P Kinsella

\$50 voucher for dinner for two at The Oxford Hotel, Leederville.

Ninth Prize – J C Alexander

DVD player donated by Retravisio Leederville.

Thank you to all our sponsors.

8. DECLARATION OF INTERESTS

- 8.1 Cr Lake declared a financial interest in Item 10.1.15 – Progress Report No 10 – Municipal Heritage Inventory Review. The nature of her interest being that she owns property listed on the Town's Municipal Heritage Inventory. Cr Lake requested Council grant approval to remain in the chamber during discussion and decision making, but not to participate.
- 8.2 Cr Maier declared a financial interest in Item 10.1.15 – Progress Report No 10 – Municipal Heritage Inventory Review. The nature of his interest being that he owns property listed on the Town's Municipal Heritage Inventory. Cr Maier requested Council grant approval to remain in the chamber during discussion and decision making, but not to participate.
- 8.3 Cr Messina declared a financial interest in Item 10.3.2 – Investment Report as at 30 September 2005. The nature of his interest being that he is a Director and shareholder of the North Perth Community Bank.
- 8.4 Mayor Catania declared a financial interest in Item 10.3.2 – Investment Report as at 30 September 2005. The nature of his interest being that he is the Chairperson and shareholder of the North Perth Community Bank.
- 8.5 Cr Ker declared a financial interest in Item 10.1.15 – Progress Report No 10 – Municipal Heritage Inventory Review. The nature of his interest being that he owns property listed on the Town's Municipal Heritage Inventory.

(Cr Ker has Minister for Local Government approval to participate in debate and vote on this matter)

- 8.6 Cr Simon Chester declared a financial interest in Item 10.1.15 - Progress Report No 10 – Municipal Heritage Inventory Review. The nature of his interest being that he co-owns property being considered for listing on the Town’s Municipal Heritage Inventory.

(Cr Chester has Minister for Local Government approval to participate in debate and vote on this matter)

Crs Lake and Maier departed the chamber at 6.46pm to allow consideration of their request to remain in the Chamber during the discussion and decision making of Item 10.1.15.

Moved Cr Chester, Seconded Cr Messina

That Cr Lake and Cr Maier be permitted to remain in the chamber during the discussion and decision making of Item 10.1.15, but not participate.

Debate ensued.

LOST (2-4)

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

(Cr Farrell on leave of absence. Crs Lake and Maier were absent from the chamber and did not vote.)

Crs Lake and Maier returned to the chamber at 6.50pm.

Mayor Catania advised Crs Lake and Maier that their request had not been approved.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.2, 10.1.5, 10.1.1, 10.1.6 and 10.1.4

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

Items 10.1.9 and 10.3.1

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

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

Cr Chester	Items 10.1.10 and 10.1.13
Cr Ker	Item 10.1.3
Cr Doran-Wu	Items 10.3.3 and 10.1.14
Cr Torre	Nil
Cr Lake	Item 14.1
Cr Messina	Nil
Cr Maier	Items 10.1.7, 10.1.8, 10.3.4 and 12.1
Mayor Catania	Nil

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

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

Items 10.1.15 and 10.3.2

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

Items 10.1.11, 10.1.12, 10.2.1, 10.2.2, 10.2.3, 10.4.1, 10.4.2 and 10.4.3

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

Items 14.1 and 14.2

The Acting 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 10.1.11, 10.1.12, 10.2.1, 10.2.2, 10.2.3, 10.4.1, 10.4.2 and 10.4.3

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

Items 10.1.2, 10.1.5, 10.1.1, 10.1.6 and 10.1.4

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

Moved Cr Chester, **Seconded** Cr Torre

That the following unopposed items be moved en bloc;

Items 10.1.11, 10.1.12, 10.2.1, 10.2.2, 10.2.3, 10.4.1, 10.4.2 and 10.4.3

CARRIED (8-0)

(Cr Farrell on leave of absence.)

10.1.11 New Public Health Act for Western Australia - Progress Report No. 1

Ward:	Both	Date:	10 October 2005
Precinct:	All	File Ref:	ENS0017
Attachments:	001		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 1 relating to a New Public Health Act for Western Australia;*
- (ii) *SUPPORTS the Western Australian Local Government Association's (WALGA) Position Paper September 2005;*
- (iii) *SUPPORTS the completed and recommended Fax-Back Survey attached as Appendix 001 to be faxed to WALGA; and*
- (iv) *NOTES that the Chief Executive Officer will advise WALGA and the Department of Health, Government of Western Australia accordingly.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on progress to date in relation to a New Public Health Act for Western Australia.

BACKGROUND:

On 9 August 2005 Council received a report on the Discussion Paper for a New Public Health Act for WA. In addition, Council authorised Senior Staff to do representation and serve on relevant Working Groups.

Subsequently, the Chief Executive Officer has been appointed by the Western Australian Local Government Association (WALGA) to serve on the 'Health Legislative Review Reference Group'. This group comprises of Elected Members, Chief Executive Officers and Environmental Health Managers. In addition, it partners with the Local Government Manager's Association.

Furthermore, on 4 October 2005 the Manager Health Services attended one of the State Wide Working Group Meetings in this regard at the City of Melville. On Monday 24 October 2005 a Working Group Meeting will occur in the Function Room of the Vincent Administration and Civic Centre between 10.00am to 15.00pm. The Working Group will be facilitated by an independent person appointed by WALGA as part of the consultation process.

The final position adopted by WALGA will be formalised by way of a resolution at the next State Council Meeting.

DETAILS:

The principles of the New Public Health are as follows:

- 1 Is expanded in scope in order to address current, emerging and future health issues;
- 2 Is administered using a risk based approach rather than '*control and command*';
- 3 Is administered in a proactive way rather than reactively;
- 4 Is able to administer in true partnership with other Acts and agencies;
- 5 Supports sustainability principles; and
- 6 Is compatible with approaches being taken in other States and Territories?

There are two fundamental changes proposed. Firstly, it is proposed to extend the ambit of a new Act, to be more in keeping with the World Health Organisation (WHO) definition of health, which hinges on a state of physical, mental and social well-being, not merely the absence of disease or infirmity.

Secondly, it is proposed to take a risk based approach to administration of the Act, based on a statutory duty for '*all persons to conduct their activities in a way that does not cause risks to the health of others*'.

Main elements of the proposed model are:

- A general duty to protect public health;
- Orders to enforce the general duty;
- Policies and guidelines spelling out compliance with duty; and
- An offence of causing '*risk to health*'

A number of fundamental principles have guided WALGA's position, including:

- 1 Reducing cost shifting from State to Local Government;
- 2 Ensuring that any increase in the roles and responsibilities of Councils is accompanied with appropriate revenue streams;
- 3 Advocating for increased autonomy for Local Government;
- 4 Seeking clarification of the roles and responsibilities of State and Local Government;
- 5 Fostering regional co-operation between Local Governments; and
- 6 Strengthening Local Government's ability to serve their communities.

SUPPORT FOR WALGA'S POSITION ON KEY AREAS:

The Chief Executive Officer ensured several key amendments in the WALGA position, not limited to but including the following aspects:

- local government being fully consulted and engaged,
- the impact on local resourcing be determined,
- identifying and removing duplication of services,
- the impact on small business,
- training to be done by Department of Health,
- health planning to acknowledging and complementing current Local Government strategic planning requirements, and
- the Department of Health clarify its intentions in terms of local government involvement in future immunisation programs.

1. Key Issues

- 1.1 That the proposal to produce a new Public Health Act be supported subject to Local Government being fully consulted and engaged by the State Government throughout this process.

- 1.2 That the expansion of the term '*health*' to enable preventative measures to be applied to non-communicable and lifestyle diseases be supported in principle subject to clarification from the Department of Health, regarding:
 - (a) The Department's role in future research, design and implementation of state-wide health promotion programs aimed at lifestyle diseases;
 - (b) The role of the public health units;
 - (c) The future funding or funding assistance in delivery of local support facilities and programs aimed at lifestyle diseases by the State Government; and
 - (d) The impact on Local Government including resourcing and mandatory impositions.
- 1.3 That the proposal to continue the existing dual State/Local Government responsibility for administering the new Public Health Act is supported subject to:
 - (a) clarification of the roles and responsibilities of State and Local Government;
 - (b) adequate resourcing of Local Government;
 - (c) the development of a State-wide environmental health strategy;
 - (d) identifying and removing duplication of services; and
 - (e) identifying the impact on small business.
- 1.3.1 That the Department of Health adopts a vision and clearly defines its role in public health.
- 1.4 That the proposal to introduce a general duty in lieu of command and control provisions is supported subject to clarification of:
 - (a) a detailed examination of public liability issues for Local Government and the potential for legislative protection;
 - (b) appeal provisions; and
 - (c) the elements of proof necessary to secure a conviction in the case of non-compliance with an Order.
- 1.4.1 That the Department of Health actively promotes continuing dialogue with stakeholders during the public health legislation reform process, that it remains receptive to suggestions and requests for assistance and that it responds to needs as they arise.
- 1.4.2 That the proposal to make Guidelines and Policies for the purposes outlined in the Discussion Paper is supported and that the process for making such Guidelines and Policies is based on meaningful consultation in partnership with Local Government.
- 1.4.3 That the Department of Health provides adequate support, training and technical expertise to Local Government on environmental health issues.
- 1.5 That both the proposals to bind the Crown and to legislate to permit a graduated response based on planning and agreements are supported.
- 1.5.1 That any prosecution of the Crown can only be undertaken either by the Executive Director of Public Health (EDPH) or Local Government (subject to Local Government seeking endorsement of the EDPH)
- 2. Administration**
- 2.1 That future roles, powers, responsibilities and relationships of the Minister, the EDPH and Local Governments be clearly defined in the new Public Health Act following negotiation of the parties involved.

- 2.1.1 That whenever the powers and responsibilities of one are assumed by another, there should be a formal negotiation process.
- 2.1.2 That all such roles, powers and responsibilities are clearly stipulated and in user friendly language.
- 2.2 That support is given for the new Public Health Act to take precedence over other State legislation as it relates to public health issues.
- 2.3 That support is given for defining '*public health*' in the new Public Health Act.
- 2.3.1 That cautious support is given for defining '*health*' in the new Public Health Act. The definition must be such that it is not likely to impose an unreasonable expectation, liability or resource burden on Local Government.
- 2.3.2 That support is given for listing objectives in a new Public Health Act in consultation with Local Government and other key stakeholders.
- 2.4 That the new Public Health Act should enable the creation of statutory committees through a process that requires Ministerial approval.
- 2.4.1 That the roles of such committees should be advisory.
- 2.4.2 That consideration is given to establishing an Environmental Health Advisory Committee with terms of reference similar to those of the South Australian Advisory Committee.
- 2.5 That the new Public Health Act should require formal forward planning by both State and Local Government and acknowledges and complements current Local Government strategic planning requirements.
- 2.6 That the responsibilities of State and Local Government be clearly spelt out in performance terms, at the beginning of the new Public Health Act.
- 2.6.1 That the new Public Health Act should allow Local Government the flexibility to appoint such staff (Authorised Officers) to carry out its functions under the new Public Health Act and to properly discharge its responsibilities but with such appointments being subject to policy from the EDPH which specifies standards including appropriate qualifications, skills and knowledge.
- 2.6.2 That an Authorised Officer can call to their aid a person they think is competent to assist them in the discharge of their functions and that that person, while acting in their aid, has the same powers and authority.
- 2.6.3 That the new Public Health Act should empower the EDPH to audit the performance of Local Government's and make directions in that respect with the purpose of the audit and the outcome/action taken by DOH based on audit findings to be made clear to Local Government.
- 2.7 That the new Public Health Act ensures that it provides the mechanism for Local Government to recover the costs of services it provides to the community.
- 2.7.1 That the new Public Health Act allows Local Government to establish fees (under section 6.16 and 6.17 of the Local Government Act 1995) not capped by regulation.

3. Protection of Public Health

- 3.1 That power for a broad and versatile license/registration system be included in the new Public Health Act, based on empowering the Minister to declare '*licensable activities*' (the ACT model).
 - 3.1.1 That fees collected as part of the license be allocated in line with enforcement requirements.
- 3.2 That the opportunity is now taken to review the scope and detail of local laws and in so doing, the development of regulations and policies to cover all of those matters common to all or most Local Governments (consistent with the need for their retention) is explored.
 - 3.2.1 That a system for Local Governments to make local health laws based on local differences or individual need is retained.
- 3.3 That the concept of introducing and empowering Health Impact Assessment (HIA) in a new Public Health Act is supported.
 - 3.3.1 That both of the means of triggering HIA outlined in the Discussion Paper are supported, namely:
 - (a) Integrating with existing environmental impact assessment and planning approval processes.
 - (b) Empowering the EDPH to initiate inquiries.
- 3.4 That reservations are expressed at the proposal to incorporate principles from the State's Sustainability Strategy into the new Public Health Act and that the specific sustainable strategies should be identified prior to their development in the Act.

4. Control of Communicable Diseases and Emergency Powers

- 4.1 That the proposed model for notification of communicable diseases is supported with the comment that WALGA signals that it would like to represent Local Government interests when details such as how and when notification to Local Government would occur and what expectations there might be for Local Government.
- 4.2 That support is given to the proposal in the Discussion Paper to provide power in a new Public Health Act sufficiently broad to adopt the National Public Health Partnership (NPHP) draft model legislation on Notification of Immunisation Status.
 - 4.2.1 That during the consultation process the Department of Health and Local Government clarify Local Government's involvement in future immunisation programs.

CONSULTATION/ADVERTISING:

Consultation and advertising is the responsibility of the Department of Health, Government of Western Australia.

In addition to the release of the Discussion Paper, the Department of Health in partnership with the WALGA is conducting a series of metropolitan and regional workshops to promote discussion about the proposals. Information about these forums and their dates and locations is on the Local Government portal at <http://www.councils.wa.gov.au>

Progress of the public health legislation reforms is planned according to the following timetable:

Activity	Start	Finish
Health Act Review discussion paper released	June 2005	August 2005
Review comments, drafting instructions Public Health Bill to Cabinet	August 2005	October 2005
Drafting Public Health Bill	October 2005	January 2006
Consultation on draft Public Health Bill	February 2006	March 2006
Final drafting of Public Health Bill	April 2006	May 2006
Introduction to Parliament	June 2006	
Public Health Act subsidiary instruments	2006	2007

This timetable is only indicative and clearly takes an optimistic view. The initial consultation period has already been extended for three months (November 2005) beyond the above stated completion time. The whole process is likely to take several years and transitional arrangements, particularly in relation to phasing out regulations and introducing mandatory policies becomes very important. It has been suggested the sensible approach will be to carry-over all appropriate regulations and local laws and progressively replace them with policies or guidelines as required.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2005 – 2010:

'We will continue to be a safe and healthy inner city area, rich in heritage and cultural diversity' and 'sustainability guides our decision making.'

LEGAL POLICY:

Health Act 1911 (as amended) and numerous Regulations.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is deemed prudent to support the items relevant to Local Government provided in the WALGA Position Paper.

10.1.12 Tender No. 321/05 - Appointment of Maintenance Contractors to Undertake General and Specified Property Maintenance

Ward:	Both	Date:	7 October 2005
Precinct:	All	File Ref:	PRO1226
Attachments:	001		
Reporting Officer(s):	D Brits, K Steicke, D Paull		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tenders submitted to appoint contractors to undertake general and specified property maintenance in accordance with the specifications as detailed in Tender Number 321/05 for the next three years, as follows;

- (i) Plumbing and Gas Fitting – Oasis Plumbing Services and Robinson Buildtech;*
- (ii) Roof Plumbing – Robinson Buildtech, Pride Plumbing, and All Property Care;*
- (iii) Air-Conditioning – Techcon Air-Conditioning, and Exquisite Air;*
- (iv) Electrical Services – Boyan Electrical Services and KRC Electrical;*
- (v) Pest Control – Pestoff Pest and Weed and Ausmic Environmental Industries;*
- (vi) Painting Services – North Perth Painting Services, Riley Shelley and Atwell Building Company;*
- (vii) General Building Maintenance – Walshy All Round Tradesman, Robinson Buildtech, All Care Property, Morris Bros and Atwell Building Services;*
- (viii) Glazing Services – Davey Glass, All Suburbs Glass and Glazing Pty Ltd, and Atwell Building Services;*
- (ix) Handyman Services – Walshy All Round Tradesman, Sam’s Repairs and Maintenance, Robinson Buildtech, Marcel Scheidegger and Atwell Building;*
- (x) Drafting Services – Peter Jones and United KFPW; and*
- (xi) Carpentry – Walshy All Round Tradesman, PJR Carpentry, Robinson Buildtech and Atwell Building.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to approve of Tender No 321/05 - Contractors to undertake General and Specified Property Maintenance.

BACKGROUND:

At the Ordinary Meetings of Council held on 10 July 2001, 23 July 2002 and 12 August 2003, the Council approved the Tender to appoint contractors to undertake General and Specified Building Maintenance Works. Renewal of the Tender is necessary and subsequently Tenders were invited as advertised in the *West Australian* Newspaper of 7 September 2005.

On 21 September 2005, twenty-three (23) tenders were received and registered by the Town's Finance Officer (Purchasing) and Property Maintenance Officer.

DETAIL:

Selection Criteria

The following evaluation criteria and weighting were applied in the assessment of this tender:

Item	Description	Unit	Rate
1.	Standard labour	ea	Per Hour
2.	Call out fee	ea	Per Hour
3.	Travelling time	ea	Per Hour
4.	After hours / emergency	ea	Per Hour
5.	Materials percentage add on rate		Percentage

Selection Criteria	Weighting
Adequate resources available to carry out works	30%
Relevant Experience	25%
Contract price (Hourly Rates)	20%
References	15%
Overall compliance with tender specification and requirements	10%

Rating Scale:

- 10 = Outstanding offer, greatly exceeds criterion
- 8 = Very good offer, exceeds criterion
- 6 = Good offer, no deficiencies, meets criterion
- 4 = Fair offer, few deficiencies, almost meets criterion
- 2 = Marginal offer, some deficiencies, partly meets criterion
- 0 = Inadequate offer, many deficiencies, does not meet criterion

Relevant details of all submissions received and the subsequent evaluation of tenders are outlined in the attached Appendix 001.

As several Sections may use a particular trade within the same timeframe, for example, Handyman Services and Pest Control Services, a number of contractors per trade remain necessary. Multiple contractors also remain useful in calling quotations, comparing job costs, and to promote competition.

LEGAL/POLICY:

The tenders were invited in accordance with the Local Government (Functions and General) Regulations 1996, Part 4. The Property Maintenance Officer or other officers wishing to use General and Specified Building Maintenance Approved Contractors when necessary, are still required to comply with the Town's Purchasing Policy. In order to further improve the procedure, in cases where less than three quotations from approved contractors may be forthcoming, officers will obtain additional quotations from local service providers wherever possible, or by using the Council Purchasing Service of the Western Australian Local Government Association.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area One:

'To maintain, improve and develop the physical infrastructure of the Town.'

FINANCIAL/BUDGET IMPLICATIONS:

All costs are charged to the respective cost accounts, as approved in the Town's Budget 2005-2006.

COMMENTS:

It is recommended that the Council approves the recommended General and Specified Property Maintenance Approved Contractors List in order for the Council approved programmes to be actioned timely and effectively.

10.2.1 Tender No 326/05 - Provision of Consultancy Services Leederville Masterplan

Ward:	South	Date:	7 October 2005
Precinct:	Oxford Centre P4/ Leederville P3	File Ref:	PLA0153
Attachments:	001 ;		
Reporting Officer(s):	R Lotznicher, M Rootsey		
Checked/Endorsed by:	John Giorgi,	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the 'lump sum' tenders for the total value of \$47,522 for the provision of Consultancy Services for Part 1 (stages 1 and 2) of the Leederville Masterplan development from the following consultants (refer Appendix 10.2.1A);*
 - (a) *Architectural and Urban Design - Jones Coulter Young \$20,350;*
 - (b) *Property / Commercial and Economic - Colliers/Tactics4/Pracsys \$23,652; and;*
 - (c) *Quantity Surveyor – Ralph Beatty Bosworth \$3,520;*
- (ii) *NOTES that as the services of a Project Manager, Engineering Consultant and Licensed Surveyor may also be required for Part 1 (Stages 1 and 2) of the Leederville Masterplan, AUTHORIZES the Chief Executive Officer to engage the following consultants, to carry out the required services, at a predetermined agreed value, based on the hourly rates submitted in the tender;*
 - (a) *Project Management - Benchmark*
 - (b) *Engineering - Sinclair Knight Mertz; and;*
 - (c) *Licensed Surveyor – AJ Marsh Pty Ltd; and*
- (iii) *APPROVES the establishment of a panel of consultants for the possible progression of Part 2 of the Leederville Masterplan, comprising the following consultants based on the hourly rates submitted in the following order of preference outlined under each discipline. (The respective hourly tender rates submitted are outlined in confidential appendix 10.2.1B as circulated separately to Elected Members);*
 - (a) *Architectural and Urban Design - James Coulter Young; Hames Sharley;*
 - (b) *Project Management - Benchmark; Clifton Coney; NS Projects;*
 - (c) *Property / Commercial and Economic - Colliers; Tactics4; Pracsys;*
 - (d) *Quantity Surveyor – Rawlinsons; Rider Hunt; Ralph Beatty Bosworth;*
 - (e) *Engineering Consultant – Sinclair Knight Mertz;*
 - (f) *Surveyor – AJ Marsh.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

BACKGROUND:

A report was presented to the Ordinary Meeting of Council held on the Progress of the Leederville Masterplan. At the meeting the Council received the report *Progress Report No. 2*, approved the following indicative timetable (*and noted that the timeline was dependant upon the Delivery Model chosen and could be subject to significant revision*),

<i>STAGES</i>	<i>INDICATIVE DATES</i>
<i>Stage 1 - Concept Design</i>	<i>June - October 2005</i>
<i>Stage 2 - Due Diligence of Concept Designs</i>	<i>October - December 2005</i>
<i>Stage 3 - Appointment of Principal Consultants</i>	<i>January - March 2006</i>
<i>Stage 4 - Preparation of Design Plans and Subdivision</i>	<i>March 2006 - April 2007</i>
<i>Stage 5 - Disposal of Land</i>	<i>May 2007 - October 2007</i>
<i>Stage 6 - Development/Implementation</i>	<i>October 2007 onwards</i>

and authorised the Chief Executive Officer to call a tender for suitably qualified persons and/or organisations to provide consultancy services to assist in the implementation of the Leederville Masterplan.

DETAILS:

Calling of Tenders and Tender Opening

In accordance with the Council's decision (*13 September 2005*), on 21 September 2005, a tender was advertised calling for the provision of Consultancy Services for the Leederville Masterplan.

The tender called for suitably experienced individuals or organisations with a demonstrated track record in major land and infrastructure redevelopment projects to provide the following services:

1. Urban Design and / or Architectural Services
2. Project Management
3. Property / Commercial and/or Economic Consultant
4. Quantity Surveyor
5. Engineering Consultant

The tender stipulated that an organisation could tender for 'any one' or 'all' of the above services.

At the close of tender, at 2.00 pm on 5 October 2005, eight (8) tender submissions were received. One of the eight (8) tender submissions provided included all of the above five (5) consultancy services, while the remaining seven (7) tenders provided for only one (1) consultancy service.

Present at the opening were David Paul (Purchasing/Contracts Officer), John Giorgi, (Chief Executive Officer), Rick Lotznicher (Executive Manager Technical Services), Mike Rootsey (Executive Manager Corporate Services), Rob Boardman (Executive Manager Environmental & Development Services) and two (2) of the tenderers.

A late tender was received from Hassell Pty Ltd on Thursday 6 October 2005 at 11.55am and as the tender was received after the official closing time and date, the tenderer was formally advised that their tender could not be accepted and the tender was returned.

Tenders Received

The following conforming tenders were received.

Tender No 1

Company	Address	Consultancy
<ul style="list-style-type: none"> Jones Coulter Young Architects and Urban Designers 	321 Murray Street Perth WA 6000 Phone: (08) 9481 1477 Fax: (08) 9342 1816	Urban Design & Architectural
<ul style="list-style-type: none"> Pracsys 		Project Management
<ul style="list-style-type: none"> Colliers/Tactics4/Pracsys 		Property/Commercial/ Economic
<ul style="list-style-type: none"> Ralph Beatty Bosworth 		Quantity Surveyor
<ul style="list-style-type: none"> Engineering Consultant 		Sinclair Knight Merz

Tender No 2

<ul style="list-style-type: none"> Hames Sharley 	50 Subiaco Square Subiaco WA 6008 Phone: (08) 9381 9877 Fax: (08) 9382 4224	Urban Design & Architectural
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Tender No 3

<ul style="list-style-type: none"> Silver Thomas Hanley 	Suite 89 City West Centre 102 Railway Pde West Perth WA 6005 Phone: (08) 6363 9444 Fax: (08) 6363 9400	Urban Design & Architectural
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Tender No 4

<ul style="list-style-type: none"> NS Projects 	Subiaco Business Centre Suite 5, 531 Hay Street Subiaco WA 6904 Phone: (08) 9380 8358 Fax: (08) 9380 8370	Project Management
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Tender No 5

<ul style="list-style-type: none"> Clifton Coney Group 	Level 1-50 Subiaco Square Subiaco WA 6008 Phone: (08) 6380 9000 Fax: (08) 6380 9099	Project Management
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Tender No 6

<ul style="list-style-type: none"> Benchmark Project 	Office 3, Level 4, Eastside Cove, 10 Eastwood Tce East Perth WA 6004 Phone: (08) 9225 4255 Fax: (08) 9225 4833	Project Management
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Tender No 7

<ul style="list-style-type: none"> Rider Hunt 	Level 7, 44 St Georges Tce Perth WA 6000 Phone: (08) 9421 1230 Fax: (08) 9421 1535	Quantity Surveyor
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Tender No 8

<ul style="list-style-type: none"> Rawlinsons (WA) 	114 Hay Street West Perth WA 6005 Phone: (08) 9321 8951 Fax: (08) 9481 1914	Quantity Surveyor
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Tender No 9

<ul style="list-style-type: none"> AJ Marsh Pty Ltd 	PO Box 355 Gosnells WA 6110 Phone: 0438 582 441 Fax: (08) 9398 1994	Surveying Consultant
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Tender Request

Part 1

The Tender request was for the provision of consultancy services for Part 1 (Stages 1 and 2) as follows:

- Stage 1 - Concept Design
- Stage 2 - Preparation of Due Diligence Report and Business Case of Concept Designs

Part 2

Tenders were further advised that the possible progression to Part 2 of the project would only occur should the Business Case determine the viability of the project. Part 2 would comprise a panel of consultants for the implementation of Stages 3 – 6 inclusive, as follows:

- Stage 3 - Appointment of Principal Consultants
- Stage 4 - Preparation of Design Plans and Subdivision
- Stage 5 - Disposal of Land
- Stage 6 - Development/Implementation

Tenderers were requested to submit a lump sum fee proposal for Part 1 and hourly rates for relevant personnel who would ultimately comprise a panel of consultants should the project proceed to Stage 2.

