

INDEX
(4 November 2003)

ITEM	REPORT DESCRIPTION	PAGE
10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES		
10.1.1	Further Report - No. 484 (Lot 2) Beaufort Street, Highgate - Change of Use from Shop to Eating House and Residential, and Associated Alterations and Additions Involving Partial Demolition (Mount Lawley Centre Precinct) PRO1151 (00/33/1784)	92
10.1.2	No. 8 (Lots 71 and 78) Brookman Street, Perth - Status Report and Minor Variation to Planning Approval and Building Licence for Alterations and Additions to Existing Dwelling (Hyde Park Precinct) PRO1014 (00/33/0936)	142
10.1.3	No. 219 (Lot 2) Brisbane Street, Perth – Proposed Alterations and Three Storey Additions to the Existing Single House (Hyde Park Precinct) PRO1691 (00/33/1768)	124
10.1.4	No.7 (Lots 1 and 3) Ruth Street, Perth – Retrospective Planning Application for Partial Demolition of and Alterations and Additions to Existing Single House (Hyde Park Precinct) PRO2441 (00/33/1734)	148
10.1.5	No. 15 (Lots 50 and 99) Brookman Street, Perth – Proposed Partial Demolition of and Alterations and Two (2)-Storey Additions to Existing Single House (Hyde Park Precinct) PRO2277 (00/33/1519)	50
10.1.6	No. 68 (Pt Lot 26) Bourke Street, Corner Scott Street, Leederville - Proposed Two (2) Two-Storey Single Houses (Leederville Precinct) PRO0740	152
10.1.7	No. 474 (Lot 100) William Street, Corner Bulwer Street, Perth - Proposed Three (3)-Storey Mixed Use Development Comprising Offices, Eight (8) Grouped Dwellings and Associated Carparking and Stores (Hyde Park Precinct) PRO0508 (00/33/1783)	161
10.1.8	No. 190 (Lots 5 & 6) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn-Proposed Demolition of Existing Vehicle Sales Premises Buildings and Construction of a Four (4) <u>Three (3)</u> -Storey <u>Including Loft</u> , Mixed Use Development Comprising One (1) Showroom, Five (5) Shops, Offices on First Floor, Nine (9) Multiple Dwellings, Undercroft Carparking and Stores (Mount Hawthorn Centre Precinct) PRO0446 (00/33/1856)	61
10.1.9	No. 300 (Lots 96 and 97) Charles Street, Corner Albert Street, North Perth - Proposed Alterations and Additions to Existing Shop, and Caretaker's Residence, Change of Use from Shop and Caretaker's Residence to Office, and Construction of Eight (8) Two and Three-Storey Multiple Dwellings with Part Undercroft Carparking (Charles Centre Precinct) PRO1557 (00/33/1726)	75
10.1.10	No. 136 (Lots 113 & 114) Vincent Street, North Perth – Proposed Carport, Store and Garage Additions to the Existing Single House (Norfolk Precinct)	9

PRO2511 (00/33/1835)