Tender Evaluation

Selection Criteria

The following approved evaluation criteria was applied in the assessment of tenders:

	Criteria	%	Weighting
1.1	Financial Offer/Fee Proposal <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "<i>best value</i>" for money • Application of a reasonable fee structure in proportion to the service provided • Key personnel hourly rates to be provided 	25	25%

Criteria	%	Weighting
<p>1.2 Relevant experience, expertise and project team Demonstrate your:</p> <ul style="list-style-type: none"> • Experience, expertise and project team • capacity to address the range of services required • role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • understanding of the required service associated with delivering the services to the Town • experience and success in the sphere of recent major projects, particularly in WA 	35	35%
<p>1.3 History and Viability of Organisation</p> <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrate your capacity to deliver • Demonstrate your capacity and depth to effectively address the range of requirements of the Town 	20	20%
<p>1.4 Methodology</p> <ul style="list-style-type: none"> • Demonstrate proposed methodology for this project to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA 	10	10%
<p>1.5 Key Issues and Risk</p> <ul style="list-style-type: none"> • Demonstrate your understanding of the required service by identifying the key issues and risks associated with delivering the project. • Explain how you intend to address these issues and risks 	10	10%
TOTAL	100	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicher, and Executive Manager Corporate Services, Mike Rootsey.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This provided for the following scoring;

0-10%	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criteria, unacceptably high risk to Principal.
20-30%	Marginal offer, some deficiencies, partly meets criteria, high risk to Principal.
40-50%	Fair offer, few deficiencies, almost meets criteria, medium risk to Principal.
60-70%	Good offer, no deficiencies, meets criteria, medium to low risk to Principal.
80-90%	Very good offer, exceeds criteria, low risk to Principal.
100%	Outstanding offer, greatly exceeds criteria, very low risk to Principal.

Tender Summary (Lump Sum) - Part 1 (Stages 1 & 2)

The following is a fee summary and project summary for each project.

Urban Design & Architectural

	Tenderer	Total (\$)	
		Stage 1	Stage 2*
1.	Jones Coulter Young	\$990	\$20,350
2.	Hames Sharley	\$27,000	\$29,150
3.	Silver Thomas Hanley	\$51,150	\$55,330

Note* The fee proposal was assessed on Stage 2 only as Jones Coulter Young had some previous involvement with the preparation of preliminary Stage 1 concept plans

CRITERIA	%	Jones Coulter Young	Hames Sharley	Silver Thomas Hanley
Experience, Expertise & Project Team	6	6	6	5.35
Capacity to address a range of services required	6	6	6	5.2
Role & Credentials of key persons	6	6	6	5.5
Availability to provide skilled persons	6	6	5.85	5.35
Understanding of the required services	5	5	4.75	5
Experience & success – recent major projects	6	6	6	6
History and viability	5	5	5	4.5
Comments received from referees	5	4	4.5	3.0
Capacity to deliver	5	5	4.75	4.75
Capacity & depth to address requirements of the Town	5	4.9	5	3.8
Methodology for project to be completed on time & budget	5	4.5	4.25	3.75
Methodology for project & evidence of successful results (WA)	5	5	5	2.75
Key issues and risks associated with delivering the project	5	4.9	4.25	3.5
How issues and risks will be addressed	5	5	4.25	3.25
Fee Proposal	25	25	21.02	9.19
TOTAL	100	98.3	92.62	70.89
Ranking		1st	2nd	3rd

Project Management

	Tenderer	Total (\$)
1.	Pracsys	\$3,850
2.	Clifton Coney	\$11,530
3.	Bench Mark	\$16,500
4.	NS Projects	\$24,750

CRITERIA	%	Clifton Coney	Pracsys	Benchmark	NS Projects
Experience, Expertise & Project Team	6	6	5.5	6	6
Capacity to address a range of services required	6	6	5	5	6
Role & Credentials of key persons	6	6	4	6	6
Availability to provide skilled persons	6	6	5.2	5	6
Understanding of the required services	5	4	5	5	5
Experience & success – recent major projects	6	6	5.5	6	6
History and viability	5	5	5	5	5
Comments received from referees	5	3.5	3	3	4
Capacity to deliver	5	5	5	5	5
Capacity & depth to address requirements of the Town	5	5	4	4.5	4.5
Methodology for project to be completed on time & budget	5	5	3	5	3
Methodology for project & evidence of successful results (WA)	5	4.75	4	5	3

CRITERIA	%	Clifton Coney	Pracsys	Benchmark	NS Projects
Key issues and risks associated with delivering the project	5	5	4	4.5	4.5
How issues and risks will be addressed	5	4.75	2	4	4.75
Fee Proposal	25	17.24	25	12.22	3.89
TOTAL	100	89.24	85.2	81.22	72.64
Ranking		1st	2nd	3rd	4th

Quantity Surveyor

	Tenderer	Total (\$)
1.	Ralph Beatty Bosworth	\$3,320
2.	Rider Hunt	\$10,120
3.	Rawlinsons	\$11,000

CRITERIA	%	Ralph Beatty Bosworth	Rider Hunt	Rawlinsons
Experience, Expertise & Project Team	6	6	6	6
Capacity to address a range of services required	6	6	6	6
Role & Credentials of key persons	6	6	6	6
Availability to provide skilled persons	6	5.5	5	5
Understanding of the required services	5	4.5	5	4.5
Experience & success – recent major projects	6	6	6	6
History and viability	5	5	5	5
Comments received from referees	5	3	5	3
Capacity to deliver	5	4	5	5
Capacity & depth to address requirements of the Town	5	4	5	4.5
Methodology for project to be completed on time & budget	5	4	5	4
Methodology for project & evidence of successful results (WA)	5	4	4	5
Key issues and risks associated with delivering the project	5	3	4	4.5
How issues and risks will be addressed	5	3	5	4.5
Fee Proposal	25	25	10	8
TOTAL	100	89	82	77
Ranking		1st	2nd	3rd

Property/Commercial and Economic Consultant

Only one (1) submission was received for Property/Commercial and Economic Consultant. The submission was received from a group of consultants, Colliers/Tactics4/Pracsys for \$23,652.

Engineering Consultant

Only one (1) submission was received for Engineering Consultant. The submission was received from Sinclair Knight Mertz. Their lump sum price was \$27,551.70.

Note: As the above two (2) tender submission were the only submissions received for the required discipline, they were not ~~rated~~ *given a score*.

While not “scored” the above two (2) tenders were formally assessed against the required selection criteria, were found to comply and provided reasonable value for money, which reflects current market prices for the provision of these services. It is considered that both these consultants would be capable of delivering the required outcomes

(The amendment shown in strikethrough, italic and underline to the “Note” above was provided to Elected Members at the meeting.)

Tender Summary (Hourly Rates) - Part 2 *(Also to be used, as recommended, for Part 1)*

The hourly rates submitted (*refer confidential appendix 10.2.1B*) were assessed using the following method:

- All 'individual' tender rates submitted by each tenderer for each discipline were averaged and rated.
- All 'like' (similar positions) individual tender rates submitted by each tenderer for each discipline were averaged and rated.
- Resultant individual and 'like' (similar positions) tender rates were averaged and rated.

The following tables indicate the results of the hourly rate assessment. All the criteria outlined in the above (assessment) tables is identical, the only change being the 'fee proposal' rating.

Architectural and Urban Design

	%	Jones Coulter Young	Hames Sharley	Silver Thomas Hanley
Fee Proposal	25	22.65	24.34	24.42
TOTAL	100	95.95	95.95	86.12
Ranking		1st	1st(equal)	2nd

Project Management

	%	Pracsys	Clifton Coney	Benchmark	N/S Projects
Fee Proposal	25	20.89	17.36	25.00	21.84
TOTAL	100	80.09	90.61	94	90.59
Ranking		4th	2nd	1st	3rd

Quantity Surveyor

	%	Ralph Beatty Bosworth	Rider Hunt	Rawlinson
Fee Proposal	25	18.46	21.28	25.00
TOTAL	100	82.46	93.28	94.00
Ranking		3rd	2nd	1st

Licensed Surveyor

A submission was also received from AJ Marsh Pty Ltd for the provision of surveying services. This submission included hourly rates and the information is contained in the *Confidential Appendix 10.2.1B*.

The requirement for a 'land surveyor' was included in the tender specification.

ADVERTISING/CONSULTATION:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

FINANCIAL/BUDGET IMPLICATIONS:

Funds for the appointment of consultants have been provided in the 2005/2006 budget.

LEGAL/ POLICY IMPLICATIONS:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy. In addition, the Department of Housing and Works Tender Evaluation Assessment Matrix was used.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 3.3 Promote the Town as a place for investment appropriate to the vision for the Town and Develop partnerships and alliances with key stakeholders.

The appointment of suitably qualified and experienced consultants for this strategically important project will ensure that the project will meet the needs of all stakeholders and the community.

COMMENTS:

The Leederville Masterplan project has been progressed to a stage where further professional input is required to determine whether the project is viable. The consultants' 'initial' task will be to provide services for Part 1 Stage 1 – develop/finalise Concept Design/s and Stage 2 - prepare Due Diligence Report and Business Case for the Concept Design/s

The appointment of consultants is necessary to ensure that the project can progress to the next stage of implementation. The recommended consultants are long established, reputable Western Australian firms, which have extensive experience in major land and infrastructure redevelopment projects.

It is therefore suggested that the Council accepts the 'lump sum' tenders for the total value of \$47,522 for the provision of Consultancy Services for Part 1 (Stages 1 and 2) of the Leederville Masterplan as recommended.

It is also suggested that the Council approves the establishment of a panel of consultants comprising various tenderers for the possible progression of Part 2 of the Leederville Masterplan, based on the hourly rates submitted as outlined in the recommendation.

10.2.2 Further Report - Outcome of Trial Intersection Modification Dover and Matlock Streets, Mt Hawthorn

Ward:	North	Date:	18 October 2005
Precinct:	Mt Hawthorn P1	File Ref:	TES0173, TES0293 & TES0279
Attachments:	001 ;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the outcome of the intersection modification trial at Dover and Matlock Streets, Mt Hawthorn;*
- (ii) *APPROVES the installation of a splitter island and associated works in Dover Street, estimated to cost \$10,000, as shown on attached Plan No 2331-DP-1A;*
- (iii) *AUTHORISES the Chief Executive Officer to consult with the residents and businesses in Dover Street regarding the introduction of additional parking restrictions in Dover Street;*
- (iv) *RECEIVES a further report at the conclusion of the public consultation period; and*
- (v) *ADVISES all respondents of its decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the outcome of the recent community consultation undertaken for the proposed Dover Street splitter island, to be installed as a resident initiated traffic management improvement.

BACKGROUND:

At its Ordinary Meeting of 22 February 2005, the Council received a report on the proposed trial installation of a splitter island in Dover Street at its intersection with Matlock Street. The suggested trial was a result of a number of concerns raised by residents of both Dover and Matlock Streets about improving traffic management through the above intersection.

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

"That the Council;

- (i) RECEIVES the report on the proposed trial modifications at the intersection of Dover and Matlock Streets, Mt Hawthorn;*
- (ii) APPROVES the installation of a three (3) month trial of the modifications at the intersection of Dover and Matlock Streets, Mt Hawthorn; as shown on attached plan 2331-CP-1, at an estimated cost of \$1,000;*
- (iii) RECEIVES a further report at the conclusion of the trial period including the results of public consultation; and*
- (iv) ADVISES the respondents of the outcome."*

DETAILS:

In October 2004, the Town received a 15 signature petition from the residents of Dover Street and those residents of Matlock Street adjacent to the intersection, concerning traffic and parking issues.

The matter was reported to Council at its Ordinary Meeting of 26 October 2004 and referred to the Local Area Traffic Management (LATM) Advisory Group for consideration.

LATM Advisory Group

The item was listed for discussion at the LATM Advisory Group's meeting held on 20 December 2004 and, as is standard practice for the Group's meetings to invite community representatives, three (3) residents of Dover and Matlock Streets were invited to attend.

The group considered the residents' suggestion of making Dover Street a cul-de-sac before concluding that the potential impact of the surrounding local road network would result in significant access and permeability issues for residents and general traffic alike.

The traffic data tabled, while indicating that there had been an increase in traffic using Dover Street, i.e. a 4% increase between March 2003 and September 2004 as a result of changes in Killarney Street and Scarborough Beach Road, was not considered of a magnitude that it warranted a full or partial road closure.

Note: There has since been a 25% reduction in traffic volumes between September 2004 and September 2005.

Therefore, rather than close the street, the group discussed alternative solutions to address the residents' concerns.

The intersection of Matlock and Dover Streets was highlighted by the residents as a safety issue as they felt that south bound traffic in Matlock Street tended to 'cut' the corner at speed when turning right into Dover Street, west bound.

The Group discussed a two (2) stage action plan to address the residents' concerns. It was felt that if initial actions (Stage 1) did not improve the situation, then further actions (Stage 2) should be considered.

Stage 1

- An increased Ranger presence and enforcement with data collected on parking infringements issued for a period of a month. **Completed**

Parking restriction enforcement

Ranger Services and Community Safety advised that the Rangers regularly patrolled Dover Street during the month of January, at differing times of the day, and that no infringement notices were issued during the period. However, it was suggested that the adjacent businesses were aware of the increased Ranger presence and ensured that any 'chalked' vehicles were shifted within the required time restriction.

The Rangers currently patrol Dover Street as part of their normal rounds and upon complaint/request.

- Improved parking signage and line-marking (as required). **Completed**
- Trial installation of median/splitter islands in Matlock and Dover Streets to improve vehicle movements through the intersection. **Completed**

Stage 2 (possible)

- Strategically planted street trees to both enhance the street and change the driver's perception of the road environment.
- Speed humps.
- Enhanced/tighter parking restrictions.

Proposed Trial

It was suggested that to improve the situation, a splitter island be installed in Dover Street to better control traffic movements through the intersection. This would prevent the tendency to cut the corner and correctly align vehicles entering the intersection. Further, it was felt that it would be preferable to trial the changes first and to this end it was suggested that either sand bags or water filled barriers be used for a minimum three (3) month trial period. It was agreed that at the end of the trial the residents would be canvassed for comments and, if supported, a further report be presented to Council recommending the installation of permanent islands.

Trial Implementation

A temporary splitter island, consisting of water filled barriers, was installed in Dover Street, adjacent to its intersection with Matlock Street, on 10 May 2005.

Dover Street - Information

Dover Street is a Local Access Road with a speed limit of 50kph and comprises a 7.5m wide carriageway with a slight grade from Matlock Street to Scarborough Beach Road.

The following table shows 'before and after' traffic data for Dover Street (collected during the third (3rd) school term of the respective years).

Date	Volume (vpd)	Change	85% Speed (kph)	Change
September 2004	654	-25%	36.0	+11%
September 2005	523		40.0	

Community Consultation

Following consideration by the Town's Local Area Traffic Management Advisory Group, and in accordance with the Council's decision of 22 February 2005, a total of 15 letters with comment sheets and reply paid envelopes enclosed, were distributed to the residents and businesses in Dover Street and those residents of Matlock Street in the immediate vicinity of the intersection.

At the close of the consultation period on Friday, 7 October 2005, 8 responses had been received representing a 53% response rate.

Of the 8 responses received, 7 (87.5%) were *in favour* of the proposal with 1 (12.5%) opposed.

Discussion

As indicated, a majority of the respondents were *in favour* of the proposal and, while some made no comment, others took the opportunity to offer both comments and suggestions including:

- Thankful that the cul-de-sac idea was dumped.
- Would be prudent to have 1 hour parking on both sides of the street.
- This will slow down the traffic plus will definitely benefit the street. However the main problem is the number of cars using the street and the number of cars parked on the street.
- Appreciate the Town of Vincent's efforts.
- Is parking only on the car yard side of Dover Street and not the residents' side an option? As stated previously, the congestion is hazardous.
- Seems a sensible improvement but (par phased) has concerns that when a car is parked in front of No. 94 Matlock Street that south bound traffic forced to wrong side of the road bringing it into potential conflict with traffic turning left out of Dover Street.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council's decision

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 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:

	<u>Funds Listed 2005/2006</u>
Dover Street Traffic Improvements	\$10,000

COMMENTS:

It is apparent from the public consultation that the majority of the residents and businesses in Dover Street, and those properties in Matlock Street in the immediate vicinity of the intersection, who responded to the survey, support the installation of the splitter island.

What also came out of the public consultation is that several Dover Street residents have an issue with parking congestion and road safety in the street. The concern is that if vehicles are parked on either side of the street it effectively reduces the carriageway to a single car width down the centre of a two-way road with limited passing opportunities. However, the line-marking (in Dover Street) has recently been enhanced and upgraded to provide clearer delineation of the 'No Stopping' zones, effectively creating passing points and resulting in a significant improvement in the situation.

Currently there are no restrictions on the southern or commercial side of Dover Street and a 1P restriction during business hours, Monday to Friday and Saturday mornings, on the northern side. If, as suggested by some, school parking is an issue, then specific time restrictions could be imposed, particularly on the northern or residential side of Dover Street.

In respect of the LATM Advisory Group's possible stage two (2) improvements, as listed in the main body of the report, the 85% speed (40kph) and 25% reduction in traffic volume suggests that speed humps are not warranted.

Note: While both sets of data were collected in September 2005, during the school term, it is doubtful that the reduction in the volume can be attributed to the trial island but rather other un-identified factors.

In respect of the use of street trees as an effective traffic calming device, the Manager of Parks Services will be requested to do an audit of the existing street tree stock and, where required, plant additional street trees.

10.2.3 Request to Relocate Adshel Bus Shelter – Loftus Street, North Perth

Ward:	North Ward	Date:	19 October 2005
Precinct:	Smith's Lake P6	File Ref:	TES0028
Attachments:	001:		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the request to relocate an Adshel bus shelter from Loftus Street, North Perth;*
- (ii) *APPROVES the relocation of the Adshel bus shelter from outside 234 Loftus Street, to a suitable location (to be determined) at an estimated cost of \$9,000, to be funded from the 2005/2006 Miscellaneous Traffic Management budget;*
- (iii) *Considers the installation of a new bus shelter outside 234 Loftus Street as part of the Public Transport Authority's 2006/2007 Bus Shelter Installation Program and installs one of the Town's older style standard cantilever bus shelters at this location in the interim; and*
- (iv) *ADVISES the owners of 234 Loftus Street of its decision.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of a residents request to address safety issues created by an Adshel bus shelter located adjacent 234 Loftus Street, North Perth.

BACKGROUND:

The son of the elderly residents of 234 Loftus Street, North Perth, has approached the Town regarding problems his parents are experiencing exiting their property due to the adjacent Adshel bus shelter.

The shelter, installed in 1998, is the standard Adshel advertising shelter as commonly seen around the Town, with an illuminated panel at one end in which product advertisements are displayed. The advertising panel effectively creates a solid barrier.

The location of the shelter is such that when the residents of the above property reverse out of their driveway they have a limited or restricted vision of approaching traffic and cannot proceed with any degree of confidence.

The situation is exasperated by a street tree (a mature paperbark) which is located between the crossover and the shelter.

The Town has an existing contract with Adshel Street Furniture for 45 bus shelter sites within the Town on either Primary or District Distributor Roads.

DETAILS:

In 1997 the Town entered into contractual arrangements with 3M Australia, since acquired by Adshel Street Furniture Australia, to install 45 advertising bus shelters within the Town. In exchange the Town was to be paid an annual dividend based upon a percentage of the advertising revenue. It should be pointed out the Town is one of only a few local governments who received revenue from the shelters. A majority of the agreements since signed involve only the installation and maintenance of the shelters.

The Adshel shelter located outside 234 Loftus Street, North Perth was installed in 1998.

At the time the Town's officers and representatives from 3M assessed the suitability of the proposed location of each of the shelters and consulted with adjoining residents.

The son of the elderly residents of 234 Loftus Street, North Perth, has approached the Town about problems his parents are experiencing safely exiting their property due to the presence of the adjacent Adshel bus shelter.

A recent joint site inspection undertaken in conjunction with Adshel indicated that the residents, when reversing a vehicle from their property, had a compromised view of the approaching south bound traffic in Loftus Street. Further when the adverting posters were removed, leaving only the clear glass panel, the sight distance was vastly improved.

The situation is further exacerbated by the 1.8m solid brick wall on the front boundary of the property and a mature paperbark street tree between the crossover and the shelter, the former also preventing the driver of a reversing vehicle from seeing pedestrians approaching from the north until the vehicle is partially obstructing the footpath.

Under the terms of the agreement with Adshel once a shelter has been installed, as per the original installation schedule, any future removal and/or relocation of a shelter would be at the cost of the applicant or the Town.

Options

The Town's Officers discussed various options with Adshel in an endeavour to address the residents concerns. However it became apparent that to improve the situation either the shelter had to be relocated or the advertising panel removed and/or modified.

Some of the options considered included:

Option 1

- Proposal - Remove the verge tree.
- Conclusion, would only provide a marginal improvement and unlikely to be acceptable to the residents as the tree is in extremely good condition.
- Cost: \$450.

Option 2

- Proposal - the Town to lease the advertising space and remove the posters.
- Conclusion, retains shelter, improves sight distance however considered impractical as the annual cost to lease the advertising space, while not divulged for commercial confidentiality reasons, was described as high.
- Cost: not provided, however, would be significant.

Option 3

- Proposal - the Town to purchase the shelter outright and provide Adshel with an alternate site (to be determined).
- Conclusion, retains shelter, improves sight distance. However Adshel will be required to arrange purchase and installation of a new shelter, see note below.
- Cost: \$15,000 to \$20,000 (to be confirmed).

Option 4

- Proposal - the Town to fund the relocation of the shelter to alternate site (to be determined).
- Conclusion, resolves sight distance issue however a shelter still required at this location. A new shelter could be included in the Town's 2006/07 Public Transport Authority (PTA) Bus Shelter Installation Program submission to install a Town of Vincent standard shelter (as per the shelter located outside the Town's Administration Centre). In the interim an old cantilever shelter could be installed to cater for bus patrons.
- Cost: \$9,000.

Note: In respect of options 3 & 4 approximately \$3,000.00 of the estimated cost is to provide an underground power supply as specified by Western Power Corporation.

Conclusion:

With the benefit of hindsight, an advertising shelter with the increased panel width (now standard) should never have been installed outside 234 Loftus Street and, now being made aware of the situation, the Town has a duty of care to the residents to improve the situation. However, as indicated above, the two obvious solutions, options 3 and 4, involve a substantial financial outlay by the Town.

The residents have indicated that they do not have an objection to the location of the bus stop at this location as such and therefore if the Adshel shelter is to be removed it would be recommended that it be replaced.

The two options are to install one of the older (refurbished) cantilever type shelters (either temporarily or long term), of which there are several at the Town's depot, and apply for funding under the PTA's Bus Shelter Installation Program in 2006/07 to install a new glass panel shelter as installed outside the Town's Administration Centre. Both these shelters will allow adequate site distance.

CONSULTATION/ADVERTISING:

N/A.

LEGAL POLICY:

N/A.

STRATEGIC IMPLICATIONS:

In line with Key Result Area Two of Strategic Plan 2005-2010 - 1.4 Maintain and enhance the Town's infrastructure to provide safe, healthy, sustainable and functional environment. (h) *“Investigate and implement transport development and management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group and the community”*.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to relocate the existing Adshel shelter and install a temporary cantilever shelter is estimated to be \$9,000. To be sourced from the Miscellaneous Traffic Requests budget.

COMMENTS:

As indicated in the main body of the report, and as illustrated by the attached photographs, the residents of 234 Loftus Street have legitimate concerns about adequate sight distance when reversing from their driveway.

However the Town, under the terms of the existing contract with Adshel, would be obliged to cover any costs associated with relocating the shelter.

Therefore having acknowledged that the residents have legitimate safety concern it is recommended that the existing Adshel bus shelter be relocated and a refurbished cantilever type shelter be installed (either temporarily or long term). Further it is recommended that the site be included in Town's 2006/07 PTA's Bus Shelter Installation Program submission.

A new location for the existing Adshel bus shelter (which meets all the site distance criteria) will need to be found. Several possible locations have been identified and will be discussed with Adshel.

10.4.1 Leederville Masterplan Project - Progress Report No. 3

Ward:	South	Date:	19 October 2005
Precinct:	Oxford Centre P4/ Leederville P3	File Ref:	PLA0153
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Leederville Masterplan Project - Progress Report No. 3 as at 19 October 2005; and*
- (ii) *AUTHORISES the Chief Executive Officer to negotiate with GNTM Pty Ltd concerning the conditions listed in their letter dated 29 August 2005 relating to the proposed accessway adjoining Lot 100, subject to the Council receiving a further report for consideration and determination of the final conditions.*

COUNCIL DECISION ITEM 10.4.1

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of this Progress Report No. 3 is to update the Council on the progress of the implementation of the Leederville Masterplan as at 19 October 2005.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 July 2005 the Council resolved (inter alia) as follows:

"That the Council;

- (i) *RECEIVES the report on the Proposed Leederville Business District Redevelopment - Progress Report No. 1 as at 6 July 2005; ...*
- (vii) *REQUESTS the Chief Executive Officer to write to the Water Corporation seeking their comments and/or commitment to their involvement in the Leederville Masterplan and also details of their future proposals (if any) for their landholdings;*

- (viii) *ADVISES GNTM Pty Ltd (Kailis) that, should they require access from their property into the Council land and a thoroughfare alongside their property for their proposed development, the proposed thoroughfare will only be supported on the basis that it be located equally on both properties; ... "*

At the Ordinary Meeting of Council held on 9 August 2005 at Item 10.1.16 the Council resolved inter-alia as follows:

- "(iii) REFERS the Leederville Masterplan (Final Draft) to the Leederville Masterplan Working Group for consideration of the findings and recommendations made in the document;*
- (iv) REFERS the confidential Concept Plans prepared by Architects Jones, Coulter Young and presented at a Forum on 19 July 2005 to the Leederville Masterplan Working Group and AUTHORISES the Working Group to consider and progress, subject to the plans remaining confidential;*
- (v) RESTRICTS distribution of the Leederville Masterplan to Elected Members and Working Group and the Concept Plans to the Chief Executive Officer only, until approved by the Council for release to the public; and"*

At the Ordinary Meeting of Council held on 28 June 2005, the Council considered a Confidential item regarding the Proposed Leederville Business District Redevelopment, where the following decision was adopted.

"That the Council;

- (i) APPROVES the quotation received from Jones Coulter Young, Architects and Urban Planners, for preliminary architectural services for the Leederville Business District at a cost of \$11,150 (plus GST);*
- (ii) AUTHORISES the Chief Executive Officer to engage other essential consultants (should the need arise) concerning the planning of The Avenue and Framecourt Carparks, in particular, the re-routing of the main stormwater drain and proposed new Water Corporation sewer;*
- (iii) NOTES that this work will contain commercial sensitive information and is therefore to remain confidential until approval has been granted to make it public knowledge; and*
- (iv) NOTES that a further report concerning this matter will be submitted to the Ordinary Meeting of Council to be held on 12 July 2005."*

At the Ordinary Meeting of Council held on 13 September 2005, the Council resolved as follows;

"That the Council;

- (i) RECEIVES the report on the Leederville Masterplan Project - Progress Report No. 2 as at 7 September 2005;*
- (ii) APPROVES the Indicative Timeline as follows and notes that the timeline is dependant upon the Delivery Model chosen and may be subject to significant revision*

<i>STAGES</i>	<i>INDICATIVE DATES</i>
<i>Stage 1 - Concept Design</i>	<i>June - October 2005</i>
<i>Stage 2 - Due Diligence of Concept Designs</i>	<i>October - December 2005</i>
<i>Stage 3 - Appointment of Principal Consultants</i>	<i>January - March 2006</i>
<i>Stage 4 - Preparation of Design Plans and Subdivision</i>	<i>March 2006 - April 2007</i>
<i>Stage 5 - Disposal of Land</i>	<i>May 2007 - October 2007</i>
<i>Stage 6 - Development/Implementation</i>	<i>October 2007 onwards</i>

- (iii) *AUTHORISES the Chief Executive Officer to call a tender for suitably qualified persons and/or organisations to provide consultancy services to assist in the implementation of the Leederville Masterplan;*
- (iv) *NOTES that:*
- (a) *the Confidential Concept Plans as presented at the Elected Members Forum held on 19 August 2005 will be used as a basis for the calling of the Tender, however acknowledges that these plans may be subject to significant revision as a result of the 'due diligence' report;*
- (v) *ADVISES the Water Corporation that it approves of the:*
- (a) *relocation of the existing 1,050 diameter main drain contained within The Avenue Carpark reserve to a new alignment which would run at the rear of the Oxford Street properties subject to detailed plans and costings of the proposed works up to a maximum \$450,000 being submitted to the Town for approval; and*
- (b) *offer from the Water Corporation to cede to the Town, at \$1.00 (plus GST), the redundant portion of the reserve land (comprising up to 784m²) located within The Avenue Carpark land on Certificate of Titles 1659/262 and 1054/163, once the main sewer has been decommissioned and the main drain has been realigned;*
- (vi) *LISTS for consideration an amount of \$450,000 in the 2006/2007 Budget for reimbursement to the Water Corporation for carrying out drainage relocation in The Avenue Carpark;*
- (vii) *AUTHORISES the Chief Executive Officer to prepare draft Key Objectives in the categories of "Economic, Environmental, Social and Sustainability", for the Leederville Masterplan and these to be developed using the following documents as a basis;*
- (a) *The Economic Development Strategy (2005-2010)*
- (b) *The Leederville Masterplan (2005)*
- (c) *Vincent Visions (2005-2024)*
- (d) *The Town of Vincent Strategic Plan (2005-2010); and*
- (e) *Oxford Centre Study (2000);*

- (viii) *REQUESTS the Leederville Masterplan Working Group to place an immediate priority on formulating Key Objectives, using the draft Key Objectives referred to in (vii) above and these to be submitted, as soon as practicable, to the Council for approval;*
- (ix) *REQUESTS the Chief Executive Officer to initiate further dialogue with the Water Corporation and TAFE seeking their involvement and input in the development of the Masterplan; and*
- (x) *NOTES that any costs associated with the relocation of the main drain and the planning for the Leederville Masterplan will be treated as "up front" costs of the overall project evaluation and as such should be recouped for the future sale of Town owned assets within the project area."*

DETAILS:

On 4 October 2005 the Town wrote to the Water Corporation seeking their comments and commitment to the Leederville Masterplan. At the time of writing this report, no reply had been received.

The Town's officers have been liaising with officers from the Water Corporation regarding various aspects including the relocation of the main drain and the transfer of the Water Corporation land to the Town.

Letter to TAFE

On 4 October 2005 a letter was sent to Central TAFE seeking their comments and involvement with the Leederville Masterplan. At the time of writing this report, no reply had been received.

Meeting with Architect

No further meetings have been held with Jones Coulter Young, as the tender for this project had been advertised.

Leederville Masterplan Working Group

A Leederville Masterplan Working Group meeting was held on Tuesday 4 October 2005 and considered the following matters:

- Receiving of Leederville Masterplan - Final Draft - Considine and Griffiths Report
- Consideration of Economic Development Strategy
- The Way Forward - Key Tasks, Objectives and Milestones
- Indicative Timeline
- The Avenue Carpark Land - Proposed Subdivision and Creation of Sewer Easements
- Delivery Model Options
- Project Budget and Resources
- Meeting Dates - 2005/06

Adjoining Land (Lot 100) owned by GNTM Pty Ltd (Kailis)

As required by the Council decision of 12 July 2005, a letter was sent GNTM Pty Ltd advising that, should they require access from their property into the Council land and a thoroughfare alongside their property for their proposed development, the proposed thoroughfare will only be supported on the basis that it be located equally on both properties.

A meeting was held between GNTM Pty Ltd's Architect and the Town's Executive Managers Technical Services and Environmental and Development Services to discuss the matter and on 29 August 2005, the Architect wrote to the Town and advised:

"GNTM Pty Ltd are prepared to contribute a proportion of their site to facilitate construction of a service road/pedestrian access way along the western boundary of Lot 100 subject to the following conditions ..."

These conditions have been examined by the Town's Officers and a confidential report is attached.

It is recommended that the CEO be authorised to enter into discussions, subject to a further report being submitted to the Council for consideration.

Tender for Consultancy Services

A tender for the consultancy services was advertised on 21 September 2005 and closed on 5 October 2005. A separate report concerning this tender is included in this Agenda.

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

The Local Government Act 1995 requires tenders to be called for works and services above \$50,000.

As this project will be the largest ever carried out by the Town, the cost for fees and services will invariably exceed \$50,000. It is therefore considered beneficial that a tender be called to engage consultants and prepare a panel appointed by the Town for the duration of the project.

It is considered that this approach will provide a long-term partnership between the Town and the consultants and may also provide better *"value for money"* in the longer term.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2005-2010, Key Result Areas 3.2, 3.3 and 3.3(a), (c) and (e) as follows;

- 3.2 *"Develop business strategies that provide a positive triple bottom line return for the Town",*
- 3.3 *"Promote the Town of Vincent as a place for investment appropriate to the vision for the Town and Develop partnerships and alliances with key stakeholders",*
 - 3.3(a) *"Adopt policies and practices to promote appropriate investment";*
 - 3.3(c) *"Promote partnerships at the intrastate, interstate and international level to attract investment to the Town and enhance its place as a regional centre";*

3.3(e) *"Encourage local businesses to contribute to the local community."*

FINANCIAL/BUDGET IMPLICATIONS:

The Council has approved a budget of \$135,000 for the Leederville Masterplan consultants/professional fees.

Expenditure to date is as follows:

- Jones Coulter Young - Concept Plans \$11,039
- Neil Stevens Pty Ltd - Project Management advice \$1,000

The Town's administration costs have not been allocated to this cost centre.

An amount of \$120,000 has been included in the Budget for a Special Projects Manager. (Part of these costs could be attributed to the Leederville Masterplan project.)

At the Ordinary Meeting of Council held on 12 July 2005 the Council resolved inter-alia as follows:

"(iii) APPROVES IN PRINCIPLE;

- (a) the relocation of the existing 1,050 diameter main drain (estimated to cost between \$400,000-\$450,000) contained within The Avenue Carpark reserve to a new alignment along The Avenue Carpark, and in a proposed new gazetted road which would run at the rear of the Oxford Street properties, as shown in Confidential Plan No. 2357-CP-1;"*

The funds for the drainage works will need to be provided in the 2006/2007 budget.

COMMENTS:

The Leederville Masterplan project is progressing most satisfactorily and is now at a stage where expert/specialised information (which is not available in the Town's administration) is required.

Accordingly, the Council's approval in this matter is recommended.

10.4.2 Local Government Reform in Western Australia - Ensuring Future Sustainability of Communities

Ward:	-	Date:	19 October 2005
Precinct:	-	File Ref:	ORG0008
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that the Minister for Local Government and Regional Development has requested a study entitled "Ensuring Future Sustainability of Local Governments" as shown in Appendix 10.4.2; and*
- (ii) *REQUESTS the Chief Executive Officer to prepare a submission for the consideration of the Council.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to inform the Council of the study by the Local Government Advisory Board and to seek comments for the Council's submission.

BACKGROUND:

In early October 2005, the Minister for Local Government and Regional Development, the Hon John Bowler, MLA, wrote to the Town advising that he had requested the Local Government Advisory Board to carry out a study and to invite submissions by Friday 23 December 2005. The Terms of References are shown in Appendix 10.4.2.

CONSULTATION/ADVERTISING:

Not applicable.

Comments from Elected Members are requested and these should be provided to the Chief Executive Officer no later than Wednesday 30 November 2005. This will allow time to finalise the report for consideration of the Ordinary Meeting of Council to be held on 6 December 2005.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2005-2010 - Key Result Area 4.1 - *"Create vision and leadership for the overall benefit of the Town and its people"*.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

It is appropriate that the Council lodge a submission concerning the various matters, as they will have long term implications for local governments.

APPENDIX 10.4.2

**LOCAL GOVERNMENT REFORM IN WESTERN AUSTRALIA -
ENSURING THE FUTURE SUSTAINABILITY OF COMMUNITIES**

TERMS OF REFERENCE

1. Structural Reform

The report should address the following issues and provide recommendations on:

- The objectives and need for structural reform and an assessment of how structural reform can enhance the future economic, environmental and social sustainability of Western Australian communities.
- Identification of approaches that can be adopted by Councils in achieving structural reform, ranging from local government amalgamation through to resource sharing.
- Identification of impediments to structural reform including, but not limited to, legislation impediments and options to overcome these impediments, which should include but not be limited to legislative changes and provision of financial and non financial support by the State Government.
- The identification of local governments where amalgamations may be the most effective and efficient method of achieving future economic, environmental and social sustainability.
- The identification of local governments where the issues of future economic, social and environmental sustainability are more appropriately addressed by approaches other than amalgamations. In particular, the issue of future sustainability of rural and remote communities should be recognised, as well as the increased costs of governance and coordination of services.
- The procedures and processes (legislative or otherwise) which need to be adopted to facilitate the implementation of the above changes.
- Any other issues that the Board may consider are relevant to structural reform, ranging from amalgamations through to resource sharing.

2. Electoral Reforms

The report should address and provide recommendations on;

- Eligibility to Vote
 - Recommendations should address whether non-residents should be able to vote, or whether eligibility should be restricted to those on the State Electoral roll, and whether people based on the number of properties they own be entitled to more than one vote per ward.

APPENDIX 10.4.2

- Voting
 - Recommendations should consider the case for retaining the current system of voluntary voting.
- Type of Election
 - Recommendations should address whether all local government elections should use the in-person or the postal method, or whether to allow each local government to choose the election method.
- Voting System
 - Recommendations should address whether the current system of "first past the post" voting should be maintained, or whether preferential or proportional representation should be introduced.
- Election of Mayor or President
 - Recommendations should address whether the current discretionary system of election of the Mayor or President should remain, or whether one uniform system be adopted.
- Frequency of Ordinary Elections
 - Recommendations should address whether the current four-year term is appropriate and if not, what changes should be made, or whether an all-in / all-out systems should be adopted.
- Conduct of Elections
 - Recommendations should address whether the current methods of conducting elections should be changed.

3. Consultation

During the course of preparing the report, the Local Government Advisory Board should consult with WALGA and the LGMA. In addition, the Board should invite submissions from individual local governments, as well as from the wider community.

4. Reporting Date

The Local Government Advisory Board report should be submitted to the Minister for Local Government and Regional Development no later than 10 February 2006.

APPENDIX 10.4.2

It should be noted that the Local Government Advisory Board has been requested to consult with the Western Australian Local Government Association and Local Government Managers Australia. The Board is also inviting submissions from individual local governments, as well as from the wider community.

The closing date for submissions is Friday, 23 December 2005. Submissions should be forwarded to:

Local Government Reform in Western Australia - Review Coordinator
Local Government Advisory Board
C/o Department of Local Government and Regional Development
GPO Box R1250
Perth WA 6844

10.4.3 Information Bulletin

Ward:	-	Date:	19 October 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 25 October 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 25 October 2005 are as follows:

ITEM	DESCRIPTION
IB01	Local Health Authorities Analytical Committee – Local Government Representation. Letter from the Western Australian Local Government Association
IB02	No. 196 (Lot 556 D/P: 2177) Anzac Road (Corner Federation Street), Mount Hawthorn – Proposed Demolition Of Existing Outbuilding (Shed) and Construction of Additional Single House to Existing Single House – Review Matter No. DR 540 of 2005.
IB03	No. 153 (Lots Y294 and 295) Coogee Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses – Review Matter No. DR 573 of 2005.
IB04	Avian Influenza – Information Report.
IB05	Rangers’ Statistics for July, August and September 2005.
IB06	Changes to Smoking in Enclosed Public Places Legislation – Letter from Department of Health.
IB07	Letter of Appreciation from People With Disabilities (WA) Inc
IB08	Forum Notes - 6 October 2005

10.1.2 Further Report - No. 196 (Lot 556 D/P: 2177) Anzac Road (Corner Federation Street), Mount Hawthorn - Proposed Demolition of Existing Outbuilding (Shed) and Construction of Single Bedroom Dwelling to Existing Single House

Ward:	North	Date:	18 October 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2723; 5.2005.2828.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Taylor on behalf of the owner T M Martin for proposed Demolition of Existing Outbuilding (Shed) and Construction of Single Bedroom Dwelling to Existing Single House, at No. 196 (Lot 556 D/P: 2177) Anzac Road (corner Federation Street) Mount Hawthorn, and as shown on plans stamp-dated 29 September 2005, subject to:

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

- (f) *the solid portion adjacent to the Federation Street boundary from the above truncation(s) along the existing single house, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (v) *prior to the clearance and endorsement of the documentation by the Town for the creation of the subject lots, the perimeter walls of the approved single bedroom dwelling shall be constructed to plate height;*
- (vi) *if the power pole on the Federation Street verge adjacent to the subject dwelling is required to be relocated to accommodate compliant vehicular crossovers, the power pole shall be relocated at the owner's costs, prior to the first occupation of the development; and*
- (vii) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking that the proposed dwelling shall be used as a single bedroom dwelling only and that no floor shall be erected in the void as shown on the approved plans stamp dated 29 September 2005. All costs associated with this condition shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

LOST (0-8)

(Cr Farrell on leave of absence.)

Reasons:

1. **the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;**
 2. **non-compliance with the first floor front setback requirements of the Town's Policy relating to the Anzac Locality;**
 3. **the subject property is an inappropriate location for the minimum site area requirement to be reduced in order to accommodate the proposed single bedroom dwelling;**
 4. **approval of the development would create an undesirable precedent within the area;**
 5. **consideration of the objection received; and**
 6. **the development presents the bulk and scale of a two or three bedroom dwelling through the extensive void area provided above the kitchen living area and the carparking spaces provided and as such is in conflict with the intent of Section 4.1 – Single Bedroom Dwellings of the R-Codes and the Code's intent to limit the impact of single bedroom dwellings.**
-

FURTHER REPORT:

The Council at its Ordinary Meeting held on 11 October 2005 resolved that *“the Item be deferred for further consideration and information being supplied by the Town's Officers”*.

The following is a summary of the main issues raised by Council at its Ordinary Meeting held on 11 October 2005:

- A neighbour expressed concern of the application in regards to the density of the single bedroom development, the development is out of character of the surrounding area by being two-storey and the approval of the development would set an undesirable precedent for future developments in the area.
- A representative of a neighbour expressed concern of the development in regards to possible subdivision of the site and the density.
- Elected Members questioned whether the site can be subdivided without the single bedroom dwelling being constructed or whether the subdivided site could be developed with another design, what type of subdivision could be applied for and what conditions may be applied?

In light of the above discussion at the Ordinary Meeting of Council held on 11 October 2005, the applicant lodged a submission with the Town addressing the possible development of the site. The following is a verbatim of the applicant's submission received by the Town on 18 October 2005:

“I intend to develop 196 Anzac Road, Mount Hawthorn. The options are as follows:

1. *Council grants a density bonus and we agree to construct a modest additional house. This is our preferred option.*

2. *We construct an additional single bedroom house as per the current plan before council.*
3. *We demolish and totally redevelop the site. This would allow us to construct a double storey home and an additional double storey single bedroom home.*
4. *We convert the existing house into one bedroom dwelling and build an additional double storey residence.*
5. *We develop the existing home with double storey additions.*

We currently have an appeal going through the appeals tribunal for option number 1. Should Council decide that this option is in fact better for the neighbourhood I would be prepared to work with them to achieve the best design solution."

In terms of the density, the proposed single bedroom dwelling complies with the Acceptable Development Standard of the Residential Design Codes (R Codes) 3.1.3 A3(i), which states as follows:

"for the purposes of an Aged or Dependent Persons' dwelling or a Single Bedroom Dwelling, the minimum site area may be reduced by up to one third, in accordance with Section 4.1.2 and 4.1.3."

The proposed single bedroom dwelling is compliant with Section 4.1.3 (Performance Criteria) of the R Codes which states *"dwellings that provide limited accommodation, suitable for one or two persons"* and section 4.1.3 A3 (acceptable development) which states *"single bedroom dwellings with a maximum plot ratio floor area of 60 square metres"*.

It is considered that the purpose of the single bedroom plot ratio provision is to control the bulk and scale of a development and to ensure that proposed single bedroom dwellings provide limited accommodation that are suitable for one or two persons, for the purpose of mainly addressing density and car parking.

The applicant has contended that the proposed single bedroom dwelling is in accordance with the R Codes Performance Criteria, which state proposed single bedroom dwellings provide limited accommodation that are suitable for one or two persons. This assertion is supported on the basis that it is addressed in condition (vii) of the Officer Recommendation.

The Town's records indicate that no subdivision application has been submitted in relation to the subject property.

In terms of the potential future subdivision of the site, the applicant may apply for green title, survey strata or strata subdivision. Condition (v) of the Further Officer Recommendation states as follows:

"(v) prior to the clearance and endorsement of the documentation by the Town for the creation of the subject lots, the perimeter walls of the approved single bedroom dwelling shall be constructed to plate height;"

This condition of approval ensures that prior to the potential subdivision being cleared (approved) by the Town, the single bedroom dwelling must be built to plate height. This condition would ensure that the subject development is constructed on site, and the site can not be subdivided and then remain vacant or be developed with another design.

In summary the subject property can not be subdivided with out the subject development being constructed to plate height.

The previous Officer Recommendation for approval remains unchanged, except that previous condition (v) has been amended to reflect "*endorsement of the documentation*" so to explicitly address not only freehold/green title subdivisions, but also survey strata and strata subdivisions.

The following is a verbatim copy of the Minutes for the item placed before Council at its Ordinary Meeting held on 11 October 2005.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Taylor on behalf of the owner T M Martin for proposed Demolition of Existing Outbuilding (Shed) and Construction of Single Bedroom Dwelling to Existing Single House, at No. 196 (Lot 556 D/P: 2177) Anzac Road (corner Federation Street) Mount Hawthorn, and as shown on plans stamp-dated 29 September 2005, subject to:

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

- (f) *the solid portion adjacent to the Federation Street boundary from the above truncation(s) along the existing single house, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (v) *prior to the clearance of the diagram of survey for the creation of the subject lots, the perimeter walls of the approved single bedroom dwelling shall be constructed to plate height;*
- (vi) *if the power pole on the Federation Street verge adjacent to the subject dwelling is required to be relocated to accommodate compliant vehicular crossovers, the power pole shall be relocated at the owner's costs, prior to the first occupation of the development; and*
- (vii) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking that the proposed dwelling shall be used as a single bedroom dwelling only and that no floor shall be erected in the void as shown on the approved plans stamp dated 29 September 2005. All costs associated with this condition shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

That the Item be deferred for further consideration and information being supplied by the Town's officers.

CARRIED (8-1)

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

<i>Landowner:</i>	<i>T M Martin</i>
<i>Applicant:</i>	<i>M Taylor</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>541 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

13 April 2004

At its Ordinary Meeting, the Council refused an application for an additional single house and alterations to the existing house, for the following reasons:

- "1. The proposed development does not comply with the minimum site area per dwelling/lot size requirements of the Residential Design Codes R30 density code.*
- 2. The proposed development does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed development being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.*
- 3. Approval of the proposed development would create an undesirable precedent for development of lots with similar sizes within the area.*
- 4. Consideration of objections received."*

3 May 2004

Notice of appeal lodged with the previous Town Planning Appeal Tribunal (TPAT).

22 June 2004

At its Ordinary Meeting, the Council refused revised plans stamp dated 28 May 2004, for the following reasons:

- "1. The proposed development does not comply with the average site area per dwelling/lot size requirements of the Residential Design Codes R30 density code.*

2. *The proposed development does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed development being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.*
3. *Approval of the proposed development would create an undesirable precedent for development of lots with similar sizes within the area.*
4. *Consideration of objections received.*
5. *The place as it will remain, does not warrant a density bonus under Clause 20 of the Town Planning Scheme.*
6. *Proposed alterations to the existing property would substantially erode the place's integrity and any purported heritage value."*

16 July 2004

Previous TPAT resolved to dismiss the appeal.

12 April 2005

At its Ordinary Meeting, the Council refused an application for proposed additional single storey single house to existing single house for the following reasons:

- "(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the development does not comply with the average and minimum site area per dwelling requirements of the Residential Design Codes R 30 density code;*
- (iii) the Council has previously resolved that the place as it will remain, does not warrant a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1; and*
- (iv) consideration of the objections received."*

9 August 2005

At its Ordinary Meeting, the Council refused an application for proposed demolition of existing outbuilding (shed) and construction of additional single house to existing single house for the following reasons:

- "1. the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- 2. the development does not comply with the average and minimum site area per dwelling requirements of the Residential Design Codes R 30 density code;*
- 3. the development does not comply with the access and car parking requirements of the Residential Design Codes;*

4. *the Council has previously resolved that the place as it will remain, does not warrant a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1;*
5. *consideration of the objections received;*
6. *the proposed crossover for the existing house accessed off Anzac Road does not comply with Australian Standard AS/NZS 2890.1:2004 as the proposed crossover would be located within 6 metres of the kerb tangent point;*
7. *the proposed crossover for the existing house accessed off Federation Street does not have the required clearance from the existing power pole. The measured width from the rear of the existing house and southern edge of the existing power pole is approximately 2.7 metres and the required minimum width of a crossover is 3 metres with a 0.5 metre offset from the edge of the power pole; and*
8. *the car bays for the proposed dwelling are 2.5 metres wide and not the required 2.7 metres wide."*

16 August 2005

Owners of No.196 Anzac Road, Mount Hawthorn lodged an application for the review of the Council determination at its Ordinary Meeting on 9 August 2005, with SAT.