10.1.11	No. 9 (Lot 16) Bruce Street (and Ragen Alley), Leederville - Proposed Survey Strata Subdivision (Leederville Precinct) 1192-03	14
10.1.12	No. 2 (Lot 2) Waugh Street, North Perth – Proposed Minor Renovations to the Existing Single House, Demolition of Outbuildings Including Garage and Pergola, and the Construction of an Additional Two-Storey with Loft Single House (North Perth Precinct) PRO1691 (00/33/1768) - <i>WITHDRAWN AT THE REQUEST OF THE APPLICANT</i>	171
10.1.13	No. 545 (Lot 1) Fitzgerald Street (Corner Ruby Street), North Perth – Proposed Additional Two-Storey Single House to Existing Single House (North Perth Precinct) PRO2448 (00/33/1742)	16
10.1.14	Nos. 102-104 (Lot 1) Lincoln Street, Corner Stirling Street, Highgate-Proposed Demolition of Shop and Single House and Construction of Two (2) Two-Storey Single Houses (Forrest Precinct) PRO1655 (00/33/1773)	56
10.1.15	No. 173 (Lot 10) Fitzgerald Street, West Perth – Proposed Demolition of Existing House and Construction of a Two (2)-Storey Single House (Hyde Park Precinct) PRO2397 (00/33/1698)	86
10.1.16	Robertson Park Old Bottle Yard Artefact Collection - Report on Analysis and Cataloguing (Hyde Park Precinct) PRO2476	176
10.1.17	Finalisation of Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 - Proposed Rezoning of No. 73 (Lot 58) Angove Street, North Perth, and Nos. 22A, 22B, 22C, and 22D (Lot 200) Kadina Street, North Perth (Smith's Lake Precinct) PLA0091	20
10.1.18	Hope for the Future: The Western Australian State Sustainability Strategy - A Vision for Quality of Life in Western Australia; and Study on Sustainable Development for the 21st Century in Hong Kong (All Precincts) PLA0096	25
10.1.19	Planning Institute Australia, National Conference 2004 ADM0031	181

10.2 TECHNICAL SERVICES

10.2.1	Robertson Park Improvement Plan (PRO0692) Hyde Park Precinct	106
10.2.2	2004/2005 Metropolitan Regional Road Projects Grant Approval (TES0174) All Precincts	32
10.2.3	Proposed Closure and Sale of Portion of ROW Bounded by Waugh, Charles, Farmer and Pansy Streets, North Perth (TES0263) Charles Centre Precinct	35

10.3 CORPORATE SERVICES

10.3.1	Review of the 2003/2004 Annual Budget (FIN0025)	184
10.3.2	Capital Works Program 2003/2004 Progress Report No 1 as at 30 September	189

2003 (FIN0025)

10.4 CHIEF EXECUTIVE OFFICER

10.4.1	Delegations for the Period 1 July 2003 to 30 September 2003 (ADM0018)	187
10.4.2	Review of Policies - Adoption (ORG0023)	191
10.4.3	Annual General Meeting of Electors 2003 and Adoption of Annual Report 2002/2003 (ADM0009)	203
10.4.4	Tender No. 282/03 - Construction of the Office Building for the Department of Sport and Recreation, 246 Vincent Street, Leederville (TEN0282)	132
10.4.5	Loan Funding for the Office Building to accommodate the Department of Sport and Recreation - Leederville Oval, 246 Vincent Street, Leederville (RES0052/RES0064)	205
10.4.6	Approval of New Position - Compliance Officer (ADM0038)	209
10.4.7	Tender No. 278/03 - Cleaning of Administration & Civic Centre and Library (TEN0278)	38
10.4.8	Information Bulletin	49
10.4.9	Tender No 280A/03 - Supply, Delivery and Installation of Tiered Modular Steel Grandstand Seating (Southern Stand) at the Multi Purpose Sports Stadium, Pier Street, Perth (Ten0287)	214
10.4.10	Approval of Naming Rights for the Multi Purpose Sports Stadium, 310 Pier Street, Perth (RES0051/TEN0266)	222

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.	232
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12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1	WALGA Nominations (ORG0045)	232
(i)	WALGA Member – Municipal Building Surveyors Qualifications Committee (Panel of 3 Names) - (Approval by Governor)	
(ii)	WALGA Deputy Member – Municipal Building Surveyors Qualifications Committee (Panel of 3 Names) - (Approval by Governor)	
(iii)	WALGA Member – State Emergency Management Committee - Recovery Services Group	
(iv)	WALGA Deputy Member - State Emergency Management Committee - Emergency Services Group (<i>Re-advertised</i>)	

13. URGENT BUSINESS

Nil.