13 September 2005

The Council at its Ordinary Meeting resolved to refuse for proposed demolition of existing outbuilding (shed) and construction of additional single house to existing single house (Development Application No.5.2005.3110.1).

21 September 2005

Direction hearing at SAT.

4 November 2005

Date set for full SAT Hearing.

DETAILS:

The proposal involves demolition of existing outbuilding (shed) and construction of single bedroom dwelling to existing single house, at No. 196 (Lot 556 D/P: 2177) Anzac Road (corner Federation Street), Mount Hawthorn. The proposed single bedroom dwelling will front Federation Street.

The proposal is compliant with the requirements of the Residential Design Codes pertaining to single bedroom dwellings. In light of the background to the application, it is being referred to the Council for determination.

The Town's records indicate that there is no subdivision application for the subject property.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>1 single house plus 1 single bedroom dwelling as permitted under clause 3.1.3 A3 (i) variation to the minimum site area required.</i>	<i>1 single house plus 1 single bedroom dwelling as permitted under clause 3.1.3 A3 (i) variation to the minimum site area required.</i>	<i>Supported - proposal is compliant with the variation to the minimum site area requirements of the Residential Design Codes for single bedroom dwellings.</i>
<i>Plot Ratio</i>	<i>60 square metres</i>	<i>56.02 square metres</i>	<i>Noted</i>
<i>Setback Upper Floor-East (Main Dwelling)</i>	<i>6 metres (4 metres)</i>	<i>5 metres</i>	<i>Supported - do not unduly impact on streetscape and amenity of the area.</i>
<i>East (Balcony)</i>	<i>6 metres (3 metres)</i>	<i>5 metres</i>	<i>Supported - The Town's practice is to support a 3 metre Setback to upper floor balconies providing there is no undue impact on streetscape and amenity of the area.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Density</i> 		<i>Not supported - application is compliant with the variation to the minimum site area requirements of the Residential Design Codes for single bedroom dwellings.</i>
	<ul style="list-style-type: none"> • <i>Streetscape</i> 		<i>Not supported - proposal is not considered to have an undue impact on the streetscape and surrounding amenity.</i>
	<ul style="list-style-type: none"> • <i>Two-storey dwelling is not in character of the locality</i> 		<i>Not supported - as above.</i>

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

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

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

COMMENTS:

The applicant has advised that the void indicated on the plans is intended to remain a void, however, it is recommended in the Officer Recommendation that the owner enters into a legal agreement with the Town to ensure this void remains a void and that no additional flooring is erected, and the subject dwelling remains as a single bedroom dwelling only.

The proposal is compliant with the single bedroom dwelling requirements of the Residential Design Codes. In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters."

10.1.5 No. 14 (Lot 48, Strata Lot STR: 27253) Edith Street, Perth - Proposed Partial Demolition of and Additions and Alterations to Existing Single House

Ward:	South	Date:	18 October 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3312; 5.2005.3159.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Co-Praxis on behalf of the owner D W & J L Moore for proposed Partial Demolition of and Additions and Alterations to Existing Single House, at No. 14 (Lot 48, Strata Lot STR: 27253) Edith Street, Perth, and as shown on plans stamp-dated 7 September 2005 , subject to:

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the incorporation of at least two (2) significant and appropriate design features within the front/southern and eastern elevations of the ensuite to reduce its visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iv) *the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Edith Street and the eastern wall of the additions in a good and clean condition.*

Moved Cr Messina, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Lake

That clause (iii) be deleted and clause (iv) renumbered.

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

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 Co-Praxis on behalf of the owner D W & J L Moore for proposed Partial Demolition of and Additions and Alterations to Existing Single House, at No. 14 (Lot 48, Strata Lot STR: 27253) Edith Street, Perth, and as shown on plans stamp-dated 7 September 2005 , subject to:

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

Landowner:	D W & J L Moore
Applicant:	Co-Praxis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 48 - 324 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and additions and alterations to existing single house. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
<u>Setbacks</u> Ground Floor - West	1.5 metres	Nil	Supported- refer to 'Comments'.
- South (Front)	4.0 metres	Nil	Supported- refer to 'Comments'.
Buildings on Boundaries	One boundary wall, behind setback area	Two external southern and western boundary walls proposed within front setback area.	Supported- refer to 'Comments'.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> • Submissions stated no objections to proposal. 		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Edith Street and in particular, the properties on either side of the subject property (as shown in the attached photographs) predominately consists of garages/buildings with nil front and side setbacks and buildings of a larger scale than the subject property.

In light of this, no objections being received and the surrounding context in mind, the proposal is considered not to be unreasonable, out of character for the area and/or to unduly impact on the amenity of the adjoining area.

On the above basis, the subject planning application is recommended for approval, subject to standard conditions and two appropriate and significant design features being incorporated within the front and eastern elevations of the ensuite, to reduce visual impact.

10.1.1 Further Report - No. 228 (Lot 3, Strata Lot 2 STR: 9760) Brisbane Street, Perth - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	South	Date:	17 October 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3052; 5.2004.2646.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners P D Goldswain and M S Payne for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 228 (Lot 3, Strata Lot 2 STR: 9760) Brisbane Street, Perth, and as shown on plans stamp-dated 23 December 2004 (site plan and context photographs) and 18 May 2005, subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the tilt up steel grate privacy screen on the north eastern elevation being removed from all points above 1.6 metres above the finished floor level of the upper floor balcony and the screening to the balcony being permanent obscure glazing from the finished floor level of the upper floor to 1.6 metres above the finished floor level. A permanent obscure glazing does not include a self-adhesive material or other material that is easily removed;*
 - (b) *the overall building height on the north western elevation being a maximum of 7.0 metres above the natural ground level directly below the subject wall;*
 - (c) *to protect the reasonable privacy of the adjacent residents, the balcony on the northern/rear elevation on the first floor being screened with a permanent obscure glazing 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;*
 - (d) *the gates opening into the right of way on the north western boundary being removed or shown not to open into the right of way;*
 - (e) *the second storey boundary wall additions on the north western and south eastern side boundaries each incorporating at least two (2) significant appropriate design features to reduce the walls' visual impact; and*
 - (f) *a detailed schedule of external finishes (including materials and colour schemes and details).*

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

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

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That clause (i)(d) be deleted.

Debate ensued.

**AMENDMENT LOST ON THE CASTING VOTE
OF THE MAYOR (4-5)**

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania (2 votes)
Cr Lake	Cr Chester
Cr Maier	Cr Doran-Wu
Cr Torre	Cr Messina

(Cr Farrell on leave of absence.)

Moved Cr Maier, Seconded Cr Messina

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

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

- (a) the tilt up steel grate privacy screen on the north eastern elevation being removed from all points above 1.6 metres above the finished floor level of the upper floor balcony and the screening to the balcony being permanent obscure glazing or grille like material which contains fixed obscured louvres, from the finished floor level of the upper floor to 1.6 metres above the finished floor level. A permanent obscure glazing does not include a self-adhesive material or other material that is easily removed, and if louvres are to be installed, it is to be demonstrated that there is no undue overlooking into the adjoining properties;"*

AMENDMENT CARRIED (7-1)

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

(Cr Farrell on leave of absence.)

Moved Cr Lake, Seconded Cr Maier

That clause (i)(d) be amended to read as follows:

"(i) (d) ~~the gates opening into the right of way on the north western boundary being removed or shown not to open into the right of way;~~ subject to obtaining the consent of the adjoining property owner (No. 226 Brisbane Street), a vehicle access gate shall either fold back flat along the rear boundary wall of No. 226 Brisbane Street or slide along that wall with minimal intrusion into the right of way;"

Debate ensued.

AMENDMENT LOST (2-6)

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

(Cr Farrell on leave of absence.)

Moved Cr Doran-Wu, Seconded Cr Torre

That the Item be DEFERRED to seek clarification regarding the on-site carparking.

LOST (3-5)

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

(Cr Farrell on leave of absence.)

Moved Cr Maier, Seconded Cr Messina

That clause (i)(c) be amended to read as follows:

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

- (c) to protect the reasonable privacy of the adjacent residents, the balcony on the northern/rear elevation on the first floor being screened with a permanent obscure glazing or grille like material which contains fixed obscure louvres 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 and if louvres are to be installed, it is to be demonstrated that there is no undue overlooking into the adjoining properties;”*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners P D Goldswain and M S Payne for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 228 (Lot 3, Strata Lot 2 STR: 9760) Brisbane Street, Perth, and as shown on plans stamp-dated 23 December 2004 (site plan and context photographs) and 18 May 2005, subject to:

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

- (a) *the tilt up steel grate privacy screen on the north eastern elevation being removed from all points above 1.6 metres above the finished floor level of the upper floor balcony and the screening to the balcony being permanent obscure glazing or grille like material which contains fixed obscured louvres, from the finished floor level of the upper floor to 1.6 metres above the finished floor level. A permanent obscure glazing does not include a self-adhesive material or other material that is easily removed, and if louvres are to be installed, it is to be demonstrated that there is no undue overlooking into the adjoining properties;*
- (b) *the overall building height on the north western elevation being a maximum of 7.0 metres above the natural ground level directly below the subject wall;*
- (c) *to protect the reasonable privacy of the adjacent residents, the balcony on the northern/rear elevation on the first floor being screened with a permanent obscure glazing or grille like material which contains fixed obscure louvres 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 and if louvres are to be installed, it is to be demonstrated that there is no undue overlooking into the adjoining properties;*
- (d) *the gates opening into the right of way on the north western boundary being removed or shown not to open into the right of way;*
- (e) *the second storey boundary wall additions on the north western and south eastern side boundaries each incorporating at least two (2) significant appropriate design features to reduce the walls' visual impact; and*
- (f) *a detailed schedule of external finishes (including materials and colour schemes and details).*

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

- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) *any new street/front wall, fence and gate between the Brisbane Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

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

FURTHER REPORT:

The Council at its Ordinary Meeting held on 12 July 2005 resolved to defer the item at the request of the applicant. The applicant has since advised to proceed with the application in accordance with the original plans.

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

The previous Officer Recommendation for approval therefore remains unchanged, except for a minor amendment to condition (iii) to reflect the updated front fence condition.

The following is a verbatim copy of the Minutes of the item placed before the Council at its Ordinary Meeting held on 12 July 2005.

"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 P D Goldswain and M S Payne for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 228 (Lot: 2 STR: 9760) Brisbane Street, Perth, and as shown on plans stamp-dated 23 December 2004 (Site Plan, Dangan Street Elevation, Context Photographs and Photographs of Proposed Demolition) and 18 May 2005, subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the tilt up steel grate privacy screen on the north eastern elevation being removed from all points above 1.6 metres above the finished floor level of the upper floor balcony and the screening to the balcony being permanent obscure glazing from the finished floor level of the upper floor to 1.6 metres above the finished floor level. A permanent obscure glazing does not include a self-adhesive material or other material that is easily removed;*
 - (b) *the overall building height on the north western elevation being a maximum of 7.0 metres above the natural ground level directly below the subject wall;*
 - (c) *to protect the reasonable privacy of the adjacent residents, the balcony on the northern/rear elevation on the first floor being screened with a permanent obscure glazing 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;*
 - (d) *the gates opening into the right of way on the north western boundary being removed or shown not to open into the right of way;*

- (e) *the second storey boundary wall additions on the north western and south eastern side boundaries each incorporating at least two (2) significant appropriate design features to reduce the walls' visual impact; and*
- (f) *a detailed schedule of external finishes (including materials and colour schemes and details).*

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

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

COUNCIL DECISION ITEM 10.1.14

Moved Cr Lake, Seconded Cr Ker

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

CARRIED (8-0)

(Cr Torre was an apology.)

<i>Landowner:</i>	<i>P D Goldswain & M S Payne</i>
<i>Applicant:</i>	<i>P Goldswain</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>Lot 2: 146 square metres</i>
<i>Access to Right of Way</i>	<i>North side, 3 metres wide, sealed, privately owned</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>0.65 - 94.9 square metres</i>	<i>0.77 - 112.42 square metres</i>	<i>Supported in part - the development is compliant with open space requirements and has no undue impact on streetscape, and the Officer Recommendation includes a condition for design features in the second storey walls.</i>
<i>Setbacks:</i>			
<i>Ground floor</i>			
<i>North Western (Living Room)</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported - the lot is constrained by its long narrow layout, neighbours support received and no undue impact on affected property.</i>
<i>South Eastern (Stairwell, Living Room)</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported - see comments above.</i>
<i>Upper Level</i>			
<i>South Eastern (Stairwell, Living Room)</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported - see comments above.</i>
<i>North Western (Living Room)</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported - see comments above.</i>
<i>Buildings on Boundary:</i>			
<i>South Eastern Elevation</i>	<i>Average 3 metres with maximum of 3.5 metres for 67 per cent of the balance of the boundary.</i>	<i>5 - 6.8 metres high for 29 per cent and 3.5 metres to 4.5 metres for 72 per cent</i>	<i>Supported - the lot is constrained by its long narrow layout, neighbour's support received and no undue impact on affected property.</i>

<i>North Western Elevation</i>	<i>Average 3 metres with maximum of 3.5 metres for 67 per cent of the balance of the boundary.</i>	<i>7.4 metres for 29 per cent and 3.5 metres to 4.5 metres for 72 percent</i>	<i>Supported in part - the length and height to 7.0 metres of the boundary wall is supported on the basis that the lot is constrained by its long narrow layout, neighbour's support received and no undue impact on affected property.</i>
<i>Building Height: North Western Elevation (Building Wall)</i>	<i>7.0 metres to the top of the concealed roof.</i>	<i>7.4 metres</i>	<i>Not supported - condition to comply with R Codes building height requirements.</i>
<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>North Eastern Elevations (Privacy Screen)</i>	<i>7.0 metres to the top of the concealed roof.</i>	<i>7.4 metres</i>	<i>Not supported - condition included in Officer Recommendation that the subject structure be removed above 1.6 metres above the finished floor level of the upper level to reduce its impact.</i>
<i>Privacy Setbacks: Upper Level - Balcony</i>	<i>7.5 metres</i>	<i>0.3 metre to western and eastern boundaries</i>	<i>Not supported - conditioned to comply with R Codes privacy screening requirements.</i>
<i>Car Parking</i>	<i>2 car bays</i>	<i>Nil</i>	<i>Supported - the current on-site parking arrangement is non-compliant with the Town's requirements, therefore, it is considered that no car bays exist on site. Furthermore, constraints of block shape and slope, and the right of way width, make it unpractical to make the on-site parking compliant with R Codes parking requirements.</i>

<i>Engineering requirements:</i>			
<i>Opening to Rights of Way</i>	<i>Gates not to open into right of way</i>	<i>Gate opens outwards into right of way</i>	<i>Not supported - support of the subject gate endangers users of the right of way; a condition in the Officer Recommendation is included to remove the subject gate.</i>
<i>Consultation Submissions</i>			
<i>Support (2)</i>	<ul style="list-style-type: none"> • <i>South eastern neighbour has supported the variations to the height and setback of the boundary wall on the basis a skylight to the value of \$400 is installed in the subject neighbours property.</i> 		<i>Noted - the applicant has provided a letter outlining the commitment to install the subject skylight and it is noted that the proposal complies with the R Code's Overshadowing acceptable development provisions.</i>
	<ul style="list-style-type: none"> • <i>No objection and positive support.</i> • <i>The development is supported on the basis it improves the existing urban fabric.</i> • <i>The letter notes that the area was developed more than a century ago and is a desirable location for inner city living which includes a significant number of dwellings that are non-compliant with the current development policies</i> 		<i>Noted</i> <i>Noted</i> <i>Noted</i>
<i>Objection</i>	<i>One letter of comment and objection to the building height was received during the initial 14 day adverting period which was subsequently withdrawn after negotiation between neighbours.</i>		<i>Noted</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

COMMENTS:

Heritage

The subject property is listed on the Town's Interim Heritage Database. The Town's Heritage Officers consider the proposed partial demolition and redevelopment proposed for the subject site to be acceptable.

Privacy Screen

The Town's Officers note that in light of the proposed steel grating tilt up privacy screen not being 100 per cent visually impermeable, it is not sufficient to comply with the R Codes privacy requirements. Furthermore, the Town's Officers consider the subject screen to create unnecessary bulk on the Dangan Street streetscape, especially when viewing the subject site from directly west from Dangan Street.

In light of the above, the Town's Officers consider the subject screen could be reduced in impact if it was removed from all points above 1.6 metres above the finished floor level of the upper floor balcony and the screening to the balcony being permanent obscure glazing from the finished floor level of the upper floor to 1.6 metres above the finished floor level.

Plot Ratio

The variation to plot ratio requirement is supported on the basis that the development is an addition to an existing structure, it is compliant with R Codes open space requirements and a site inspection by the Town's Officers indicated that it will not have an undue impact on the streetscape given its context to the bulk and scale of other developments along Brisbane and Dangan Streets.

Open Space

In calculating the open space for the subject site, the Town's Officers included both the lower floor verandah and deck and the upper floor balcony areas. These were included on the basis that the block is very narrow, having a frontage of only 4.71 metres, and therefore difficult to create any open space area not open on at least two sides and it was also considered that these areas are and will be usable areas of open space.

Summary

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

10.1.6 No. 21 (Lot 500 D/P: 51103) Harley Street, Highgate - Proposed Partial Demolition of and Two-Storey Additions to Existing Single House

Ward:	South	Date:	17 October 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3267; 5.2005.3074.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners R S Haynes and T J Hughes for proposed Partial Demolition of and Two-Storey Additions to Existing Single House, at No. 21 (Lot 500 D/P: 51103) Harley Street, Highgate, and as shown on plans stamp-dated 29 July 2005 (overshadowing and existing site plans) 23 August 2005 (basement plan) and 7 September 2005 (site and floor plans), subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *to protect the reasonable privacy of the adjacent residents, prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating screening to the:*
 - (a) *northern balcony to rear bedroom on its northern elevation and along the western elevation - 1.8 metres from the northern side;*
 - (b) *southern balcony to rear bedroom on its southern elevation and along the western elevation - 1.7 metres from the southern side;*
 - (c) *northern and southern windows to first floor entertainment room; and*
 - (d) *roof deck by providing wing wall extensions protruding from the northern and southern entertainment walls, extending 2.5 metres to the east, with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*

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

- (iii) *any new street/front wall, fence and gate between the Harley Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iv) *subject to first obtaining the consent of the owners of Nos. 19 and 23 Harley 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. 19 and 23 Harley Street in a good and clean condition.*

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

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

- “(ii) *to protect the reasonable privacy of the adjacent residents, prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating screening to the:*
- (a) *northern balcony to rear bedroom on its northern elevation and along the western elevation - 1.8 metres from the northern side;*
 - (b) *southern balcony to rear bedroom on its southern elevation and along the western elevation - 1.7 metres from the southern side;*
 - (c) *northern and southern windows to first floor entertainment room; and*
 - (d) *roof deck by providing wing wall extensions protruding from the northern and southern entertainment walls, extending 2.5 metres to the east, with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*

OR

alternative forms of screening that satisfies the privacy performance criteria requirement of the Residential Design Codes to be provided to the satisfaction of the Town's Officers and details to be submitted to and approved prior to issue of a Building Licence.

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

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Maier, Seconded Cr Lake

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

“(ii) to protect the reasonable privacy of the adjacent residents, prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating screening to the:

- (a) northern balcony to rear bedroom on its northern elevation and along the western elevation - 1.8 metres from the northern side, to maintain a 7.5 metre cone of vision setback to the northern boundary;*
- (b) southern balcony to rear bedroom on its southern elevation and along the western elevation - 1.7 metres from the southern side, to maintain a 7.5 metre cone of vision setback to the northern boundary;*
- (c) northern and southern windows to first floor entertainment room; and*
- (d) roof deck by providing wing wall extensions protruding from the northern and southern entertainment walls, extending 2.5 metres to the east, with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed.*

OR

alternative forms of screening that satisfies the privacy performance criteria requirement of the Residential Design Codes to be provided to the satisfaction of the Town's Officers and details to be submitted to and approved prior to issue of a Building Licence.

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.

AMENDMENT LOST (3-5)

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

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

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 the owners R S Haynes and T J Hughes for proposed Partial Demolition of and Two-Storey Additions to Existing Single House, at No. 21 (Lot 500 D/P: 51103) Harley Street, Highgate, and as shown on plans stamp-dated 29 July 2005 (overshadowing and existing site plans) 23 August 2005 (basement plan) and 7 September 2005 (site and floor plans), subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating screening to the:*
 - (a) northern balcony to rear bedroom on its northern elevation and along the western elevation - 1.8 metres from the northern side;*
 - (b) southern balcony to rear bedroom on its southern elevation and along the western elevation - 1.7 metres from the southern side;*
 - (c) northern and southern windows to first floor entertainment room; and*
 - (d) roof deck by providing wing wall extensions protruding from the northern and southern entertainment walls, extending 2.5 metres to the east, with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*

OR

alternative forms of screening that satisfies the privacy performance criteria requirement of the Residential Design Codes to be provided to the satisfaction of the Town's Officers and details to be submitted to and approved prior to issue of a Building Licence.

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

- (iii) any new street/front wall, fence and gate between the Harley Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iv) *subject to first obtaining the consent of the owners of Nos. 19 and 23 Harley 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. 19 and 23 Harley Street in a good and clean condition.*

Landowner:	R S Haynes & T J Hughes
Applicant:	R S Haynes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	438 square metres
Access to Right of Way	West side, 3 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the partial demolition of and two-storey additions to an existing single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: North - ground floor	1.5 metres	Nil - 2.67 metres	Supported - no undue impact on adjoining property as proposed boundary wall is only 4.8 metres long with remaining wall setback 2.67 metres.
South - ground floor	1.5 metres	Nil - 1.4 metres	Supported - no undue impact on adjoining property.

<p>Privacy Setbacks:</p> <p>North</p> <p>- entertainment room (first floor)</p>	<p>6 metres cone of vision setback from a habitable room window.</p>	<p>3.7 metres cone of vision setback from landing in entertainment room to northern boundary.</p>	<p>Not supported - proposed height of window sill is 1.2 metres above first floor level, conditioned to be raised to 1.6 metres in Officer Recommendation.</p>
<p>- balcony</p>	<p>7.5 metres cone of vision setback from a balcony.</p>	<p>4 metres cone of vision setback to northern boundary.</p>	<p>Not supported - conditioned to comply in Officer Recommendation.</p>
<p>- roof deck</p>	<p>7.5 metres cone of vision setback from roof deck.</p>	<p>4.6 metres cone of vision setback to northern boundary.</p>	<p>Not supported - with the location of the deck to the front of the house, only partial screening of the deck is recommended to alleviate any overlooking onto rear courtyard of adjoining property - as conditioned in Officer Recommendation.</p>
<p>South</p> <p>- entertainment room (first floor)</p>	<p>6 metres cone of vision setback from a habitable room window.</p>	<p>3.7 metres cone of vision setback from landing in entertainment room to southern boundary.</p>	<p>Not supported - proposed height of window sill is 1.2 metres above first floor level, conditioned to be raised to 1.6 metres in Officer Recommendation.</p>
<p>- balcony</p>	<p>7.5 metres cone of vision setback from a balcony.</p>	<p>4 metres cone of vision setback to southern boundary.</p>	<p>Not supported - conditioned to comply in Officer Recommendation.</p>
<p>- roof deck</p>	<p>7.5 metres cone of vision setback from roof deck.</p>	<p>4.7 metres cone of vision setback to southern boundary.</p>	<p>Not supported - with the location of the deck to the front of the house, only partial screening of the deck is recommended to alleviate any overlooking onto rear courtyard of adjoining property - as conditioned in Officer Recommendation.</p>

Consultation Submissions		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> • The cone of vision setbacks from the entertainment room, balconies and roof deck are not within the acceptable development criteria. • Overlooking from the entertainment room, balconies and roof deck is directly into northern properties outdoor courtyard and living/family room at the rear of the property. • The proposed two-storey addition will significantly impact on the overshadowing of the property to the north. • The proposed development of an entertainment room, roof deck and balconies are not in keeping with the historical significance of the subject property and surrounding houses. 	<p>Supported - cone of vision setbacks to comply to requirements specified in the Residential Design Codes, as conditioned in Officer Recommendation.</p> <p>Supported - as above</p> <p>Not supported - the objectors property is located north of the subject site, therefore overshadowing by the proposed development is entirely on the property to the south – refer to attached overshadowing plan.</p> <p>Not supported - the Town's Officers do not believe that the proposed development has any undue impact on the historical significance of the subject property and surrounding area.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

Advertising Consultation

The proposal was advertised for 14 days in which time one (1) submission was received in objection to certain design issues. These are addressed in the Assessment Table.

Summary

The variations sought by the applicant (except those relating to overlooking which is addressed in the conditions of the Officer Recommendation) are supportable and do not have an undue impact on the surrounding area.