233

14. CLOSURE

233

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 4 November 2003, commencing at 6.01pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.01pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Basil Franchina	North Ward
Cr Maddalena Torre	South Ward
Rob Boardman	Executive Manager Environmental and Development Services

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
John Giorgi, JP	Chief Executive Officer
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Des Abel	Manager Planning & Building Services
Annie Smith	Executive Assistant (Minutes Secretary)
Anne Munyard	Engineering Technical Officer (until 6.37pm) - Employee of the Month Recipient
Con Lampropoulos	Project Architect - Peter Hunt Architect (until 9.09pm)
Matt Zis	Journalist – Guardian Express (in gallery)
Mark Fletcher	Journalist – Voice News (until 9.09pm)

Approximately 31 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Dan Caddy of 44 Fairfield Street, Mount Hawthorn - Item 10.1.5 - spoke on behalf of friends, Rachel and Paul Shott, owners of property on Moir Street, Perth. Stated that Mr and Mrs Shott have a number of reservations with proposed second storey being added to rear of this property. Their first concern was with the impact of overlooking onto their backyard. This proposal looks directly down into backyard, which is their sole outdoor living space and will severely impact on privacy. Second concern is that the overall character of the area will be diminished - currently only single storey townhouses in area. Stated that if this

development is allowed to go ahead the precedent that it will set will prove to be the "beginning of the end" for this historic pocket of the Town. Commented that one of the guidelines for this area is that new development cannot be viewed from road. Asked for this item to be refused or at least "Laid on the Table" until a report can be prepared on the effect the proposed development will have on this entirely single storey townhouse precinct.

2. Mr Roy Duric of Flinders Avenue, Hillarys - Item 10.1.14 - Stated that he approached the Town in March of this year prior to purchasing the property to ask what could be done with the property. He stated he was advised that a commercial licence would not be issued again for this property as the Town wanted to concentrate all commercial properties in the area corner of William Street and Broome Streets due to problems with parking, etc. Stated he decided to go ahead and build two townhouses on the land. Referred to the Town's heritage guidelines and stated that the existing property had little social and scientific value, did not represent any aspect of cultural heritage of Town, has a moderate level of authenticity and low degree of integrity due to it no longer being used as a commercial operation. Asked for Council to support the application for demolition and the construction of two townhouses.
3. Mr Henry Betlehem, Principle of Urban Concepts - Item 10.1.8. Stated that there were several omissions in the Agenda which are not reflecting the changes in the plans that have been submitted to the Town since this item was last before Council. Under compliance, the report states that the proposed development is four storeys high and this is repeated several times throughout the report, however the plans have been modified so that the building is now three storeys high with a loft, with all of the loft spaces contained under the main roof and the maximum height of the ridge line of the building is now 12.77 metres and not 13.4 metres. The second issue under compliance regarding balconies states that the balconies from the north boundary are not screened - in fact they are screened to 1.6 metres and this has been reflected on the revised plans. Stated that the application is now fully compliant with the Town's Planning Codes and Schemes and asked Council for its support for approval.

Mayor Catania stated that the Council had been issued with an amended report reflecting the changes that Mr Betlehem had covered.

4. Mr Gary Budrikis of Chelmsford Road, Mount Lawley. Stated that he had several questions for the Chief Executive Officer relating No. 711 Newcastle Street, Leederville as follows;
 1. What is the zoning at 711 Newcastle Street, Leederville, also known as Fibber Magee's tavern?
 2. Is it lawful for persons to reside at those premises?
 3. Has Council approval been granted for a residential component for the building at 711 Newcastle Street, Leederville? And if so, when?
5. James Vincent of 40 Albert Street, North Perth - Item 10.1.9 - Stated that he had viewed the plans initially submitted for the proposal and believes it is a goodlooking development. He stated that he did write to the Town

about a concern he had that two of the units facing onto to the ROW will look directly into his main living area and outdoor space. Believes that an amendment has been presented which provides for 1.6m translucent screens to be put around the balconies. He is concerned is that if the architect is not asked to redesign the plans that these screens can be fixed until he building is built and then they can be unscrewed and taken away.