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

10.1.4 No. 24 (Lot 30 D/P: 3192) Camelia Street, (corner Claverton Street), North Perth - Proposed Additional Two-Storey Single House to Existing Single House

Ward:	South	Date:	17 October 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO3123; 5.2005.2751.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners P G Rogers and N L Gradisen for proposed Additional Two-Storey Single House to Existing Single House, at No. 24 (Lot 30 D/P: 3192) Camelia Street, corner Claverton Street, North Perth, and as shown on plans stamp-dated 5 October 2005 and 18 October 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to living room on the southern and eastern elevations, first floor, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Camelia Street and Claverton Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Claverton Street and Camelia 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).*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued

Cr Torre departed the Chamber at 7.35pm.
Cr Torre returned to the Chamber at 7.40pm.

Moved Cr Torre, Seconded Cr Chester

That the Item be DEFERRED to seek clarification of the open space provision and to further consider the impact of the upper floor southern setback on the neighbouring property.

CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

Landowner:	P G Rogers & N L Gradisen
Applicant:	PG Rogers
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	564 square metres
Access to Right of Way	East side, 5 metres wide, sealed, privately owned

BACKGROUND:

The Western Australian Planning Commission granted conditional approval on 3 December 2005 for the subdivision of the subject lot.

DETAILS:

The proposal involves the development of a two storey house at the rear of an existing house. Access to the proposed development is to be obtained from Claverton Street with vehicle access to be obtained from a 5 metre right of way to the rear.

Plans dated 20 June 2005 were advertised by the Town in July 2005, however the owners requested that these plans be withdrawn as they were not happy with the proposed design submitted by the applicant/architect. Subsequently, revised plans were submitted by the architect which propose no greater variations to the plans advertised in July 2005.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 40	2 dwellings R 40	Noted – no variation
Plot Ratio	N/A	N/A	N/A
Setbacks: Northern elevation (front) - first floor	6 metres	3.017 metres	Supported - approval from adjoining neighbour fronting Claverton Street was submitted and the proposed setback is in keeping with the existing streetscape with the first floor setback to the adjoining property (No. 23 Leake Street, corner Claverton Street) being 3 metres.

- balcony	6 metres	3.013 metres	Supported - as above.
Southern elevation - ground floor	1 metre	Nil - 2.62 metres	Supported - proposed building on boundary abuts an existing boundary wall on adjoining property and considered to have no undue impact on adjoining property.
- first floor	1.8 metres	1.48 metres	Supported - minor variation with no undue impact on adjoining property.
Western elevation - ground floor	1 metre	Nil	Supported - common boundary to existing house. Owner is applicant of the proposed development and considered to have no undue impact.
- first floor	1.2 metres	Nil	Supported - as above.
Privacy Setbacks: Eastern elevation -first floor living	6 metres cone of vision setback required to adjoining property.	5.4 metres cone of vision setback provided to eastern neighbour on other side of right-of-way.	Not supported - conditioned in Officer Recommendation.
Southern elevation - first floor living	6 metre cone of vision setback required to adjoining property.	1.48 metres cone of vision setback provided to southern boundary.	Not supported - conditioned in Officer Recommendation.
Front Fence: - Claverton Street	Fence shall not exceed 1.8 metres above the ground level with decorative capping on top of posts and piers up to a maximum height of 2.0 metres. The solid portion shall	Solid walls up to 1.9 metres high.	Not supported - conditioned in Officer Recommendation.

	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.		
Building on Boundary	Building permitted up to one (1) boundary	Building on two (2) boundaries.	Supported - no undue impact on adjoining properties and to enable suitable development on the 190 square metre site.
Consultation Submissions received in July 2005.			
Additional consultation was not undertaken as approval from the adjoining neighbour was submitted and no greater variations are proposed.			
Support (1)	No objection to adjacent development proposed on Claverton Street.		Noted.
Objection - Two (2) received during advertising. One (1) received after advertising.	<ul style="list-style-type: none"> • The proposed development does not complement the design and character of the area. • Deprivation of privacy of southern neighbour due to overlooking from living room on first floor. • Loss of sunlight due to building height on boundary, which will destroy attractiveness of outdoor entertainment area of southern property. • The proposed development will devalue adjoining property due to the modern design being out of character with area. • Not in keeping with Residential Design Guidelines: Monastery - Locality Plan 19. 		<p>Not supported - within the surrounding area and adjoining properties a variety of character and styles of houses are evident.</p> <p>Supported – screening height of proposed window is to be increased to 1.6 metres from first floor finished floor level as required in the R Codes and as conditioned in the Officer Recommendation.</p> <p>Not supported - the overshadowing cast by the proposed development onto the adjoining property is only 17.6 per cent which is below the maximum 35 per cent permitted in the R Codes.</p> <p>Not supported - not a major planning consideration</p> <p>Not supported - Refer to "Comments".</p>

	<ul style="list-style-type: none"> • The excessive height of the proposed development will limit future prospects of adjoining site due to loss of attractive outdoor environment. • The reduced southern first floor setback from a required 1.8 metres to a proposed 1.48 metres will create an additional 5 square metres of overshadowing on the adjacent property. • The window to living room on south elevation should be raised to 1.6 metres in accordance with the R Codes 	<p>Not supported - the height of the proposed development is within the maximum building height requirements identified in the R Codes.</p> <p>Not supported - the overshadowing created is well within the 35 percent permitted and the shadow cast by the proposed development is over predominantly on an existing outbuilding located on the common boundary on the adjoining property.</p> <p>Supported - as conditioned in the Officer Recommendation.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

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

COMMENTS:

Advertising Consultation

Consultation of the original application was undertaken in July 2005 where the proposal was advertised for 14 days in which time two (2) written objections were received. Additional consultation of the revised plans was not undertaken as no greater variations are proposed from the previous plans, and the application is being referred to Council for consideration and determination.

Another submission was received by the Town, after the completion of the advertising period. The submission was submitted by a consultant on behalf of an adjoining property owner who objected to the proposal during the advertising period. All comments received are identified in the Assessment Table.

Residential Design Guidelines: Monastery - Locality Plan 19.

The owners of the subject site have advised the Town's Officers that the retention of the existing character home with a suitable private courtyard area was a priority, and resulted in a smaller subdivided lot to the rear of 190 square metres. To enable the development of a suitable dwelling on the site, the owners have proposed a contemporary dwelling with a low pitched/concealed roof.

Contemporary developments are encouraged in the Monastery Locality Statement provided the design responds to the established character of the area. The proposed development incorporates the use of varying materials in its facade with varying colours as well. The owners have also advised the Town's Officers that a low pitched/concealed roof design is proposed in order to reduce the bulk and scale of the building and reduce the extent of overshadowing on the adjoining property.

Summary

The proposed development has been determined to have no unreasonable adverse impact on the adjacent properties, and the amenity of the area.

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

10.1.3 Nos. 128 & 130 (Lots 28 & 27) Joel Terrace, Mount Lawley - Proposed Survey Strata Subdivision (WAPC Ref: 551-05)

Ward:	South	Date:	18 October 2005
Precinct:	Banks; P15	File Ref:	551-05
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council ADVISES the Western Australian Planning Commission of the following comments in relation to the application for the reconsideration of conditions for proposed survey strata subdivision, at Nos. 128 & 130 (Lots 28 & 27) Joel Terrace, Mount Lawley (WAPC Ref:551-05):

- (i) no objection to the deletion of condition 10 (iii) (b) on the basis that the tree pruning has been completed to the satisfaction of the Town;*
- (ii) condition 10 (iii) (c) can be amended as follows:*

"the Camphor Laurel tree to be inspected annually by a private qualified arborculturalist, or a qualified arborculturalist commissioned by the Town and all necessary remedial works to be carried out. The first annual inspection is to commence 12 months from the commencement of earthworks or development within proposed Lot 4";
- (iii) retention of condition 11 as with most survey strata subdivision, there is likelihood that some site works may be necessary to stabilise the site associated with the provision of essential services ; and*
- (iv) no objection to the deletion of condition 12.*

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

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

- “(i) no objection to the deletion of condition 10 (iii) (b) on the basis that the tree pruning has been completed to the satisfaction of the Town, subject to any further pruning of the Camphor Laurel tree will still require a Planning Approval to be submitted to and granted by the Town prior to any pruning taking place;”*

AMENDMENT CARRIED (5-3)

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

(Cr Farrell on leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

**As a result of the Council Decision on Item 14.1, this Item was
recommitted at the conclusion of the Agenda.
(Refer pages 147 & 150)**

At 9.06pm **Moved Cr Ker, Seconded Cr Messina**

That Item 10.1.3 be recommitted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Ker, Seconded Cr Messina

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

“(ii) condition 10 (iii) (c) can be amended as follows:

“the Camphor Laurel tree to be inspected annually by a private qualified arborculturalist, or a qualified arborculturalist commissioned by the Town and all necessary remedial works to be carried out. The first annual inspection is to commence 12 months from the commencement of earthworks or development within proposed Lots 3 or 4”;

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council ADVISES the Western Australian Planning Commission of the following comments in relation to the application for the reconsideration of conditions for proposed survey strata subdivision, at Nos. 128 & 130 (Lots 28 & 27) Joel Terrace, Mount Lawley (WAPC Ref:551-05):

- (i) *no objection to the deletion of condition 10 (iii) (b) on the basis that the tree pruning has been completed to the satisfaction of the Town, subject to any further pruning of the Camphor Laurel tree will still require a Planning Approval to be submitted to and granted by the Town prior to any pruning taking place;*
- (ii) *condition 10 (iii) (c) can be amended as follows:*
- "the Camphor Laurel tree to be inspected annually by a private qualified arborculturalist, or a qualified arborculturalist commissioned by the Town and all necessary remedial works to be carried out. The first annual inspection is to commence 12 months from the commencement of earthworks or development within proposed Lots 3 or 4";*
- (iii) *retention of condition 11 as with most survey strata subdivision, there is likelihood that some site works may be necessary to stabilise the site associated with the provision of essential services ; and*
- (iv) *no objection to the deletion of condition 12.*

Landowner:	MI Lurie & NJ Aitken
Applicant:	SJB Town Planners
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R 60
Existing Land Use:	Vacant
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1603 square metres (1595 square metres-Town's records)
Access to Right of way	N/A

BACKGROUND:

- 28 September 2004 The Council at its Ordinary Meeting resolved to refuse the proposed three (3) two-storey and four (4) three-storey grouped dwellings and survey strata subdivision 63-04 at Nos. 128-130 (Lots 28 and 27) Joel Terrace, Mount Lawley. The survey strata subdivision was for 7 lots. The lots varied between 163 and 218 square metres in area. The access way width associated with the above two lots is two (2) metres, which forms part of a wider reciprocal access way totalling 7 metres.
- 25 October 2004 Appeal lodged against the Council refusal for the development approval only, by the applicant/owners at the Town Planning Appeal Tribunal (now State Administrative Tribunal).
- 22 December 2004 Appeal dismissed by the Town Planning Appeal Tribunal.
- 18 January 2005 Appeal determination reported to Ordinary Meeting of Council (OMC).
- 24 May 2005 The Council at its Ordinary Meeting considered the proposed pruning of the Camphor Laurel tree as listed on the Town's Trees of Significance Inventory, at Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley, and resolved *"That the item Lie on the Table."*

28 June 2005

The Council at its Ordinary Meeting considered the proposed survey strata subdivision at Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley, and resolved to recommend approval to the Western Australian Planning Commission (WAPC), subject to several conditions, including the following:

"(iv) the Camphor Laurel tree, located on proposed Lot 4 (far south-western corner of Lot 28), which is listed in the Town's Trees of Significance Inventory, being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;....."

(vi) a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:

(1) development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the grouped dwelling requirements of the Town of Vincent Town Planning Scheme, Residential Design Codes and associated Policies;

(2) amendment to or repeal of the above provision cannot be effected without the Town of Vincent agreement;

(3) to ensure the retention, protection and on-going preservation of the Camphor Laurel tree listed on the Town's Trees of Significance Inventory, the owner/s and/or occupier/s of proposed Lot 4 shall implement the following measures to retain, protect and maintain the on-going health of the significant tree:

(a) the submission of a tree management plan which accounts for the works to be carried out during development works and the on-going maintenance shall be prepared by a private qualified arboriculturalist or a qualified arboriculturalist commissioned by the Town, prior to the issue of a Building Licence. This tree management plan shall be submitted to and approved by the Town and all associated works shall be undertaken and maintained thereafter in accordance with the plan to the satisfaction of the Town;

(b) the private qualified arboriculturalist, or an arboriculturalist commissioned by the Town to be on-site during all limb removals process for the Camphor Laurel tree; and

- (c) *the Camphor Laurel tree to be inspected annually by a private qualified arboriculturalist or a qualified arboriculturalist commissioned by the Town and all necessary remedial works to be carried out.*

All cost associated with the above requirement shall be borne by the owners;"

DETAILS:

The Town has received written advice from the WAPC that the owners of the above site have requested reconsideration of conditions 10(iii) (b), 10 (iii) (c), 11 and 12 imposed by the WAPC on 17 August 2005, which are as follows:

- "10. (iii) (b) *The private qualified arboriculturalist, or a qualified arboriculturalist commissioned by the Town to be onsite during all limb removals process for the Camphor Laurel tree; and*
10. (iii) (c) *The Camphor Laurel tree to be inspected annual by a private qualified arboriculturalist, or a qualified arboriculturalist commissioned by the Town and all necessary remedial works to be carried out. (Local Government)*
11. *Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure the identification and protection of the Camphor Laurel tree located on the proposed Lot 4 prior to the commencement of site works. (Local Government)*
12. *Uniform fencing along the boundaries of all of the proposed lots abutting the Parks and Recreation reserve are to be constructed.. (Local Government)"*

The applicant/owner has submitted a written justification in support of the deletion of the above conditions (copy attached).

ASSESSMENT:

Non-Compliant Requirements	
Matters	The "non-compliant" matters relating to the subject survey strata subdivision was addressed in Item 10.1.35 to the Ordinary Meeting of Council held on 28 June 2005. Subject conditions are addressed in the "Comments" section.
Consultation/Submissions	
Consultation	The proposal was previously not advertised. The current application for reconsideration does not involve further variations. The application is being referred to Council for consideration and determination. On the above basis, the current application has not been advertised.

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

COMMENTS:

"10. (iii) (b) *The private qualified arborculturalist, or a qualified arborculturalist commissioned by the Town to be onsite during all limb removals process for the Camphor Laurel tree; and"*

There is no objection to the deletion of the above condition, on the basis that the tree pruning has been completed to the satisfaction of the Town's Officers. Any future interference to the subject significant tree still requires the Town's Planning Approval.

"10. (iii) (c) *The Camphor Laurel tree to be inspected annual by a private qualified arborculturalist, or a qualified arborculturalist commissioned by the Town and all necessary remedial works to be carried out. (Local Government)"*

The above condition could be amended as follows:

"The Camphor Laurel tree to be inspected annually by a private qualified arborculturalist, or a qualified arborculturalist commissioned by the Town and all necessary remedial works to be carried out. The first annual inspection is to commence 12 months from the commencement of earthworks or development within proposed Lot 4;"

"11. *Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure the identification and protection of the Camphor Laurel tree located on the proposed Lot 4 prior to the commencement of site works. (Local Government)"*

This condition should be retained in order to protect the subject significant tree as with a majority of survey strata subdivisions, there is likelihood that some site works may be necessary to stabilise the site associated with the provision of essential services.

"12. *Uniform fencing along the boundaries of all of the proposed lots abutting the Parks and Recreation reserve are to be constructed. (Local Government)"*

The above condition was not recommended by the Town, but imposed by the WAPC. The Town's Officers do not have objection to the above condition being deleted.

It is to be also noted that the following condition recommended by the Council at its Ordinary Meeting held on 28 June 2005, was not imposed by the WAPC:

"(viii) (a) *Lot 4 being increased in size to a minimum of 350 square metres to facilitate the effective retention, protection and on-going preservation of the Camphor Laurel Tree;"*

10.1.7 No. 311 (Lot 4 D/P: 2600) Walcott Street, North Perth- Proposed Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	17 October 2005
Precinct:	North Perth; P8	File Ref:	PRO2608; 5.2005.3120.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Summit Projects on behalf of the owner Q N Feng & N L Wang for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No.311 (Lot 4 D/P:2600) Walcott Street, North Perth, and as shown on plans stamp-dated 5 October 2005, 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 Vehicular Access and Outdoor Living Area requirements of the Residential Design Codes.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

Landowner:	Q N Feng & N L Wang
Applicant:	Summit Projects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling

Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	South side, 4.8 metres wide, sealed, Town-owned

BACKGROUND:

The Western Australian Planning Commission conditionally approved an application for the survey-strata subdivision of the subject property on 15 August 2005. Condition 6 of the subdivision approval states as follows:

"6. *The existing dwelling is to comply with the grouped dwellings requirements of the Residential Design Codes.*"

DETAILS:

The proposal involves an additional two-storey grouped dwelling to existing single house at the subject property. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 60	2 dwellings R 60	Supported- no variation.
Plot Ratio	<u>Proposed Unit</u> 0.65 - 119.6 square metres <u>Overall</u> 0.65 - 296 square metres	<u>Proposed Unit</u> 0.70- 130.5 square metres <u>Overall</u> 0.54 - 246 square metres	Supported- bulk and scale of development is considered acceptable in this instance- site constraints due to the retention of the existing dwelling, the abutting right of way reduces the site's confinement, overall plot ratio is compliant and not considered to have an undue impact on streetscape or adjoining neighbours.
Privacy Setbacks	Bedrooms windows - 4.5 metres.	Bedroom 3 window is 3.8 metres to the east boundary.	Not supported- it is recommended that this matter be conditioned accordingly in event of approval.
(Option One) Outdoor living Area	Behind street setback area.	Outdoor living area in front setback area for existing house.	Supported- site constraints due to retention of existing dwelling and proposed outdoor living area has access to winter sun.

Vehicular Access	Existing Dwelling- to be designed for vehicles to enter the street in forward gear where the public street to which it connects is designated as District Distributor.	Requirement not achieved due to proposed road widening and outdoor living area requirement.	Not supported- car bays not considered to be safe in use. Furthermore, car bays encroaches into pedestrian accessway.
(Option Two) Outdoor living Area	Behind street setback area.	Outdoor living area in front setback area for existing house.	Not supported- while location of front setback area is supported as above, proposed area not considered to be functional in use as it forms part of the car bay's reversing area.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

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

COMMENTS:

While the planning application for the proposed rear dwelling is generally acceptable and it is recognised that there are site constraints relating to the retention of the existing dwelling, the proposed variations to vehicular access and outdoor living area for options 1 and 2, respectively is considered unsupportable for the reasons outlined in the report. In light of this, the planning application is recommended for refusal.

10.1.8 No. 313 (Lot 5 D/P: 2600) Walcott Street, North Perth- Proposed Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	17 October 2005
Precinct:	North Perth; P8	File Ref:	PRO2609; 5.2005.3121.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Summit Projects on behalf of the owner Q N Feng & N L Wang for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No.313 (Lot 5 D/P:2600)Walcott Street, North Perth, and as shown on plans stamp-dated 5 October 2005, 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 Vehicular Access and Outdoor Living Area requirements of the Residential Design Codes.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

Landowner:	Q N Feng & N L Wang
Applicant:	Summit Projects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling

Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	South side, 4.8 metres wide, sealed, Town-owned

BACKGROUND:

The Western Australian Planning Commission conditionally approved an application for the survey-strata subdivision of the subject property on 22 July 2005. Conditions 6 and 8 of the subdivision approval states as follows:

- "6. *The applicant obtaining development approval for the development of a dwelling(s) on the approved lot(s).....*

- 8. *The existing dwelling is to comply with the grouped dwellings requirements of the Residential Design Codes."*

DETAILS:

The proposal involves an additional two-storey grouped dwelling to existing single house at the subject property. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 60	2 dwellings R 60	Supported- no variation.
Plot Ratio	<u>Proposed Unit</u> 0.65 - 113.5 square metres <u>Overall</u> 0.65 - 296 square metres	<u>Proposed Unit</u> 0.75- 130.5 square metres <u>Overall</u> 0.57 - 257.5 square metres	Supported- bulk and scale of development is considered acceptable in this instance- site constraints due to the retention of the existing dwelling, the abutting right of way reduces the site's confinement, overall plot ratio is compliant and not considered to have an undue impact on streetscape or adjoining neighbours.
Privacy Setbacks	Bedrooms- 4.5 metres.	Bedroom 3 is 3.8 metres to the east boundary.	Supported- overlooks corner of adjoining property and owner owns affected property.

Pedestrian Accessway	1.5 metres	0.974 metre	Supported- site constraints due to retention of existing dwelling and pedestrian accessway should be conditioned to be widened to 1.5 metres where it does not abut the existing dwelling.
(Option One) Outdoor living Area	Behind street setback area.	Outdoor living area in front setback area for existing house.	Supported- site constraints due to retention of existing dwelling and proposed outdoor living area has access to winter sun.
Vehicular Access	Existing Dwelling- to be designed for vehicles to enter the street in forward gear where the public street to which it connects is designated as District Distributor	Requirement not achieved due to proposed road widening and outdoor living area requirement.	Not supported- car bays not considered to be safe in use. Furthermore, car bays encroaches into pedestrian accessway.
(Option Two) Outdoor living Area	Behind street setback area	Outdoor living area in front setback area for existing house.	Not supported- while location of front setback area is supported as above, proposed area not considered to be functional in use as it forms part of the car bay's reversing area.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

While the planning application for the proposed rear dwelling is generally acceptable and it is recognised that there are site constraints relating to the retention of the existing dwelling, the proposed variations to vehicular access and outdoor living area for options 1 and 2, respectively is considered unsupportable for the reasons outlined in the report. In light of this, the planning application is recommended for refusal.

10.1.9 Progress Report No.2 - Vincent Vision 2024 Implementation

Ward:	Both Wards	Date:	18 October 2005
Precinct:	All Precincts	File Ref:	PLA0144
Attachments:	-		
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, M Rootsey, R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** the Progress Report No. 2 – Vincent Vision 2024 implementation; and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** to re-allocate \$46,000 to Vincent Vision 2024 Implementation and this be funded from the following;

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Net Impact</i>
<i>Vincent Vision 2024</i>	<i>\$20,000</i>	<i>Drainage Study</i>	<i>\$20,000</i>	<i>0</i>
<i>Vincent Vision 2024</i>	<i>\$20,000</i>	<i>Electoral Expenses</i>	<i>\$20,000</i>	<i>0</i>
<i>Vincent Vision 2024</i>	<i>\$6,000</i>	<i>Oxford Centre Study Implementation</i>	<i>\$6,000</i>	<i>0</i>

COUNCIL DECISION ITEM 10.1.9

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

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

- “(ii) **APPROVES BY AN ABSOLUTE MAJORITY** to re-allocate \$46,000 to Vincent Vision 2024 Implementation and this be funded from the following;

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Net Impact</i>
<i>Vincent Vision 2024</i>	<i>\$20,000</i>	<i>Drainage Study</i>	<i>\$20,000</i>	<i>0</i>
<i>Vincent Vision 2024</i>	<i>\$26,000</i>	<i>increased modified penalties revenue</i>	<i>\$26,000</i>	<i>0</i>
<i>Vincent Vision 2024</i>	<i>\$20,000</i>	<i>Electoral Expenses</i>	<i>\$20,000</i>	<i>0</i>
<i>Vincent Vision 2024</i>	<i>\$6,000</i>	<i>Oxford Centre Study Implementation</i>	<i>\$6,000</i>	<i>0”</i>

AMENDMENT LOST (3-5)

For

Cr Ker
Cr Lake
Cr Maier

Against

Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Messina
Cr Torre

(Cr Farrell on leave of absence.)

MOTION CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

To report to the Council on the proposed funding of the 2005/2006 implementation stage of *Vincent Vision 2024* through budget re-allocation.

BACKGROUND:

27 May 2003 The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of 'Community Visioning'.

24 September 2003 A presentation to the Elected Members on Community Visioning was given by Futurist and Planner Steven Ames.

7 October 2003 A Notice of Motion was passed by the Council relating to Community Visioning and authorising the CEO to invite representatives of the Hon. Minister for Planning and Infrastructure and the Department of Planning and Infrastructure to give a public presentation.

16 December 2003 The Council at its Ordinary Meeting endorsed the Project Brief relating to Community Visioning and authorised the Chief Executive Officer to call tenders for the delivery of a Community Visioning project.

24 February 2004 The Council at its Ordinary Meeting accepted the Tender submitted by Community Perspectives for the design, preparation and carrying out of a Community Visioning process.

23 November 2004 The Council at its Ordinary Meeting resolved the following with regard to Community Visioning:

"That the Council:

- (i) RECEIVES the Progress Report No. 2 as at 19 November 2004 relating to the Community Visioning Project;*
- (ii) APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$19,485 to the Community Visioning Project and this be funded from the following; and*

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Net Impact</i>
<i>Community Visioning</i>	\$7,685	<i>Car Park Strategy Implementation Yr 1 of 5</i>	\$7,685	0
<i>Community Visioning</i>	\$11,800	<i>Leederville Masterplan Account</i>	\$11,800	0

(iii) *RECONSIDERS the additional items as outlined as Stage 3, 4 and 5 at the second meeting in December 2004 and the Town urgently contacts the Department for Planning and Infrastructure requesting a decision on the funding applied for."*

21 December 2004

The Council at its Ordinary Meeting resolved the following with regard to Community Visioning:

- "(i) RECEIVES the Progress Report No. 3 relating to the Community Visioning Project;*
- (ii) APPROVES the completion of tasks for Stages 3, 4 and 5 of the Community Visioning Project as outlined in this report;*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY the distribution of 'Communities Program' funding from the Western Australian Planning Commission totalling \$40,000 (\$18,000 for the Community Visioning Project and \$21,200 to the Town Planning Scheme Amendments and Policies Project) as outlined in this report, subject to receipt of written confirmation from the Western Australian Planning Commission that this funding has been granted; and*
- (iv) APPROVES of the Community Visioning Project time frame to be extended until 30 April 2005, to enable the tasks of States 3, 4 and 5 to be completed."*

5 January 2005

The Western Australian Planning Commission advised that the Town's application for funding under the 'Communities Program' of *Dialogue with the City* was successful and accordingly the requested amount of \$40,000 had been granted.

30 June 2005

A final Project Report, Vision Statements and associated documentation were delivered to the Town by the Project Consultant.

23 August 2005

The Council at its Ordinary Meeting resolved the following with regard to the *Vincent Vision 2024* Final Project Report and accompanying documents:

"That the Council;

- (i) RECEIVES the Progress Report, Project Report, six (6) Vision Statements (Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, North Perth 2024, Perth 2024 and Mount Lawley/Highgate 2024) and associated documentation relating to the Community Visioning Project;*

- (ii) *ACKNOWLEDGES the valuable time and effort expended by members of the Community Visioning Taskforce and Professional Panel in preparing the final draft vision statements, principles and guidelines relating to Vincent Vision 2024;*
- (iii) *ADVISES the Western Australian Planning Commission that a final Project Report and six (6) vision statements relating to Vincent Vision 2024 has been received and is in accordance with the Communities Program Project Funding Agreement, and FORWARDS a copy for its consideration;*
- (iv) *ADOPTS the community's vision statements and guiding principles of Vincent Vision 2024 as contained in Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, Perth 2024, North Perth 2024 and Mount Lawley/Highgate 2024;*
- (v) *CONSIDERS the vision statements and guiding principles of Vincent Vision 2024 in any future review of the Town of Vincent's Town Planning Scheme No.1, Strategic Plan, Plan for the Future (Principal Activities Plan) and annual budget, and the Sections' Business Plans; and*
- (vi) *AUTHORISES the Chief Executive Officer to:*
 - (a) *make available the final Project Report and Vision Statement documents to those who directly participated in the project and prepare an Executive Summary that will be made available to the public and distributed to those involved;*
 - (b) *develop key strategies focusing on the short-term (2006-2010) and longer term (2006-2020) for each of the five places with direct relationship to the Town's Strategic Plan, Plan for the Future and annual budget and the Sections' Business Plans;*
 - (c) *display the final Project Report and Vision Statements documents in the Town's Civic and Administration Centre, Library and Beatty Park Leisure Centre, with copies available for distribution;*
 - (d) *develop a Community Engagement and Information Strategy to ensure information channels remain open between the Town and the community in terms of the vision statements and guiding principles of Vincent Vision 2024;*
 - (e) *facilitate a Community Presentation and Launch of the Vincent Vision 2024 final Project Report and Vision Statement documents to celebrate the community's participation and to outline the key findings and next steps of Vincent Vision 2024;*

(f) *identify appropriate funds through the 2005/2006 Budget Review process to facilitate the above Vincent Vision 2024 Community Presentation and Launch event;*

(vii) *AMENDS page 19 of the Vincent Vision 2024 Project Report dated June 2005 prior to clauses (iii) and (vi) being actioned, as follows:*

“Transport

- ...*
- Significantly ~~less~~ more households in Vincent have no motor vehicle...”; and*

(viii) *DISCUSSES the matter at a Forum.”*

20 September 2005 The Council at its Special Meeting resolved the following:

- “(i) RECEIVES the Progress Report No.1 - Vincent Vision 2024 Implementation; and*
(ii) AUTHORISES the Chief Executive Officer to identify \$46,000 through the 2005/2006 Budget Review process to facilitate the 2005/2006 implementation stage of Vincent Vision 2024.”

6 October 2005 An Elected Members Forum discussed the outcomes of Community Visioning/Vincent Vision 2024.

DETAILS:

Budget Re-allocation

As reported to the Council at its Special Meeting held on 20 September 2005, a sum of \$46,000 is required to meet the costs of implementing stage 3, (2005/2006) of the project and authorisation was given to the Chief Executive Officer to identify such funds. As previously reported, these funds will enable the following tasks to be undertaken:

Task	Required Action	Estimated Cost
Strategic Framework with direct links to the Town's Strategic Plan, Plan for the Future (Principal Activities Plan), the Annual Budget, and the Sections Business Plans.	Liaise with the Town's Executive Managers and Managers, discuss outline of Strategy at an Elected Members Forum, report the Strategy to Council.	Project Implementation Officer (PIO) 2005/2006: - part-time (\$30 per hour gross) 2.5 days per week (15.2 hours) October 05 to June '06 (36 weeks) \$16,416 - work station in administration building (not identified) - work station equipment, including computer - \$5,000 \$21,416

Task	Required Action	Estimated Cost
<p>Display of the Final Report and Vision Statement Documents in the Town's Civic and Administration Centre, Library and Beatty Park Leisure Centre. Additional copies available for distribution.</p>	<p>Hard copy (no alteration to basic documents). Co-ordinate printing with graphic designer.</p> <p>Brochures - Co-ordinate with graphic designer and printer re: placement of brochures, editing of text, illustrations, colours and printing.</p>	<ul style="list-style-type: none"> • PIO (as above) • Graphic Design \$90 per hour (approx. \$3,000 for preparation of 6 brochures, \$450 for CD preparation) • Printing <p>Final Report and 6 Vision Statements attached as 1 hard copy x 25 copies (unbound) \$3,000 approximately.</p> <p>CD (all documents) with printed label 200 copies - \$350</p> <p>Set of 6 full-colour vision brochures 200 copies - \$5,379</p> <p style="text-align: right;">\$12,179</p>
<p>Community Engagement and Information Strategy.</p>	<ul style="list-style-type: none"> • Ongoing maintenance of the <i>Vincent Vision 2024</i> web site. • Documents being available in a variety of formats. • <i>'How we are going'</i> newsletters. • Responding to Vision queries - all types. • Widespread promotion. 	<ul style="list-style-type: none"> • PIO (as above). • Domain hosting, website \$35 per month (paid to 12/05) - \$210 to June '06. • Graphic Design \$90 per hour for 5 hours - \$450. • Newsletter insert - \$2,000 (less if an insert in Town's quarterly newsletter). • Newspaper advertisement costs (2 x \$480 each) - \$960. • Additional promotional materials (printing and distribution of DL flyer) - \$2,750. <p style="text-align: right;">\$6,370</p>
<p>Community Presentation and Launch of <i>Vincent Vision 2024</i>.</p>	<ul style="list-style-type: none"> • Widespread promotion (newspapers, mail out, posters). • Co-ordinate catering. • Co-ordinate printing of documents to distribute at event. • Event planning. 	<ul style="list-style-type: none"> • Newspaper advertisement costs (2 x \$480 each) - \$960. • Promotional materials (posters 50 - \$100, graphic design - \$450) - \$550. • Catering costs based on 70 @ \$6 per head - \$420. <p style="text-align: right;">\$ 1,930</p>
<p>Completion of Tile Display along Vincent Street.</p>	<p>An event to be organised with schoolchildren to produce an additional 120 tiles.</p>	<p>120 tiles (including the supply of tiles, paint, labour and firing) - \$1000 Installation - \$3,000</p> <p style="text-align: right;">\$4,000</p>
		<p>Total Funds Required \$45,895. say \$46,000</p>

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:

"1.3 Develop, implement and promote sustainable urban design.

...

(c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision.

... "

FINANCIAL IMPLICATIONS:

No provision has been made for Community Visioning/*Vincent Vision 2024* in the 2005/2006 Budget.

COMMENTS:

As a means of funding the 2005/2006 implementation stage of the project, a review of monies has been carried out with the following re-allocations suggested:

Project Description	Re-allocation	Status of Project	Current Budget Amount	Proposed Revised Budget Amount
<i>Oxford Centre Study Implementation Yr 1 of 5</i>	\$6,000 to <i>Vincent Vision 2024</i>	Aspects of the Oxford Centre Study Implementation are likely to be carried out as part of the Leederville Masterplan Project which has a budget allocation of \$100,000.	\$25,000	\$19,000
<i>Drainage Study</i>	\$20,000 to <i>Vincent Vision 2024</i>	\$20,000 can be sourced from this budget allocation subject to \$20,000 being allocated in the 2006/2007 draft budget to 'top up' the Drainage Study back to \$60,000.	\$60,000	\$40,000
<i>Electoral Expenses</i>	\$20,000 to <i>Vincent Vision 2024</i>	The budget for Election Expenses for 2005/2006 is \$35,000. A June bill of approximately \$15,000 has been received, therefore an amount of \$20,000 is available to be re-allocated.	\$35,000	NIL

There will be no financial impact on the Town's 2005/2006 Annual Budget or provision of services to the Town.

COMMENTS:

In view of the above, it is recommended that the Council receives this report and authorises the re-allocation of \$46,000, from the sources outlined in the body of this report, to facilitate the 2005/2006 implementation stage of *Vincent Vision 2024*.

10.1.10 Amendment No. 31 to Planning and Building Policies – Consulting Rooms

Ward:	Both Wards	Date:	18 October 2005
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the draft Policy relating to Consulting Rooms, as shown in Attachment 10.1.10;*
- (ii) *ADVERTISES the draft Policy relating to Consulting Rooms for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the draft Policy relating to Consulting Rooms, having regard to any written submissions; and*
 - (b) *determines the draft Policy relating to Consulting Rooms, with or without amendment, to or not to proceed with them.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 8.19pm.

Cr Messina returned to the Chamber at 8.21pm.

Moved Cr Chester, Seconded Cr Ker

That the Item be DEFERRED to allow for further information to be included in the proposed policy and a legal opinion to be obtained on the policy's scope, strength of provisions and effectiveness of implementation prior to it being advertised for public consultation.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the draft version of the Policy relating to Consulting Rooms and to seek Council's approval to advertise the draft Policy.

BACKGROUND:

4 August 2005

The Town received a letter from the proprietor of the Mount Hawthorn Medical Centre regarding a recent Planning Approval for extensions to a waiting room at the medical centre at No.81 Scarborough Beach Road, Mount Hawthorn.

Part of the conditional approval for the extension required that the applicant apply for a new planning approval in three years time. The proprietor expressed disappointment in being subject to this requirement, due to houses of ill-repute within the Town. The proprietor requested a review of this matter so that consulting rooms such as medical centres are not subject to the same treatment and requirements as other types of consulting rooms within the Town.

5 September 2005

The Mayor replied to the above proprietor informing that an examination will be undertaken as to how the Town will be able to grant reputable business with a more permanent concession.

28 June 2005

The Council at its Ordinary Meeting considered Item 10.4.4 relating to a change of use application from 'office building' to 'consulting rooms and ancillary and incidental shop and office' at Unit 2/ No.643 Newcastle Street, Leederville. The Council resolved to adopt the Officer Recommendation, subject to clause (viii) being amended as follows to address escort agencies, prostitution, brothels and the like.

“(viii) all activities at the premises shall be in compliance with the Town's Policy requirements relating to consulting rooms, and no massage activity of a non-medical nature, prostitution, brothel business, agency business associated with prostitution, escort agency business, and the like, shall occur at the premises and no bedding shall be provided at the premises; and”

DETAILS:

In light of the Mayor's response and Clause (viii) of the Council Resolution from the Ordinary Meeting of Council held on 28 June 2005, the Town's Officers have prepared a draft Policy relating to Consulting Rooms, to enable such consulting room types, as medical centres and consulting rooms, to gain permanent approval, rather than periodic approval, requiring renewal every one to three years, as is the case now.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area One: Environment and Infrastructure:
“1.3 Develop, implement and promote sustainable urban design”

FINANCIAL/BUDGET IMPLICATIONS:

The current 2005/2006 Budget allocates \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The draft Policy relating to Consulting Rooms has been prepared so to provide applicants and developers with a set of concise guidelines and requirements for establishing Consulting Rooms within the Town. It is intended that the Policy will give a clear definition of what is defined as a ‘ Consulting Room’ and discourage the continuation of other use types that are presently defined under the guise of ‘Consulting Rooms’.

Specifically, the Policy outlines matters, such as the permitted activities, location considerations, public consultation requirements, compliance with the Building Code of Australia, car parking and vehicular access, advertising signage, hours of operation and provides clear definitions as to what constitutes a ‘ Consulting Room’ within the Town of Vincent.

In light of the above, it is recommended that Council adopts the draft version of the Policy relating to Consulting Rooms and advertises the draft version of the Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No.1.

10.1.13 Draft Vincent Noise Management Plan

Ward:	Both	Date:	14 October 2005
Precinct:	All	File Ref:	ENS0031
Attachments:	001		
Reporting Officer(s):	D Brits, S Teymant, A Bosworth		
Checked/Endorsed by:	R Boardman,	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the report relating to the Draft Vincent Noise Management Plan;*
- (ii) APPROVES IN PRINCIPLE to adopt the Draft Vincent Noise Management Plan; and*
- (iii) AUTHORIZES the Chief Executive Officer to:*
 - (a) advertise the proposed Draft Vincent Noise Management Plan for a period of twenty one (21) days, seeking public comment; and*
 - (b) report back to the Council at the conclusion of the public comment period.*

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

That new clauses (iii)(c) and (d) be added as follows:

- “(iii) (c) prepare a Planning Policy to address measures to minimise the effects of noise intrusion and/or noise emissions in areas comprising both residential and non-residential developments. The draft Planning Policy relating to noise intrusion and/or noise emissions is to be reported to Council by no later than January 2006 for its consideration; and*
- (d) further consider and address the matters considered in the Planning Policy relating to noise intrusion and/or noise emissions above in the review of Town Planning Scheme No.1.”*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.13

That the Council;

- (i) ***RECEIVES the report relating to the Draft Vincent Noise Management Plan;***
- (ii) ***APPROVES IN PRINCIPLE to adopt the Draft Vincent Noise Management Plan; and***
- (iii) ***AUTHORISES the Chief Executive Officer to:***
 - (a) ***advertise the proposed Draft Vincent Noise Management Plan for a period of twenty one (21) days, seeking public comment;***
 - (b) ***report back to the Council at the conclusion of the public comment period;***
 - (c) ***prepare a Planning Policy to address measures to minimise the effects of noise intrusion and/or noise emissions in areas comprising both residential and non-residential developments. The draft Planning Policy relating to noise intrusion and/or noise emissions is to be reported to Council by no later than January 2006 for its consideration; and***
 - (d) ***further consider and address the matters considered in the Planning Policy relating to noise intrusion and/or noise emissions above in the review of Town Planning Scheme No.1.***

PURPOSE OF REPORT:

The purpose of this report is for the Council to “*approve in principle*” the Draft Vincent Noise Management Plan.

BACKGROUND:

The World Health Organisation (WHO) defines health as: ‘*A state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity.*’

As well as causing hearing impairment there is a range of adverse and potentially adverse health effects associated with continued exposure to noise. ‘*It is generally accepted that exposure to community noise creates annoyance, impairs school children’s performance, creates sleep disturbance and adversely affects cardiovascular health.*’ (EnHealth Council, 2004).

Environmental noise is increasingly becoming a community concern in Australia. Its effective management is reliant on a five way partnership between Local Government, Police, Department of Environment (DoE), Liquor Licensing (DRGL) and local communities.

Increasing urbanisation and higher density living has resulted in a larger portion of the population being exposed to elevated sound levels. A recent survey of local governments conducted by the DoE revealed that the overall number of noise complaints in Western Australia has increased slowly but steadily. With the population of Capital Cities growing, increasing noise complaints are likely to be a continuing trend in inner city areas due to increased population densities and residential, commercial and entertainment land-use with conflicting expectations. (EnHealth Council, 2004).

The challenge in controlling and managing noise is to balance the rights and obligations of all parties concerned. One of the keys to managing environmental noise is to promote effective communication between neighbours and increase positive community spirit. By promoting such outcomes many noise complaints should be better managed.

The Town of Vincent's Council identified unreasonable noise as a matter to be addressed strategically and subsequently included in the Town of Vincent Strategic Plan 2005 - 2010 a project to draft a Noise Management Plan to address the growing community sensitivity to noise issues in our inner city and vibrant locality.

DETAIL:

Upon examining Vincent records and consulting with Environmental Health Officers (EHOs) it was determined that the majority of noise complaints received could be attributed to the following categories:

- Home entertainment systems and domestic party noise 35%;
- Building and renovation construction activities 30%;
- Mechanical noise (air-conditioner units, waste collection trucks etc) 25%;
- Audible alarms 5%;
- Public entertainment venues (hotels, restaurants, nightclubs and ovals) 5%.

It should be noted that while many noise complaints are received regarding building works and home entertainment activities, it is often noise complaints that arise from mechanical sources that are time consuming to resolve. In particular, complaints resulting from noise emitted from air conditioning units commonly take considerable time for a suitable outcome. This is mainly due to the expense involved with relocation or attenuation and neighbourly disputes. Recent statistics indicate that noise complaints from air conditioning systems are on the rise. This appears to be due to the popularity of reverse cycle systems for year round use.

It should also be noted that noise complaints regarding barking dogs have not been included in this report because they are dealt with under the dog act by the Town's Rangers Services and Community Safety.

The Town of Vincent has received around 300 noise complaints annually for the past three years. Of these complaints approximately 50% are continuous or involve follow-up complaints (secondary). Therefore of the 332 noise complaints received in 2003 approximately 166 noise complaints were related to individual incidents. With an approximate population of 25,800 this equates to one noise issue being raised per 155 residents (approximately half of which result in secondary complaints).

In comparison, a survey conducted by the (State) Department of Environment (DoE) showed that during the year 2000-2001, Perth metropolitan local governments received on average, one noise complaint per 340 people. This statistic indicates that the number of complaints received in relation to noise pollution by the Town of Vincent exceeds the metropolitan government average considerably.

Perhaps due to increasing mixed use in terms of residential and commercial components in Vincent's inner-city location.

LIST OF POTENTIAL NOISE TREATMENT/ACTION

Control Measure	Example	Advantage / Disadvantage
1. Communication and Mediation	a) Contact or approach (if safe) the person causing the noise emission to make the nuisance known	Often people are unaware that their activities were causing a nuisance
	b) Notify recipients of noise of the nature and duration of a necessary or preposed noisy event	People are generally much more tolerant of noise if they know when noise is likely to occur / finish
	c) Mediation	A third party is sometimes necessary to facilitate constructive communication & compromises or agreed outcomes
2. Engineering Controls	a) Double glazing of windows (and for double ceilings)	Double glazing windows can significantly reduce noise levels
	b) Substitution (use quieter equipment or new process)	Substitute noisy equipment for quieter equipment (i.e. smaller speakers; electrical motor above petrol motor)
	c) Use barriers	Installation of barriers and acoustic enclosures to deaden or contain noise
Control Measure	Example	Advantage / Disadvantage
3. Planning Controls	a) Increase the distance between source and receiver	Potential noise issues can be prevented before they become an issue if source and receiver are separated at planning stage (i.e. air conditioner placement)
	b) Require an Acoustic consultant be engaged in the design of a building	Expert opinion can be useful in identifying and resolving noise issues before they arise (both emitted and received from the premises)
	c) Request a noise management plan and review regularly	Places the onus on management to address the issue of noise pollution
	d) Impose noise conditions on a licenses	Insist upon compliance with Noise Regulations as a condition of the licence
	e) Refuse use	For situations where controls aren't available or due to overwhelming community disapproval.
	f) Segregation of residential areas from industrial areas	Prevents noise complaints from occurring due to land use conflicts
4. Legislative Controls	a) Restrict the hours of use of non-compliant equipment/ activities	Cost effective solution which can be satisfactory to both parties

Control Measure	Example	Advantage / Disadvantage
	b) Serve a Noise Abatement Direction	Quick and effective to take temporary action
	c) Seizure of Equipment	Temporary solution. Shows the offender the seriousness of the offence
	d) Serve an Infringement Notice	If contested it may go to court leading to potential legal costs
	e) Serve a Pollution Abatement Notice	Registered against the title of the land - more permanent control
	f) Prosecution	Very costly and time consuming and the outcome is uncertain, but in a few cases the only option to force change
	g) Lobby the State Government for amendments to Environmental Protection (Noise) Regulations where warranted	Higher Authority. Time consuming, but can change/improve regulatory framework
5. Administrative Controls	a) Lodge a formal complaint with Local Government Health Services and / or Department of Environment	Complainant can remain anonymous. Written warnings follow, further action is taken upon non-compliance
6. Personal Protection	a) Remove yourself from exposure	Not always possible, but can opt to go away for night during major events
	b) Wear ear protection equipment or use music to mask other source	Not a long term solution to community/environmental noise
7. Other Controls	a) Petition	Good for voicing collective community concerns
	b) Obtain services of an Acoustic Engineer / Consultant	Scientific investigation for lasting solutions. Premises or process/source specific

RECOMMENDATIONS:

It is recommended that:

1. Development Approval applications be required for the installation of air conditioners, swimming pool pumps and spa pumps in future. Provision to be made under the Town Planning Scheme if the parameters of the scheme and the Town Planning and Development Act 1928 permit.
2. Building Licenses to include, a requirement for construction times and site signage to have the contact details and after hours mobile telephone number for the site supervisor/builder, clearly displayed. The signage should also include the permitted construction hours (7.00am - 7.00pm Mondays to Saturday and no construction noise permitted on Sundays and Public Holidays), unless an approved Noise Management Plan is in place for that site. The signage should also state that such restrictions do not apply to normal residential activities such as home handyman work, so that confusion and unnecessary complaints are not created.

3. In circumstances where noise complaints arise from an existing licensed premises, the development of a new licensed premises is proposed, or a proposed extension to an existing licensed premises that will result in increased patron numbers, the applicant / proprietor may be required to engage an Acoustic Consultant to develop an acoustic report/management plan to ensure full compliance with the Environmental Protection (Noise) Regulations 1997 is achieved.
4. Health Services be authorised by Council to contract the services of an Acoustic Consultant to provide an independent analysis of ongoing and complex noise issues, as determined appropriate by the Manager Health Services.
5. Where a noise issue has been ongoing for a period of six months or longer, and the complainant is unable to provide adequate evidence or opportunity for the Town's Environmental Health Officers to gather evidence to substantiate the complaint, the situation should be reviewed by a panel consisting of the Health Services Team to decide if continued action is warranted, beneficial, cost effective, or in the communities interest given the impact on resources.
6. The current draft report be advertised for community feedback.

CONSULTATION/ADVERTISING:

Advertisements calling for public comment will be placed in a Local Newspaper, placed on the Town's website and distributed to all precinct and business groups.

LEGAL/POLICY IMPLICATIONS:

Council's Strategic Plan 2005-2010.
Environmental Protection (Noise) Regulations 1997 (as amended).

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010, Key Result Area One: Environment and Infrastructure, 1.1 Protect and enhance the environment, 'i) *Prepare and implement a Vincent Noise Management Plan.*'

FINANCIAL IMPLICATIONS:

Nil.

COMMENTS:

It is deemed prudent to advertise the draft document for community comment in order for all parties to have an increased understanding of this complex inner city matter.

10.1.14 Tender for the Supply of Ticket Issuing Machines

Ward:	Both	Date:	17 October 2005
Precinct:	All	File Ref:	TEN323
Attachments:	-		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	D Abel, M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender submitted by Parkonsult for the supply of ten (10) ticket issuing machines, in each of the next three (3) years, for installation in a number of locations in the Town, at a total cost of \$61,105 in 2005/6, \$62,942 in 2006/7 and \$64,831 in 2007/8;*
- (ii) *AUTHORISES the Chief Executive Officer to assess the most appropriate locations for the installation of the ticket issuing machines and submits a further report to the Council as soon as practicable; and*
- (iii) *LIST for consideration the 2006/07 and 2007/08 Draft Budget's the amounts of \$62,942 and \$64,831 respectively for the purchase of these items.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Torre

That a new clause (iv) be inserted as follows:

“(iv) will NOT SUPPORT any variation in payment and retention amount.”

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Maier, Seconded Cr Ker

That the Item be DEFERRED to allow further assessment of the tender.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

To provide an assessment and evaluation of Tender 325/05, for the supply and delivery of 10 ticket issuing machines, per year for the next three financial years.

BACKGROUND:

The Town called tenders for the supply of ten (10) ticket issuing machines for each of the next three years and the Tender was advertised on 7 September 2005, with a closing date of 22 September 2005. A total of four (4) tenders were opened, at 2.00pm on 22 September 2005, with the Manager Ranger Services and Community Safety, the Purchasing Officer and no members of the public, in attendance.

DETAILS:

The four (4) tendered prices for the ticket issuing machines covered a wide price span, with the highest tender being approximately 51 percent more expensive than the price submitted by the recommended tenderer.

One tender did not address the compliance requirements in a number of areas but, since their price was substantially more than the other machines, it was considered unnecessary to contact the company to check for compliance.

Parkonsult

Parkonsult have tendered for the supply of Cale MP104 Ticket Issuing Machines, which are an updated version of the Cale MP101 and MP102 ticket issuing machines, already installed by the Town of Vincent. The Cale MP101 machines were installed by the City of Perth around 1989 and have provided excellent service since that time.

These MP101 machines were scheduled for replacement in the 2002/3 Budget, but they were assessed as being in sufficiently good condition to last a further 4 to 5 years, so the allocated budget was transferred to another area. The MP102 machines were relocated to Barlee Street Car Park in 2004, because the existing Reino PSA2000 machines were not capable of being programmed for a free-period of parking.

Parkonsult has tendered a price, which is substantially less than that tendered by the other three (3) tenderers and, since Parkonsult are engaged by the Town, under a ticket machine maintenance contract they are in an excellent position to ensure that the machines can be programmed as the Town requires.