6. Mr Matthew Young, 171 Fitzgerald Street, North Perth - Item 10.1.15 - Stated that he supports the Planning Officer's recommendation that it be refused. Stated that there are similar properties further north, however, they are on larger blocks. Stated that his property directly abuts the building that is proposed for demolition and they share flashings and some structure. Believes there has been no consideration made for the fact that they are a pigeon pair. Stated that the overshadowing is intense and are already overshadowed by their western neighbour in the afternoons. Stated that it is grossly over code and would like to see the proposal refused.
7. Dr Renu Burr of 57 Raglan Road, Mt Lawley - Item 10.1.1 - Stated that she supports the application from two perspectives. Firstly, from being a resident in the area for over ten years, that the proposed development is going to add considerable amenity to the area, and they visit the restaurant precinct regularly every week. Drew to Council's attention that the development is going to have a strong community focus, they are going to be running Indian cooking lessons which will be attractive to the community and also support local businesses. Stated that from a business perspective there is going to be a point of uniqueness which does not exist in the area at present.
8. Ms Sue Bowles of 4/132 Summers Street, East Perth. Thanked the Council for the lights at the corner of Bulwer and Summers Street and many of the parents who have used it regularly have said "thank you so much" and now feel safe to cross with their children.

Received with acclamation.

9. Ms Lucia Dedear of 98 Buxton Street, Mt Hawthorn - Item 10.1.8 - Referred to Mt Hawthorn Centre Policy 3.12. Stated that the development is located to the outer boundaries of the commercial area and abuts residential properties. Questioned why the Planning Department is supporting a height increase outside the district centre which appears not to comply with the Town Planning Scheme. Stated that his application has been refused twice. Cannot understand why it is being recommended for approval when it clearly does not comply with the development standards required for the commercial area. Believes that it is a complete fourth storey and not a loft. Asked that the Council refuse the application.
10. Mr Gordon Jenkins of 39 Monger Street, Perth - Appreciates that underground power in Money Street and put a new street light in. Stated that it has enhanced the area enormously.

Referred to the petition table at 5.1 on tonight's Agenda. Asked if the Council would seriously consider the petition. If a one-way street is not feasible for the Council would like the Council to seriously consider some alternative to the enormous congestion and danger that is posed in this street at the moment.

11. Mr Chris Hair of 4 Randell Street, Perth - Item 10.3.2 - Wanted to recommend the Plan to Council. Believes it will be a great project for the Claise Brook Catchment Group and the Council to work on together.

Item 10.1.3 - Stated that they have tried to work with objectives of what the Council may want to achieve ie, a heritage type street. Stated that from the street it would almost be invisible and overshadowing or overlooking does not cause any problems with neighbours. The issue of visual bulk into adjacent neighbours has been discussed and believes that the parapet wall will be a great asset for the people who work there. Stated that the proposed amendment reducing the height by 1.1m will cause significant problems with the design of the building and unsure what it will achieve in regards to visual bulk.

12. Ivor Cohen of 2 Beverley Street, Coolbinia - Item 10.1.1 - Stated that the owners have owned and operated a business in this precinct since 1965. Have worked closely with the applicants to meet all of Council's requirements and to provide a development that will enhance the area, provide an amenity to the area and is a long term project for both owner and tenant. Referred to the problems with parking. Requested that Council support and approve the application.
13. Mr Dudley Maier of 51 Chatsworth Road, Highgate - Item 10.1.1 - Stated that the applicants are the "meat in the sandwich. Stated the proposal by the applicants is very good and they are made to suffer because the owners choose not to provide the parking that they can. This is a significant intensification of the site in going from a small book store to a place that is going to have 55 chairs, 55 customers and 6 staff. Stated that the parking calculations were incorrect and are still inconsistent with the report that is in the Agenda. Stated that there is a 20% discount for mixed use. Stated that the parking needs of 11 of the customers are being dismissed because the owners live upstairs. Stated that it does not make sense. Read from Policy 3.11 - Mt Hawthorn Centre Precinct and also the 2003 -2008 Strategic Plan.
14. Mr Don Morrison of 60 Raglan Road, Mt Lawley - Item 10.1.1 - Stated that it is the second time that the application has been before the Council. Stated that they have made a genuine and concerted attempt to address the concerns of the Councillors in regard to the issue of parking shortfall in the vicinity. Stated that the reciprocal parking arrangement is one that they believe will help the peak demand for parking in the area until the proposed Stirling Street parking is established in 2005. Referred to comments made by Mr Maier at a previous meeting. Stated that the restaurant they are proposing has a significant point of difference from existing restaurants and cafés in the Beaufort Street strip and will only serve to increase the diversity of this area. Stated that they have received support from local residents and other traders regarding this application. Asked Council to consider the application on its merits.
15. Mena Samios of 40 Lawley Crescent, Mt Lawley - Item 10.1.1 - Stated that he lives in Stirling. Mentioned although Beaufort Street south of Walcott Street belongs to the Town, they have always considered it part of their village. One of the pleasures of living in the area is the ability to walk to any of the cafes and restaurants. Hopes that the application will be viewed favourably.