The Parkonsult has identified, under Section 2.27 of the Tender Documentation that it has maintenance contract with the Town, but do not believe that this would conflict with this current Tender. Officers agree that this fact should not create any conflict of interest, since the two tenders are for different things and are not inter-dependent.

CHS

CHS Parking Equipment Australia tendered for an EZIpark Global ticket issuing machine, which has been designed to provide an aesthetically pleasing piece of street furniture. Unlike the machines tendered by two of the other manufacturers, it is constructed of up to 20mm thick cast Aluminium, rather than the traditional steel construction. The company suggests that, because aluminium is a "soft" metal, it is resistant to drilling, unless a fluid coolant is used on the drill bit. In general enquiries, it has been confirmed that this assertion is valid and, as a result, officers are satisfied that the integrity of the casing would meet the Town's needs. The main cabinet door is pre-cast to facilitate possible future upgrades, to accept credit cards, smart cards, etc, with minimal additional cost.

Reino International WA

Reino WA has been the successful tenderer for the Town's ticket issuing machines on the previous three (3) tenders for the supply of ticket issuing machines and has again tendered to supply PSA 2000 machines. The Town currently has twenty five (25) PSA 2000 (provided by Reino WA – formerly Smart Edge Technologies), installed and all perform well. The early-produced PSA2000 machines were not capable of being programmed to provide a free parking period, as well as two day-time fees and two night-time fees, but this has apparently been addressed and can now be programmed in this way.

Wilson Technology Solutions

Wilson Technology Solutions has tendered for the supply of Hectronic PA2/1 Ticket Issuing Machines. All machines comply with the current requirements of the Town, other than the fact that reprogramming would appear to be only available using a laptop computer. Wilson Technology Solutions, like the CHS machines, use an aluminium casing and has specified that the coin escrow is of a superior quality to many of the competitor's machines. However, the Town has not experienced many problems with the current escrows, so this enhancement is not considered to be of major advantage.

Parkonsult, who undertake repairs, maintenance and re-programming functions, on behalf of the Town of Vincent, already hold a number of spare parts for the Town's existing ticket issuing machines.

It has been confirmed that many of the components used in the EZIPark Global ticket issuing machines are common to the Cale MP104 and PSA 2000 machines, so there is a level of interchangeability. Tickets for the Cale MP104, PSA2000 and CHS machines are interchangeable, but the Wilson machine needs to use specific paper. Parkonsult has confirmed that they can maintain all of the machines tendered.

REQUESTED VARIATION IN PAYMENT AND RETENTION AMOUNT:

Parkonsult has requested that the retention of 10 percent of the total cost be waived, because it is unnecessary, since the Town currently pays its maintenance invoices, in arrears. This means that, at any time, the Town would have an unpaid invoice for payment for the maintenance contract, of around \$5,500. It is agreed that, if Parkonsult is the approved tenderer, this retention is probably not necessary.

Reino WA have requested that the Town consider amending the "Payment and Retention" Section of the Tender Document. It submitted the following comments:

"Retention of 10% (for the security deposit) is stipulated. This (10%) represents a major portion of the profit margin in this contract and is double that of retention monies required by other Australian Council since 1983. We ask therefore that the retention is capped at 5%, with a 50% of the retention monies held be returned after completion of delivery and the balance at the end of the normal (12 months) warranty period."

While Reino International is not the recommended tenderer, the fact that a similar request, to that of Parkonsult, has been received, it would appear to lend credence to the request.

EVALUATION:

The Town specified how the Tenders would be evaluated and attributed weighting factors to each of the criteria. The evaluation was undertaken by The Manager Ranger Services and Community Safety. The following table shows these criteria:

Criteria	%	Weighting
1 Price		
Include in the lump sum price all fees and other costs and dispersements to provide the required service and appropriate level of Goods and Services Tax (GST).	50	50%
2. Professional expertise and relevant experience in similar projects		
<ul style="list-style-type: none"> • Demonstrated knowledge and experience in projects of a similar nature. • Demonstrate capacity to achieve the proposed project. • Provide evidence of successful results in relevant previous projects. • Provide suitable written references and referees. 	5 5 5 5	20%
3. Financial History and Evidence of Stability		
<ul style="list-style-type: none"> • Demonstrate financial history of organisation to carry out works for this project. • Demonstrate evidence of stability and experience. 	5	5%
4. Materials and Labour		
<ul style="list-style-type: none"> • Demonstrate content of Australian Made material and/or labour. 	5	5%
5. Overall compliance with Tender Specification and Requirements	20	20%
		100%

1. Price

The following table shows the tendered prices for each Tenderer, for each of the three (3) years:

2005 - 2006

Company	10 Machines	Additional Solar Costs	Per Solar Machine	Total Cost
Parkonsult	\$61,105.00	0	\$6,110.50	\$61,105.00
Reino WA	\$71,555.00	\$1,200.00 *	\$7,275.50	\$72,755.00
CHS (Global)	\$75,900.00		\$7,590.00	\$75,900.00
Wilson	\$92,521.00		\$9,252.10	\$92,521.00

* Reino WA has tendered for a 5 watt solar panel and there is an additional charge, of \$120.00 per machine, for the 10 watt Solar Panels that were specified in the Tender documents.

2006 - 2007

Company	10 Machines	Additional Solar Costs	Per Solar Machine	Total Cost
Parkonsult	\$62,942.00	0	\$6,294.20	\$62,942.00
Reino WA **	\$71,555.00	\$1,200.00 *	\$7,275.50	\$72,755.00
CHS (Global)	\$78,100.00		\$7,590.00	\$75,900.00
Wilson **	\$92,521.00		\$9,252.10	\$92,521.00

* Reino WA has tendered for a 5 watt solar panel and there is an additional charge, of \$120.00 per machine, for the 10 watt Solar Panels that were specified in the Tender documents.

** Reino WA and Wilson Technology have indicated that, while the tendered price is the same for each of the three years, there is an expectation that this price will increase with CPI

2007 - 2008

Company	10 Machines	Additional Solar Costs	Per Solar Machine	Total Cost
Parkonsult	\$64,831.80	0	\$6,483.18	\$64,831.80
Reino WA **	\$71,555.00	\$1,200.00 *	\$7,275.50	\$72,755.00
CHS (Global)	\$80,300.00		\$7,590.00	\$75,900.00
Wilson **	\$92,521.00		\$9,252.10	\$92,521.00

* Reino WA has tendered for a 5 watt solar panel and there is an additional charge, of \$120.00 per machine, for the 10 watt Solar Panels that were specified in the Tender documents.

** Reino WA and Wilson Technology have indicated that, while the tendered price is the same for each of the three years, there is an expectation that this price will increase with CPI

2. Professional expertise and relevant experience in similar projects

- Demonstrated knowledge and experience in projects of a similar nature.
- Demonstrate capacity to achieve the proposed project.
- Provide evidence of successful results in relevant previous projects.
- Provide suitable written references and referees.

All four (4) companies that submitted Tenders have similar knowledge and experience in the field and have the capacity to achieve the proposed project. All have provided evidence of successes in various locations and all have provided suitable references and referees. Referees were randomly contacted and all were happy with the respective companies.

3. Overall compliance with Tender Specification and Requirements

In assessing the Tender, areas where the Tenderer did not fully explain the criterion, or did not address a specification, was identified and recorded. From a calculation viewpoint, one half of one point (½ points) was deducted for each of area that was not fully addressed and it was assumed that, where an item was not addressed, it was compliant and no points were deducted.

4. Financial History and Evidence of Stability

- Demonstrate financial history of organisation to carry out works for this project.
- Demonstrate evidence of stability and experience.

All Tenderers provided evidence of financial history to carry out the works and all used length of experience in the industry to support assertions of financial stability.

5. Materials and Labour

- Demonstrate content of Australian Made material and/or labour.

Reino International is the only tenderer that can demonstrate that many of the components, used in the PSA 2000 machines, originate in Australia and in fact, some originate in Western Australia. Some of the components used in the PSA 200 machine are supplied from Germany and Japan. CHS Parking Systems assert that the cabinet, along with many of the components are designed and manufactured in Australia or New Zealand.

In the assessment, a figure of four (4), from a maximum of five (5), has been allocated to Reino and a figure of one (1) has been allocated to CHS, while nothing has been allocated to either of the other Tenderers.

In the assessment for price, Parkonsult had the lowest quoted price and has been allocated a figure of fifty (50). As a way of assessing the others, the allocated figures are based on the amount that each of the other Tenderers had quoted above that of Parkonsult.

The following is a summary table, showing the evaluation figures:

Criteria	%	Parkonsult	Reino International	CHS	Wilson
Price	50%	50	40.47	37.89	24.29
Professional Expertise	20%	20	20	20	20
Financial History	5%	5	5	5	5
Materials and labour	5%	0	4	1	0
Compliance	20%	19	18.5	18.5	17.5
	100%	94.00	87.97	82.39	66.79

CONSULTATION/ADVERTISING:

There is no need to consult the public about this report, since it refers to an approval by the Council, to award a Tender. The Tender was advertised, in the West Australian newspaper, on 7 September 2005, for a period of fifteen (15) days. The Town's Tender Process has been designed to ensure transparency in the way Tenders are evaluated.

LEGAL/POLICY:

The Tender was called in accordance with the Local Government Tender Regulations.

STRATEGIC IMPLICATIONS:

Area 3.2 of the Town's Strategic Plan 2005 to 2010 states *"Develop Business strategies that provide a positive triple bottom line return for the Town"* and the above recommendation would meet this criterion.

FINANCIAL/BUDGET IMPLICATIONS:

The current Budget has allowed \$100,000 for the purchase and installation of parking ticket issuing machines. It will be necessary for the Council to allocate appropriate funds in the 2006/7 and 2007/8 Budgets, to enable the purchase of ticket issuing machines.

COMMENTS:

From the tender information provided above, it is recommended that Parkonsult be awarded the contract for the supply of ten (10) ticket issuing machines in each of the next three (3) years.

Mayor Catania advised that Crs Lake and Maier had declared a financial interest in this Item. Crs Lake and Maier departed the Chamber at 8.35pm and did not speak or vote on the matter.

10.1.15 Progress Report No. 10 - Municipal Heritage Inventory Review

Ward:	Both Wards	Date:	19 October 2005
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	001		
Reporting Officer(s):	H Eames, D Abel, N Greaves, John Giorgi		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES Progress Report No. 10 relating to the Municipal Heritage Inventory;*
- (ii) *ENDORSES the timeline and related strategic projects and initiatives attached as shown in Appendix 10.1.15, and AUTHORISES the Chief Executive Officer to proceed with the tasks contained within it subject to its review by the appointed public relations consultant;*
- (iii) *AUTHORISES the Chief Executive Officer to identify funds in the 2005/2006 Budget to undertake the new items at an amount of \$39,100 identified in Appendix 10.1.15; and*
- (iv) *APPROVES the appointment of Glew Corporate Communications for the purpose of reviewing current information and providing advice on related strategic projects and initiatives (Phase 1 of the Consultant's Brief) at a cost of \$5,500.00 (GST inclusive).*

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Messina

That a new clause (iii) be inserted as follows and the remaining clauses renumbered:

- “(iii) *REQUESTS a further report from the Chief Executive Officer pertaining to the timeline and related strategic projects following the above review by the appointed public relations consultant;*”

AMENDMENT CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Lake and Maier were absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Lake and Maier were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.15

That the Council;

- (i) *RECEIVES Progress Report No. 10 relating to the Municipal Heritage Inventory;*
 - (ii) *ENDORSES the timeline and related strategic projects and initiatives attached as shown in Appendix 10.1.15, and AUTHORIZES the Chief Executive Officer to proceed with the tasks contained within it subject to its review by the appointed public relations consultant;*
 - (iii) *REQUESTS a further report from the Chief Executive Officer pertaining to the timeline and related strategic projects following the above review by the appointed public relations consultant;*
 - (iv) *AUTHORIZES the Chief Executive Officer to identify funds in the 2005/2006 Budget to undertake the new items at an amount of \$39,100 identified in Appendix 10.1.15; and*
 - (v) *APPROVES the appointment of Glew Corporate Communications for the purpose of reviewing current information and providing advice on related strategic projects and initiatives (Phase 1 of the Consultant's Brief) at a cost of \$5,500.00 (GST inclusive).*
-

PURPOSE OF REPORT:

To provide the Council with an update on the progress of the Municipal Heritage Inventory (MHI) Review and obtain the Council's approval for the associated timeline, related strategic projects and initiatives and appointment of a public relations consultant for Phase 1.

BACKGROUND:

The Council at its Special Meeting held on 20 September 2005, resolved to receive the previous Progress Report No. 9 pertaining to the Municipal Heritage Inventory Review, and as follows:

- "(ii) *REQUESTS a confidential briefing that fully outlines the processes to be undertaken to Council adopting the Municipal Heritage Inventory and all information including the Information Resource Kit, the letter to affected landowners and advice the Council has been provided with in so far as the consultation strategy be provided at that meeting.*"

DETAILS:

The matter was discussed at two confidential Elected Members Forums, held on 6 and 18 October 2005. Documents relating to the Information Resource Kit, letter to affected owners, and the Consultation Strategy were provided to Elected Members on 30 September 2005 and 18 October 2005. The resultant revised timetable and associated items are shown in Appendix 10.1.15.

Public Relations Consultant

Two public relations consultants made presentations to the Elected Members Forum held on 18 October 2005 in relation to the advisory service sought by the Council for the consultation of the revised Municipal Heritage Inventory.

Public Relations Officer Comments

The Town of Vincent Public Relations Officer contacted two external public relations consultancies to provide an estimated cost to review the MHI Communications Strategy and provide advice.

Kim Harrison, Principal of Century Consulting, was provided a written quotation as outlined below:

Phase 1 – 16 weeks (24 October 2005 to 10 February 2006)

- Client meetings, liaison and reporting
- Counsel and feedback to Council staff and Elected Members where applicable
- Review and edit where applicable (Draft letter to owners; Information resource kit comprising brochures, Q&A sheet, standard forms; Elected members' fact sheet; Pre-release educational and promotional articles and publications; Website www.vincentheritage.com.au; Articles for Town of Vincent Quarterly newsletter. Full page in Issue 37 and more in Issue 38).
- Review and edit where applicable six articles for local newspapers (Information resource kit/backgrounders; Articles on forthcoming workshops; Heritage hunt/quiz [not recommended]; new policies for Heritage planning; Architecture notes series; Articles for publications in languages other than English.)
- Input into text and layout of newspaper advertisements for workshops; notices for workshops; display information
- Input into TOV staff briefings
- Input into briefings of Elected Members

Professional fee \$5,500.00 including GST

Phase 2 – Eight weeks (13 February 2006 to 14 April 2006)

Specifics of the consultancy role during Phase 2 to be clarified closer to the start of the phase. May include: Client meetings, liaison and reporting; Stakeholder briefings; Issues management; Media relations; Reviewing and editing draft TOV text; Public comment period; Attendance at workshops

Professional fee \$88.00 per hour including GST

Out-of-pocket expenses such as telephone and travelling costs will be charged at cost.

James Best and Phil Glew from Glew Corporate Communications provided a quote of \$5,500 including GST as follows:

“Our proposed activity is to be undertaken in two phases:

Our goal at the end of Phase One is to be in the position where we have researched the current situation and have a full appreciation of the community perceptions and the risks to the Town Of Vincent associated with the project.

Our goal at the end of Phase Two is to have developed and presented a strategy for the Town of Vincent to implement.

Our budget has been assembled on the basis of our estimates about the number of days of work that would be required to undertake this project.

Glew Corporate Communication estimates that five consulting days would be required and we submit a quote of \$5,000 excluding GST.

Disbursements and consumables are billed at cost (Telephone / printing / couriers etc).

This quote covers the scope of work as presented to Council last night. Should we be asked to provide services outside that scope of work our professional fees would be \$150 per hour plus GST.

Glew Corporate Communication would forward an invoice to the Town of Vincent at the end of the project. Our invoices are accompanied by comprehensive activity reports that are written in a narrative style so clients can easily understand what was done and when it was done.

If successful we would be able to start almost immediately and conduct the project over two weeks."

A copy of both presentations carried out at the Elected Members Forum held on 18 October 2005 are "laid on the table".

Summary

Both Principal consultants (Kim Harrison and Phil Glew) are very experienced consultants and highly regarded by the Public Relations industry. Both persons sit on the Board of the Public Relations Institute of Australia (WA), Kim Harrison as Vice-President and Phil Glew as Treasurer.

A brief overview of each consultancy is outlined below.

The Town's Public Relations Officer recommends the appointment of Kim Harrison having built a good rapport with him and dealt with him in the past. The extent to which an external consultant needs to be utilised is a matter for the Council and Administration to discuss.

Century Consulting

Principal: Kim Harrison

- Bachelor of Arts degree in English and Economics from the University of Western Australia.
- Member of the Australian Institute of Management.
- Member of the Public Relations Institute of Australia since 1980. Board member of PRIA Western Australia for the past five years including this year as Vice President. Responsible for the Institute's professional development program in WA.
- Lectured part-time in public relations for six years at *Curtin University in Perth*.
- Author of a 627-page textbook, *Strategic Public Relations*, and is a sought-after conference speaker.
- Held senior corporate and government public affairs management and consulting around Australia. He has held corporate public affairs positions for a total of 12 years with international paper manufacturer *Amcor Limited*, construction company *John Holland Engineering and Construction*, and power utilities, the *Snowy Mountains Hydro-electric Authority* and *Western Power Corporation*.
- Qualified business coach

- As Corporate Affairs Manager for *Western Power*, a national benchmarking survey showed his 'practice management' was comparable to the communication management of some of the best organisations in Australia.
- For seven years he was an account manager with *Royce Communications*, the largest corporate public relations consultancy in Melbourne with clients in the financial, manufacturing, services and information technology sectors.
- Due to his background and experience, Mr Harrison is a sought-after speaker at workshops on strategic PR planning, corporate reputation, issues management, communication measurement and the new media.

Glew Corporate Communications

Principal: Phil Glew

- Bachelor of Business from Curtin University having majored in marketing.
- More than 20 years experience as a senior public relations practitioner and manager.
- Was a director of advertising agency Reynolds/Cunningham and for 14 years. General Manager of The Rowland Company Perth. Western Australian State Manager for International Public Relations. Experience as a senior counsellor covers leading organisations in the private and public sectors, not-for-profit organisations and industry associations.
- Main expertise is in strategic planning of corporate communication and issues management for which he has received several awards at state, national and international level from the Public Relations Institute of Australia and the International Association of Business Communicators.
- Worked for the Western Australian public service for six years before moving to a management position with a property development company in 1970.
- Engaged in public relations and advertising as a consultant and manager since 1978.
- Fellow of the Australian Institute of Company Directors, a Member of the Australian Institute of Management, a Member of the Public Relations Institute of Australia and a Member of the International Association of Business Communicators.

CONSULTATION/ADVERTISING:

Members of the community were invited to join a Heritage Working Group as part of the Municipal Heritage Inventory Review in November 2000. The first stage of community consultation was completed by the consultant in 2001. The second stage consultation will commence following authorisation from the Council to release the Draft MHI for consultation.

LEGAL/POLICY:

There is a legal requirement for the Town to review its Municipal Heritage Inventory and the "*Publicity and Consultation Strategy*" forms part of that review.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area 1.2 "*Recognise the value of heritage in providing a sense of place and identity*".

FINANCIAL IMPLICATIONS:

The current 2005/2006 Budget lists \$14,900 for the Heritage Incentive Packages and \$32,400 for the Municipal Heritage Inventory Review. The costs of the information brochures, web design and media articles are within the agreed budget allocations, leaving sufficient funds to continue Phase 2 (Draft Release and Public Consultation, including affected owners) and Phase 3 (Post Adoption).

The new items, including the appointment of a public relations consultant to review and provide advice on related strategic projects and initiatives (Phase 1 of the Consultant's Brief), as identified in Appendix 10.1.15; amounts to \$39,100. These current 2005/2006 Budget has not allocated funds for these new items.

COMMENT:

Both consultants are experienced persons in their field. They both presented their proposal to a confidential Elected Members Forum held on 18 October 2005. Both consultants covered the requirements of the brief, although each provided differing approaches.

The presentation by Glew Corporate Communications demonstrated a more pro-active approach to Phase 1, than Century Consulting. This was the view of all Elected Members at the Forum.

Century Consulting has demonstrated prior experience in dealing directly with heritage issues, namely in 2003 for the Town of Claremont. The Century Consulting quotations allows for more hours of consultation and attendance at briefs than the Glew Corporation quote.

Notwithstanding the previous experience of both consultants, based on the presentation at the Elected Members Forum held on 18 October 2005, the Chief Executive Officer recommends that Glew Corporate Communications be engaged for Phase 1 of the project at a cost of \$5,500 (GST included). Engagement for Phase 2 will be the subject of further consideration closer to the date.

Crs Lake and Maier returned to the Chamber at 8.38pm.

10.3.1 Melbourne 2006 Commonwealth Games - Queen's Baton Relay - Town of Vincent Involvement

Ward:	Both	Date:	18 October 2005
Precinct:	All	File Ref:	CMS0104
Attachments:	-		
Reporting Officer(s):	Mike Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that the Town of Vincent has been advised that the Melbourne 2006 (M2006) Queen's Baton Relay will travel through the Town of Vincent on Saturday 11 February 2006 and will stop at Beatty Park Leisure Centre;*
- (ii) *APPROVES of the Town's events as detailed in this report; and*
- (iii) *APPROVES BY ABSOLUTE MAJORITY the reallocation of \$10,000 from the Criterium Event Sponsorship account to the Parades and Festivals account for the Queen's Baton Relay, this will provide a total budget of \$15,000 for the event.*

COUNCIL DECISION ITEM 10.3.1

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Journalist – Mark Fletcher left the meeting at 8.39pm.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

To provide the Council with an update on the preparation on the Queen's Baton Relay for the Melbourne 2006 Commonwealth Games.

BACKGROUND:

At the Ordinary Council meeting of 22 March 2005 the following resolution was adopted:

"That the Council;

- (i) *NOTES that the Melbourne 2006 (M2006) Queen's Baton Relay will travel through the Town of Vincent in February 2006;*

- (ii) *AUTHORISES the Chief Executive Officer to carry out all necessary works and promotions (in liaison with the Mayor) to facilitate the M2006 Queen's Baton Relay by authorising the purchase of promotional materials such as official banners, additional bins, and road closures where necessary, for the benefit of the local community; and*
- (iii) *NOTES that an amount of \$5,000 will be included in the Draft 2005/2006 Budget under "Street Parades and Festivals".*

The Town's Chief Executive Officer has recently received confidential correspondence that the M2006 Queen's Baton Relay will be travelling through the Town of Vincent in February 2006.

The M2006 Commonwealth Games Corporation (M2006) will be responsible for this event and has requested that all persons involved with this project sign a "Deed of Confidentiality" agreement and that all information relating to this event remain confidential until approval has been granted for it to be made public.

Whilst the Town has been advised that the Queen's Baton Relay will be coming through the Town of Vincent in February, the specific route and times have not been disclosed at this stage.

The baton will be carried around Australia and will visit all States and Territories by approximately 3,500 runners.

Role of M2006

M2006 is responsible for staging the Australian sector of the Queen's Baton Relay in 2006. M2006 undertakes to stage the Queen's Baton Relay within the Council's local government area with the principle objectives of showcasing the local government area and surrounding region, involving the community and promoting the Games.

Responsibilities of M2006

M2006 is responsible for staging the Games and Queen's Baton Relay and is therefore responsible for;

- (a) route selection and mapping support;
- (b) providing the necessary convoy vehicles and relevant retrofitting of vehicles;
- (c) providing the necessary runner shuttle/buses for the carriage of runners;
- (d) administering the runner selection processes for approximately 3,500 runners;
- (e) establishing State/Territory Planning Groups and Local Planning Groups to advise on various aspects of the Queen's Baton Relay;
- (f) designing, developing and producing a hand held baton;
- (g) custody and transport of the baton;
- (h) providing a centralised planning team and regional coordinators to assist local communities with planning;
- (i) providing event planning advice to local communities including on-site consultation and the production of detailed City Planning Guides for host Towns;
- (j) working with each Council to maximise opportunities for showcasing the heritage, cultural and sporting attributes of each local area;
- (k) promoting widespread community enjoyment and involvement in the Queen's Baton Relay.

Council's Responsibilities

In consultation with M2006, the responsibilities of the Council (at no cost to M2006) include;

Safe Passage of the Queen's Baton Relay

- (a) the development and implementation of traffic management plans for the safe and uninhibited passage of the Queen's Baton Relay through the Council's local government area; and
- (b) the development and implementation of a traffic management plan to maximise community safety.

Permits and Approvals

- (a) to issue or obtain all necessary permits and authorisations for road closures and road usage for roadways under the control of the Council at least 6 months prior to the conduct of the Queen's Baton Relay;
- (b) to arrange all necessary permits and approvals to travel through the Council's local government area at least 6 months prior to the event, including the waiving of all tolls and normal vehicle weight restrictions for convoy;
- (c) to provide written notice, in the first instance, of all likely conditions which may affect the passage of the Queen's Baton Relay; and
- (d) to issue (at no charge) to M2006 or M2006's approved merchandise concessionaires (as M2006 directs) a permit to trade from temporary locations on or adjacent to any part of the route in the Council's local government area for the period the Queen's Baton Relay is in the Council's local government area.