16. Mr Bruce Finlayson of 20 Moir Street, Perth - Item 10.1.5 - Stated that he concurs with the objections raised to this proposal. Ask Council not to just think about the impact of such a development on the immediate neighbours but all the people in Moir and Brookman Streets. Stated the proposal has the impact of limiting views as well as amenities.

There being no further questions from the public, Public Question Time was closed at 6.32pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

The Chief Executive Officer advised that Cr Ian Ker had requested Leave of Absence for the Ordinary Meeting of Council to be held on 18 November 2003 for work reasons.

Moved Cr Lake, Seconded Cr Doran-Wu

That Council approve Cr Ian Ker's request for Leave of Absence for the Ordinary Meeting of Council to be held on 18 November 2003 for work reasons.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that he had received a petition with 88 signatories from the owners and residents of Monger, Money and Lindsay Streets requesting that the Council gives serious consideration to the conversion of Monger Street to one-way traffic from east to west for the following reasons:

"Considers Monger Street too dangerous, with parking both sides and not enough room for two vehicles to pass. This poses major problems and dangers. Traffic entering William Street from Monger Street, blocks traffic descending William Street and seeking to enter Monger Street creating major rear-end collision dangers. Add to this the problems caused by the wholesale meat distribution business on the corner of William and Monger Streets with its loading bay in Monger Street for large meat delivery trucks not only making deliveries but also, in times of congestion, parking where possible, awaiting their turn to unload."

Stated that they have endured this situation for some years and consider the increased traffic flow demands urgent rectification. Feels that under the circumstances this request is not an unreasonable one and hopes the Council agrees.

The Chief Executive Officer advised that this matter has been referred to the Executive Manager Technical Services for investigation and report.

Moved Cr Ker, Seconded Cr Cohen

That the above petition be received and a report be prepared by the Executive Manager Technical Services.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 21 October 2003.

Moved Cr Lake, Seconded Cr Farrell

That the Minutes of the Ordinary Meeting of Council held on 21 October 2003 be confirmed as a true and correct record.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for November 2003

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

For October 2003, the award is presented to Anne Munyard, Engineering Technical Officer in the Technical Services Section. Anne was nominated by the Executive Manager Technical Services, following a letter received from Joe and Glenys Evans of Pennant Street, North Perth.

Mr and Mrs Evans wrote in to the Town as follows;

"On our own behalf and those of our immediate neighbours we wish to thank the Council for the upgrade of the Right of Way behind our properties - It is marvellous!!

The work undertaken by the Town of Vincent workers and the Contractors was carried out in an exemplary manner without any inconvenience to us the residents.

We would also like to thank Anne Munyard for her advice and past correspondence."

Well done to Anne - Keep up the good work!!