Road Closures

- (a) the provision of necessary personnel to assist with any relevant crowd management, road closure (if necessary) and barricades in the Council's local government area;
- (b) the provision of necessary personnel required to support road closures (if necessary) through the Council's local government area;
- (c) to display in such media and on such routes as appropriate, the customary community notices regarding changes to transportation roadways and thoroughfares during the Queen's Baton Relay.

Road Works

- (a) the provision of timely advice concerning potential road works which may interfere with the staging of the Queen's Baton Relay within the Council's local government area;
- (b) the provision of ongoing advice and information concerning roads and highways under the control and administration of the Council; and
- (c) wherever possible, and in support of community planning, provide barricades and other equipment as necessary for the safe and uninhibited passage of the convoy and community safely along the Queen's Baton Relay route.

Waste Management Services

- (a) the provision of all necessary cleaning and waste management services along the proposed route (if necessary).

Personnel and Support

- (a) the allocation of appropriate personnel resources and facilities, as necessary, to assist in providing the above support services;
- (b) assistance in identifying areas for runner assembly points.

Marketing

The Council acknowledges that marketing rights in relation to the Queen's Baton Relay are controlled by M2006 and are only granted to sponsors and/or partners of the Queen's Baton Relay.

The Council agrees;

- (a) that it will not engage in any form of Ambush Marketing;
- (b) it will cooperate with M2006 in its endeavours to minimise unauthorised use of Commonwealth Games marks, logos and designations or Ambush Marketing activities in its local government area; and
- (c) it will promptly notify M2006 if it becomes aware of any suspected unauthorised use of Commonwealth Games marks, logos and designations or Ambush Marketing activities of other parties.

Liability and Insurance

M2006 and the Council will be responsible for their own actions in relation to the Queen's Baton Relay and, accordingly, M2006 and the Council agree to maintain insurance as appropriate to cover their own public liability, workers compensation and employers liability exposure. The parties will provide each other with details of their insurance on request.

Route Marking

To assist with community crowd building and the massive logistical exercise of placing 3,500 runners along the route, the Council agrees that M2006 is permitted to temporarily mark utility poles and footpaths with baton runner information and route information to within the two (2) day period before the Queen's Baton Relay. The Council will also permit M2006 to erect promotional signage and banners along the route.

Confidentiality

M2006 and the Council will keep confidential the terms of this agreement and all confidential information provided to it by the other party and only use the confidential information for the purpose for which it has been provided. The Council acknowledge that the street level route for the Queen's Baton Relay is confidential information and will take all necessary steps to keep the street level route information protected at all times from any unauthorised access or release.

Selection of Baton Runners

No information has been provided on the names of the baton runners.

DETAILS:

The Town has established an in-house Working Group to coordinate the M2006 Queen's Baton Relay event.

The Town has been advised that the Baton Relay will stop at Beatty Park and be available for a five (5) minute photographic opportunity. The supporting crew of between 26/30 will park in the Beatty Park Leisure Centre car park for a thirty (30) minute lunch break.

Town's Proposed Events

It is planned for the Town to hold a function at Beatty Park Leisure Centre to celebrate the Queen's Baton Relay in a similar to the Olympic Games Relay. A formal civic function was held for the Olympic Relay which was in the later afternoon/evening. It has been proposed to have a less formal event for this relay as they will pass through the Town in the middle of the day, to include a free sausage sizzle and 'live' music (eg between 11am and 3pm).

It is intended to have an "*Open Day*" at Beatty Park Leisure Centre on the day in conjunction with the relay to promote the Centre's history and current activities. It is intended to invite past participants in the Commonwealth Games to attend, together with other local sporting identities and elite sports people.

A display of relevant memorabilia relating to the Commonwealth Games held at Beatty Park will be on display at the Centre.

Promotional material including hats, balloons and official banners are to be provided. Commemorative Town of Vincent hats proved very popular at the Olympic event and given that this event will pass through the Town in the middle of the day in the height of summer, it will be a beneficial promotion for the Town and offer protection to spectators from the sun in the middle of the day.

The Town of Vincent Library will have a display in the week leading up to the event to reflect the history of the Commonwealth Games and in particular the impact it has had on the Town.

At this stage specific memorabilia to commemorate the event for the Town is still under discussion and may be dependent on available funding.

Technical Services will be responsible for the route required road closures, and will also be responsible for ensuring the route is in pristine condition and any clean up required following the event.

It is intended, in celebration of the event, to plant a number of commemorative trees at Beatty Park together with a plaque.

Ranger Services will be responsible for parking and crowd control measures outside the Centre.

Community Development will provide a list of invitations to the relevant Community Groups in the Town and in liaison with Beatty Park will be responsible for organising the entertainment on the day at Beatty Park Leisure Centre.

Temporary seating will be provided along the route outside Beatty Park Leisure Centre as was done for the Olympic Relay.

The indicative budget for the event is estimated as follows:

<i>FUNCTION/EVENT</i>	\$
Catering	\$1,000
Drinks	\$900
Donations to clubs for volunteers & barbeques	\$500
Music Entertainment/Band	\$1,000
Stage and PA System	\$1,300
<i>Public Relations</i>	
Caps and other memorabilia	\$4,000
Banners & Posters	\$1,600
<i>Technical Services</i>	
Tree Planting	\$500
Commemorative Plaque	\$500
<i>Advertising</i>	
Local papers	\$1,300
<i>Library</i>	
Advertising and prizes	\$1,000
<i>Beatty Park Open Day</i>	
Spot prizes and promotion	\$300
Contingency	\$1,100
<i>TOTAL</i>	\$15,000

(Note: The Town's employee costs are not included)

CONSULTATION/ADVERTISING:

The Queen's Baton Relay will be advertised nationally and throughout the State.

LEGAL/POLICY:

The M2006 Commonwealth Games Corporation has required that the Town enter into a Deed of Agreement. This Deed outlines the roles and responsibilities of both parties in relation to this event and has been signed by the Mayor and Chief Executive Officer on behalf of the Town. All persons on the Working Group have signed confidentiality agreements.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010 Key Result Area 2.2 - "Provide and develop a range of community programs and safety initiatives."

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Budget includes an amount of \$5,000 in the Street Parades and Festivals account for this event. It has been estimated that an amount of \$15,000 will be required to fund the commemorations of this event.

The additional funds can be reallocated from the Criterium Event Sponsorship account. The Town has been advised that the Criterium Event will not take place this financial year, therefore the \$10,000 allocated to this event in the 2005/06 budget is available to be reallocated to the Parade and Festivals account where the \$5,000 allocated for the Queen's Baton Relay event is held. This will increase the total budget for the event to the required \$15,000.

COMMENTS:

This event will have National and International exposure and the Town is privileged to have it come through the Town of Vincent.

The Town intends to maximise the profile of the Town and the celebration of the Queen's Baton Relay.

The Town intends to hold a commemorative event at Beatty Park Leisure Centre together with displays at both the Centre and the Town's library. The Town, through its Community Development section, will generate community involvement in this event. It is noted that additional funds will be required to provide the necessary financial support to celebrate the event.

The Acting Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item. Mayor Catania and Cr Messina departed the Chamber at 8.40pm and did not speak or vote on the matter.

Cr Ker was nominated to assume the Chair.

Moved Cr Maier, Seconded Cr Chester

That Cr Ker assume the Chair.

CARRIED (6-0)

10.3.2 Investment Report as at 30 September 2005

Ward:	Both	Date:	7 October 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 September 2005 as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

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.

BACKGROUND:

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. Details are attached in Appendix 10.3.2.

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 September 2005 were \$14,301,433 compared with \$10,301,433 at 31 August 2005. At 30 September 2004, \$15,101,514 was invested.

Total accrued interest earned on Investments as at 30 September 2005:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	77,609	25.04
Reserve	324,200	90,991	28.07

COMMENT:

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

10.3.3 Authorisation of Expenditure for the period 1 September - 30 September 2005

Ward:	Both	Date:	11 October 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 September - 30 September 2005 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 10.3.3

COUNCIL DECISION ITEM 10.3.3

Mayor Catania and Cr Messina returned to the Chamber at 8.41pm. Mayor Catania assumed the Chair.

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1- 30 September 2005.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account		
	EFT	\$2,420,586.43
	EFT	581,665.77
Total Municipal Account		\$3,002,252.20
Advance Account		
Automatic Cheques		
	52874-52891, 52893-52977, 52979-53175,	\$597,118.60
Trust Account Cheques		0
Transfer of Creditors by EFT Batch 430-434, 436-438		\$1,931,630.58
Transfer of PAYG Tax by EFT	September 2005	\$158,311.05
Transfer of GST by EFT	September 2005	\$0.00
Transfer of Child Support by EFT	September 2005	\$519.44
Transfer of Superannuation by EFT City of Perth	September 2005	\$13,756.28
Local Government	September 2005	\$39,391.39
Total Advance Account		\$2,740,727.34
Transfer of Payroll by EFT	September 2005	\$261,184.45

Bank Charges & Other Direct Debits

Bank Charges – CBA	\$9,608.61
Lease Fees	\$1,742.15
Corporate Master Cards	\$8,843.75
Australia Post Lease Equipment	\$0.0
2 Way Rental	\$107.55
Loan Repayment	\$127,356.82
Rejection Fees	\$7.50
ATM Rebate	\$0.00
Beatty Park - miscellaneous deposit	\$0.00
Total Bank Charges & Other Direct Debits	\$147,666.38
Less GST effect on Advance Account	-\$87,723.94

Total Payments**\$6,064,106.43****STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 – Key Result Area 4.2 – Governance and Management

“Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.”

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 Financial Statements as at 30 September 2005

Ward:	Both	Date:	18 October 2005
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVE the Financial Reports for the month ended 30 September 2005 as shown in Appendix 10.3.4.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 30 September 2005.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 September 2005.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 99 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 100 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 100.4% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 112 % of the budget received to date; this is due to vehicle contributions received and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing an unfavourable variance of 37.8 % due to budget grants not yet received.

Health (Page 4)

Health is showing 106 %, this is due to 286 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining. The year to date budget will be amended to reflect the period the licences are issued.

Community Amenities (Page 6)

Community Amenities is 116 % of the year to date budget, this is as a result of 199 planning applications have been processed year to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a variance of 79 % of their revenue budget. Beatty Park Leisure Centre revenue is 54 % of the total Recreation and Culture year to date budget and showing an unfavourable variance of 77% with the centre year to date budget.

Transport (Page 10)

Car parking revenue is 92% of the year to date revenue budget. Some of September revenue of \$60,000 was posted in October which would have exceeded the budgeted revenue by 105%.

Economic Services (Page 12)

Economic Services is 112 % over budget which is the 131 building licences issued to the month of September.

Operating Expenditure

Operating expenditure for the month of September is under budget at 99%

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2005/06 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for September amount of \$962,250 which is 2.3 % of the budget of \$40,388,796.

	Budget	Actual to Date	%
Furniture & Equipment	166,300	8,331	5%
Plant & Equipment	1,252,040	284,011	23%
Land & Building	32,651,460	29,620	0%
Infrastructure	6,318,996	640,289	10%
Total	40,388,796	962,250	2.3%

Statement of Financial Position and Changes in Equity (Pages 26 & 27)

The statement shows the current assets of \$23,421,665 less current liabilities of \$4,823,615 for a current position of \$18,598,050. The total non current assets amount to \$115,144,031 less non current liabilities of \$11,030,019 with the total net assets of \$122,712,061.

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.

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 may be charged on overdue accounts.

Sundry Debtors of \$269,691 are outstanding at the end of September. Of the total debt \$90,143 (33%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 30)

The notices for rates and charges levied for 2005/06 were issued on the 2 September 2005.

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

First Instalment	6 September 2005
Second Instalment	7 November 2005
Third Instalment	5 January 2006
Fourth Instalment	7 March 2006

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

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

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

Rates outstanding are \$5,132,666 which represents 35 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 30 September 2005 the operating deficit for the Centre was \$279,279 in comparison to the budgeted year to date deficit of \$104,180 and annual deficit of \$581,324.

The cash position showed a current cash deficit of \$154,536 in comparison to the year to date budget of cash surplus of \$15,913 and an annual budget estimate of a cash deficit of \$126,359. The cash position is calculated by adding back depreciation to the operating position.

Beatty Park – Variance Comments

Swimming Pool Area:

Expenditure is in line with budgeted estimates, revenue is lower than anticipated due to the longer period of cooler weather than expected, resulting in lower than anticipated attendances. There is also a timing of phasing amendment required for the budget.

Café

The actual revenue to date is lower than estimated in the main due to the same reasons as explained for the swimming pool area as there is a direct correlation between attendances at the pool and the patronage of the café.

Retail Shop

Deficit is due to the stock being purchased earlier in the financial year and held for the summer. This deficit will gradually decline and move in to surplus as sales increase over the summer months. The budget phasing needs to be adjusted to reflect this timing.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Keep Australia Beautiful Council, WA Local Government Plan Trustee Board Member, WAPC Infrastructure Coordinating Committee, WAPC Transport Committee

Ward:	-	Date:	14 October 2005
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Metropolitan Member - Keep Australia Beautiful Council (WA), (Panel of 3 names) (Ministerial approval);*
- (ii) _____ *be nominated as WALGA Metropolitan Deputy Member - Keep Australia Beautiful Council (WA), (Panel of 3 names) (Ministerial approval);*
- (iii) _____ *be nominated as WALGA Member - WA Local Government Plan Trustee Board Member (Officer Position);*
- (iv) _____ *be nominated as WALGA Member - WA Planning Commission (WAPC) Infrastructure Coordinating Committee, (Panel of 3 Names), (Approved by Minister);*
- (v) _____ *be nominated as WALGA Member - WA Planning Commission (WAPC) Transport Committee, (Panel of 3 Names), (Approved by Minister);*

COUNCIL DECISION ITEM 12.1

Cr Maier nominated for the WA Planning Commission (WAPC) Infrastructure Coordinating Committee.

Cr Ker nominated for the WA Planning Commission (WAPC) Transport Committee.

Moved Cr Maier, Seconded Cr Messina

That the following nomination be made:

That;

- (i) *Cr Dudley Maier be nominated as WALGA Member - WA Planning Commission (WAPC) Infrastructure Coordinating Committee, (Panel of 3 Names), (Approved by Minister); and*
- (ii) *Cr Ian Ker be nominated as WALGA Member - WA Planning Commission (WAPC) Transport Committee, (Panel of 3 Names), (Approved by Minister);*

CARRIED (8-0)

(Cr Farrell on leave of absence.)

BACKGROUND:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB THURSDAY 17 NOVEMBER 2005.

13. URGENT BUSINESS

Nil.

At 8.49pm Moved Cr Torre, Seconded Cr Ker

That the meeting proceed "behind closed doors" to consider the confidential Items 14.1 and 14.2 as they contain legal advice and/or commercially sensitive information.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

14. CONFIDENTIAL REPORTS (*behind closed doors*)

14.1 CONFIDENTIAL REPORT- Proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory - State Administrative Tribunal Directions Hearing

Ward:	South	Date:	17 October 2005
Precinct:	Bank; P15	File Ref:	PRO2620; 5.2005.2574.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Nos.128-130 (Lot 28) Joel Terrace, Mount Lawley - Proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory - State Administrative Tribunal Directions Hearing (Matter No. DR 559 of 2005);*
- (ii) *AMENDS condition (i) (c) imposed by Council at its Ordinary Meeting held on 9 August 2005, to read as follows:*
 - "(i) (c) the Camphor Laurel tree to be inspected annually by arboriculturalist Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town and all necessary remedial works to be carried out. The first annual inspection is to commence 12 months from the commencement of earthworks or development within proposed Lot 4"; and*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

Moved Cr Messina, Seconded Cr Lake

That the recommendation be adopted.

Cr Torre departed the Chamber at 8.49pm.

Debate ensued.

Cr Torre returned to the Chamber at 8.50pm.

Cr Doran-Wu departed the Chamber at 8.54pm.
Cr Doran-Wu returned to the Chamber at 8.55pm.

Moved Cr Lake, Seconded Cr Ker

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

“(ii) *AMENDS condition (i) (c) imposed by Council at its Ordinary Meeting held on 9 August 2005, to read as follows:*

“(i) (c) the Camphor Laurel tree to be inspected annually by arboriculturalist Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town and all necessary remedial works to be carried out. The first annual inspection is to commence 12 months from the commencement of earthworks or development within proposed Lots 3 or 4”; and”

Debate ensued.

AMENDMENT CARRIED (7-1)

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

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *RECEIVES the report relating to Nos.128-130 (Lot 28) Joel Terrace, Mount Lawley - Proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory - State Administrative Tribunal Directions Hearing (Matter No. DR 559 of 2005);*
- (ii) *AMENDS condition (i) (c) imposed by Council at its Ordinary Meeting held on 9 August 2005, to read as follows:*

“(i) (c) the Camphor Laurel tree to be inspected annually by arboriculturalist Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town and all necessary remedial works to be carried out. The first annual inspection is to commence 12 months from the commencement of earthworks or development within proposed Lots 3 or 4”; and
- (iii) *the Council AUTHORIZES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

The Presiding Member advised that as a result of the outcome of Item 14.1, Item 10.1.3 (which relates to a proposed survey strata subdivision of the same subject property located at Nos. 128 and 130 Joel Terrace, Mt Lawley) would need to be recommitted so that there is no conflict in the Council’s decision.

Item 10.1.3 was recommitted at the conclusion of Item 14.2 in an “open” meeting.

ADDITIONAL INFORMATION:

The Management Plan for the Camphor Laurel tree requires a tree protection and exclusion zone be implemented by erecting a fence at a distance of at least 2 metres from the perimeter of the trunk of the Camphor Laurel tree, with conspicuous signage, prior to site clearance works. Furthermore any exterior walls are to 3 metres from the perimeter of the Camphor Laurel tree trunk. As such, clause/condition (ii) of the Officer Recommendation is still considered applicable.

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

- To advise the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.

BACKGROUND:

9 August 2005	At its Ordinary Meeting, the Council conditionally approved <i>the</i> proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory, at Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley.
2 September 2005	Owners of Nos.128-130 Joel Terrace, Mount Lawley lodged an application for the Review of the Council determination at its Ordinary Meeting on 9 August 2005, with SAT.
5 October 2005	Direction hearing held at the SAT.
6 October 2005	Review Orders by the SAT.
7 October 2005	Additional submission received from the applicant.

The agent representing the owners has provided additional justification (copy attached), which is summarised as follows:

- Important to take note that in the Design Guidelines that apply to the above site, there is a management plan for the retention and protection of the tree, which is required to be implemented when proposed Lot 4 is developed, requiring inspection of the tree during critical stages of the development process, including further advice that the tree be annually inspected.
- It is also respectively pointed out that the advice from the Tribunal Member that there is no nexus between the pruning of the tree and requiring on-going inspections. It was also pointed out that the condition would be more appropriate to the future development of the site, which could be done at the development application stage by the future owners.

DETAILS:

The review application involves the reconsideration of condition (i) (c) of the conditional approval granted by the Council at its Ordinary Meeting held on 9 August 2005 for pruning of the Camphor Laurel tree as listed on the Town's Trees of Significance Inventory at the subject property.

Condition (i) of the subject approval states as follows:

"(i) to ensure the retention, protection and on-going preservation of the Camphor Laurel tree listed on the Town's Trees of Significance Inventory, the owner/s and/or occupier/s shall implement the following measures to retain, protect and maintain the on-going health of the significant tree:

(a) the submission of a tree management plan prepared by an arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, which addresses the works to be carried out and the on-going maintenance. This tree management plan shall be submitted to and approved by the Town prior to commencement of pruning works and all associated works shall be undertaken and maintained thereafter in accordance with the plan to the satisfaction of the Town;

(b) arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town to be on-site during all limb removal processes for the Camphor Laurel tree; and

(c) the Camphor Laurel tree to be inspected annually by arboriculturalist Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, and all necessary remedial works to be carried out.

All cost associated with this condition shall be borne by the owners; and"

The Town's Officers will be representing the Town in relation to the subject review matter.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy No 4.1.23.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

As the tree pruning has been completed, the Town's Park Services and Planning Services have no objection to the subject condition (i) (c) being amended as below, and that the maintenance responsibility be undertaken by future owner(s).

"(i) (c) the Camphor Laurel tree to be inspected annually by arboriculturalist Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town and all necessary remedial works to be carried out. The first annual inspection is to commence 12 months from the commencement of earthworks or development within proposed Lot 4";

The deletion/amendment of the subject condition is also being considered as part of another report in this Agenda relating to the proposed survey strata subdivision (WAPC Ref: 551-05) of the above site.

14.2 CONFIDENTIAL REPORT- Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses - State Administrative Tribunal (SAT) Directions Hearing

Ward:	North	Date:	18 October 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2843; 5.2005.2884.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No.153 (Lots Y294 and 295 D/P: 2503) Coogee Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses - State Administrative Tribunal Directions Hearing (Matter No. DR 573 of 2005);*
- (ii) *INVITES COUNCILLOR..... to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of "Papers"; and*
- (iii) *INVITES the resident who objected to the proposal to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of "Papers".*

Moved Cr Lake, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Lake nominated to submit a written submission on behalf of Council on the Review.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 14.2

That the Council;

- (i) *RECEIVES the report relating to No.153 (Lots Y294 and 295 D/P: 2503) Coogee Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses - State Administrative Tribunal Directions Hearing (Matter No. DR 573 of 2005);*
- (ii) *INVITES Councillor Lake to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of "Papers"; and*
- (iii) *INVITES the resident who objected to the proposal to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of "Papers".*

At 9.06pm **Moved Cr Messina, Seconded Cr Torre**

That an "open" meeting be resumed.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Item 10.1.3 was recommitted at the conclusion of Item 14.2 in an "open" meeting.

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

- To advise Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member (s) and a local member of the community to submit a written submission (witness statement) on behalf of the Council.

BACKGROUND:

12 October 2004	At its Ordinary Meeting, the Council refused an application for demolition of existing single house and construction of two (2) two storey single houses.
23 August 2005	At its Ordinary Meeting, the Council conditionally approved an application for proposed demolition of existing single house and construction of two (2) two-storey single houses.
16 August 2005	Owners of No.153 Coogee Street, Mount Hawthorn lodged an application for the Review of the Council determination at its Ordinary Meeting on 23 August 2005, with SAT.
5 October 2005	Direction hearing at SAT.
11 November 2005	Town's written submissions to be lodged at the SAT.

The applicants/owners are seeking a review by the SAT of the following condition (vii) (c) imposed by Council at its Ordinary Meeting held on 23 August 2005 (plans attached), which is as follows:

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

- the southern side of the front balcony off bedroom 1 of Unit 1, being 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;*
- the window to the activity room on the western elevation of Unit 2, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*
- the upper floor of unit 1 being setback a minimum of 1.9 metres from the southern side boundary.....".*

DETAILS:

The applicants seek to replace condition (vii) (c) with a new condition to read as follows:

"(ii) (c) the upper floor of unit 1 being setback a minimum of 1.0 metre from the southern side boundary."

Due to the tight timeframes involved with the review process, Mr. Simon Bain has been engaged to represent the Town in the above review process. As the review process is to be determined by way of "Papers" or written submissions, there would not be a formal hearing as such.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy NO 4.1.23.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent), Mr. Simon Bain, based on \$75 per hour plus \$600 for the preparation of a witness statement.

COMMENTS:

On the above basis, the following is recommended:

- The Council receives the report.
- The Council nominates an Elected Member(s) to submit a Written Submission (written witness) statement in the review process.
- The Council invites the landowner who made an objection to the southern setback side to submit a Written Submission (witness statement) in the review process.

At 9.06pm Moved Cr Messina, Seconded Cr Torre

That an "open" meeting be resumed.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

The Presiding Member advised that as a result of the outcome of Confidential Item 14.1, Item 10.1.3 (which relates to a proposed survey strata subdivision of the same subject property located at Nos. 128 and 130 Joel Terrace, Mt Lawley) would be recommitted so that there is no conflict in the Council's decision.

At 9.06pm Moved Cr Ker, Seconded Cr Messina

That Item 10.1.3 be recommitted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Ker, Seconded Cr Messina

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

"(ii) condition 10 (iii) (c) can be amended as follows:

"the Camphor Laurel tree to be inspected annually by a private qualified arborculturalist, or a qualified arborculturalist commissioned by the Town and all necessary remedial works to be carried out. The first annual inspection is to commence 12 months from the commencement of earthworks or development within proposed Lots 3 or 4;"

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council ADVISES the Western Australian Planning Commission of the following comments in relation to the application for the reconsideration of conditions for proposed survey strata subdivision, at Nos. 128 & 130 (Lots 28 & 27) Joel Terrace, Mount Lawley (WAPC Ref:551-05):

- (i) *no objection to the deletion of condition 10 (iii) (b) on the basis that the tree pruning has been completed to the satisfaction of the Town, subject to any further pruning of the Camphor Laurel tree will still require a Planning Approval to be submitted to and granted by the Town prior to any pruning taking place;*

(ii) *condition 10 (iii) (c) can be amended as follows:*

"the Camphor Laurel tree to be inspected annually by a private qualified arborculturalist, or a qualified arborculturalist commissioned by the Town and all necessary remedial works to be carried out. The first annual inspection is to commence 12 months from the commencement of earthworks or development within proposed Lots 3 or 4";

(iii) *retention of condition 11 as with most survey strata subdivision, there is likelihood that some site works may be necessary to stabilise the site associated with the provision of essential services ; and*

(iv) *no objection to the deletion of condition 12.*

(Refer to pages 88 & 147)

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.07pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Torre	South Ward
Rob Boardman	Acting Chief Executive Officer
Des Abel	Acting Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 25 October 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005