8. DECLARATION OF INTERESTS

- 8.1 Cr Lake declared a Financial Interest in Item 10.1.3 - No 219 (Lot 2) Brisbane Street, Perth - Proposed Alterations and Three Storey Additions to the Existing Single House. Her interest being that the Architect is the Chair of the community group by whom she is employed.
- 8.2 Cr Lake declared an interest affecting impartiality in the following items:
- 10.1.1 - Further Report - No 484 (Lot 2) Beaufort Street, Highgate - Change of Use from Shop to Eating House and Residential, and Associated Alterations and Additions Involving Partial Demolition. Advised that her partner had made a submission.
 - 10.1.5 - No 15 (Lots 50 and 99) Brookman Street, Perth - Proposed Partial Demolition of and Alterations and Two (2)-Storey Additions to Existing Single House - Advised that the applicants and a neighbour who had objected to the proposal are friends of hers.
 - 10.2.1- Robertson Park Improvement Plan - Advised that she has been involved in the development of the Plan as Co-ordinator of the Claise Brook Catchment Group and her partner had made a submission on the item.
 - 10.4.2 - Review of Policies - Adoption - Advised that her partner had made a submission.

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

Nil.

10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.5, 10.1.14, 10.1.8, 10.1.9, 10.1.15, 10.1.1, 10.2.1 and 10.1.3.

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

Items 10.3.1, 10.4.1 and 10.4.6.

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

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

Cr Ker	10.1.7, 10.1.19 and 10.4.2
Cr Lake	10.4.3 and 10.4.10
Cr Chester	10.1.2, 10.1.6, 10.1.16, 10.3.2, 10.4.3, 10.4.4, 10.4.5 and 10.4.9
Cr Doran-Wu	Nil
Cr Farrell	Nil
Cr Cohen	10.1.4
Mayor Catania	Nil

The Mayor advised the meeting that Item 10.1.12 - No 2 (Lot 2) Waugh Street, North Perth - Proposed Minor Renovations to the Existing Single House, Demolition of Outbuildings Including Garage and Pergola, and the Construction of an Additional Two-Storey with Loft Single House was WITHDRAWN at the request of the applicant.

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

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

Nil.

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

Items 10.1.10, 10.1.11, 10.1.13, 10.1.17, 10.1.18, 10.2.2, 10.2.3, 10.4.7 and 10.4.8.

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

Nil.

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

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

Items 10.1.10, 10.1.11, 10.1.13, 10.1.17, 10.1.18, 10.2.2, 10.2.3, 10.4.7 and 10.4.8.

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

Items 10.1.5, 10.1.14, 10.1.8, 10.1.9, 10.1.15, 10.1.1, 10.2.1 and 10.1.3.

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

Moved Cr Ker, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.1.10, 10.1.11, 10.1.13, 10.1.17, 10.1.18, 10.2.2, 10.2.3, 10.4.7 and 10.4.8.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

10.1.10 No. 136 (Lots 113 & 114) Vincent Street, North Perth – Proposed Carport, Store and Garage Additions to the Existing Single House

Ward:	South	Date:	28 October 2003
Precinct:	Norfolk, P10	File Ref:	PRO 2511; 00/33/1835
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	John Giorgi

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:*

- (a) *non-compliance with the Town's Street Setbacks Policy in terms of the proposed carport being located forward of the existing dwelling; and*
- (b) *not consistent with the orderly and proper planning and preservation of the streetscape as it would inappropriately add to building bulk and detract from the existing dwelling;*

the Council REFUSES the proposed carport addition to the existing single house as proposed in the application submitted by the owners L and A Karapetkov at No. 136 (Lots 113 and 114) Vincent Street, North Perth, and as shown on plans stamp-dated 22 September 2003; and

(ii) *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 L and A Karapetkov for the proposed store and garage additions to the existing single house on No. 136 (Lots 113 and 114) Vincent Street, North Perth, and as shown on plans stamp-dated 22 September 2003, subject to:*

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

~~(1) the garage being setback at or behind the setback line of the main building (not open verandah, porch, portico, balcony and the like) OR that section of the garage forward of the main building being open on the eastern, northern and southern elevations (open type gates/panels are permitted); and~~

~~(2)(1) driveway and crossover being a minimum width of 5.5 metres for adequate maneuvering area from the garage; and~~

~~(3)(2) the deletion of the carport from the site plan.~~

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

(b) *compliance with all Building, Environmental Health and Engineering requirements;*

- (c) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (d) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (e) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (f) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (g) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (h) *the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing the right of way in a good and clean condition;*
- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Ethel Street and Vincent Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (j) *a Planning Approval and Demolition Licence shall be obtained from the Town prior to commencement of any demolition works onsite;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.10

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

LANDOWNER: L & A Karapetkov
APPLICANT: L Karapetkov
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Proposed Wall on northern boundary adjacent to Right of Way	1.5 metres	Nil
Garage (east elevation)	Street Setbacks Policy requires that all carports, garages and outbuildings and the like structures located adjacent to a secondary street are to be setback at or behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like) of the nearest dwelling on site.	Nil
Garage (north elevation)	1.5 metres	Nil
Garage access	Vehicular Access Policy requires access from the ROW	Secondary street access to garage

Use Class	Single House
Use Classification	"P"
Lot Area	1004 square metres

SITE HISTORY:

The property is listed on the Town's Municipal Heritage Inventory.

DETAILS:

The applicant seeks approval for a new carport, store and replacement garage with access and orientation off Ethel Street, which is the secondary street to this property. Following a site inspection, it came to the attention of the Town that the existing garage had been demolished without approval.

The structural frame of the garage and the store have already been constructed. The setbacks of the garage and carport generally do not comply with the acceptable development standards of the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies.

CONSULTATION/ADVERTISING:

The proposal has not been advertised to neighbouring property owners. It should be noted however, that the adjoining property to the north has its main frontage to Chelmsford Road, and is separated from the subject site by a right of way.

LEGAL/POLICY:

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

COMMENTS:

Nature of Development

The proposal includes approval for the garage (partially retrospective), carport and store additions to a single house on a green title lot.

Heritage

The subject dwelling is a particularly good example of a Federation Queen Anne Style home constructed circa 1905. It has a high level of authenticity and integrity due to the intactness of original material. It is included on the Town's Municipal Heritage Inventory.

Conservation works have been occurring at the place for the last six months and have included the cleaning and reconstruction of the wrought iron fence and brick piers. A section of balastrading to the verandah has also been reconstructed to match original profiles. The owner advises that the interior has also undergone restoration.

The new garage framework structure, although comparatively large in height and scale, is set to the side of the original dwelling and is separated from the dwelling. It is not considered to be intrusive on the general heritage values of the place in terms of visual aesthetics or architectural integrity. Any further car parking structures along the eastern and southern elevations should be discouraged in order to assist in the protecting and enhancing the heritage significance of the place.

Garage and Carport Access

Verified from the Town's aerial photographs, the previous garage was located in the same position as the proposed new garage. The access to the garage was via Ethel Street, the secondary street to the property. The garage did not have access from the right of way (ROW) and had a nil setback to the property boundary.

The Vehicular Access Policy requires vehicular access from the ROW. In this instance, the vehicular access is proposed to be via the secondary street, in keeping with the traditional access to the property. There is an existing crossover off Ethel Street to the garage.

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

Garage and Carport Setbacks

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

The proposed garage and carport are located forward of the main building setback line and have a nil setback to the property boundary. The Policy details acceptable development as outlined above and provides performance criteria should the proposed development not comply with the acceptable development standards. In this instance, the performance criteria states:

"The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street."

The proposed carport would obstruct views of the dwelling from the street and would increase the building bulk located forward of the existing dwelling. The carport therefore is not supported as it would detract from the streetscape, obstruct views of the dwelling from the street, and undermine the value of the dwelling.

The proposed garage would be supported forward of the building setback line, if it were an open structure. There is not enough evidence to suggest that the proposed garage is of a similar height and scale of the previous garage. Therefore it is recommended that the garage be set back behind the dwelling or modified such that the section of garage forward of the dwelling is open on three sides, in order to comply with the performance criteria of the Policy.

Garage and Carport design

The design of the carport and garage are pertinent when considering the impact that these structures may have visually on the streetscape and the value of the dwelling. As there is no photographic evidence of the previous garage, it is difficult to ascertain if the design is similar to the previous garage as stated by the owner. The proposal currently includes a street elevation of the garage and carport that has a box gutter hidden behind a large plain section of wall. This wall is shown as being up to 3.4 metres in height.

The proposed carport will be forward of a section of the residence and may significantly detract from the streetscape, as well as creating unbalance to the existing residence. The carport also requires a variation to the R-Codes and the Town's Vehicular Access Policy, in terms of setbacks and access off a secondary street. The carport may also require an increase in the width of the crossover, however this is not indicated on the site plan.

In conclusion, the proposed replacement garage is considered acceptable development, as it is replacing a structure that had previously been located in this position with access from Ethel Street. The applicant has advised that they are merely replacing a previous existing structure, which was allegedly damaged during works in the Right of Way. It is further claimed that the walls were removed as they were considered unsafe and may injure persons in the Right of Way or adjoining street. A Statutory Declaration to this effect has been requested. ~~The garage should however be modified in accordance with the Town's Policy for Street Setbacks.~~ The carport however is not supported as it requires further variation and would detract from the visual attractiveness of the streetscape and heritage character of the existing residence.

Demolition

Prior to demolition of any portion of the dwelling occurring, both a Planning Approval and a Demolition Licence from the Town is required to be obtained prior to any demolition works commencing. The existing garage was removed without a Demolition Licence. A metal frame for a new garage has been erected in place of the previous garage. The owner was then requested to rectify the situation by applying for Planning Approval.

CHIEF EXECUTIVE OFFICER'S COMMENT

The CEO amended this report and the changes are shown by strikethrough where words have been deleted and underlining where words have been added.

The Chief Executive Officer is to provide *"advice and information is available to the Council so that informed decisions can be made"*, (in accordance with the Local Government Act 1995, Section 5.41(b)). The Chief Executive Officer has the authority to amend an Officer's report in order that the Council is fully informed.

10.1.11 No. 9 (Lot 16) Bruce Street (and Ragen Alley), Leederville - Proposed Survey Strata Subdivision

Ward:	South	Date:	27 October 2003
Precinct:	Leederville, P3	File Ref:	1192-03
Attachments:	001		
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 9 (Lot 16) Bruce Street (and Ragen Alley), Leederville, and as shown on the plan stamp-dated 1 October 2003 (survey strata subdivision 1192-03), for the following reasons:*

Non-compliance with the requirements of the Residential Design Codes with respect to the following;

- (a) *the proposed survey strata subdivision does not comply with the average lot size requirement of 180 square metres as per the Residential R60 density code, inclusive of the maximum permitted variation of 5 per cent to the average lot size;*
- (b) *the proposed survey strata subdivision does not comply with the performance criteria provision which permits subdivision to reflect surrounding like development, as the surrounding lots are generally 329 square metres in size and are single residential in nature; and*
- (c) *approval of the proposed survey strata subdivision would create an undesirable precedent for subdivision within the area; and*
- (ii) *the Council REQUESTS the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

LANDOWNERS: M and S Cox
APPLICANT: Automated Surveys Pty Ltd
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No 1: Residential R60

EXISTING LAND USE: Single house

COMPLIANCE:

Requirements	Required	Proposed
Lot size	Minimum 160 square metres and an average of 180 square metres	Lot 1 - 164.5 square metres Lot 2 - 164.5 square metres

Use Class	Single House
Use Classification	"P"
Lot Area	329 square metres

SITE HISTORY:

The site is occupied by a single storey dwelling.

DETAILS:

The applicant seeks to subdivide the property to create two vacant lots both with gazetted road frontage. The subdivision will require demolition of the existing dwelling on-site.

CONSULTATION/ADVERTISING:

The proposal was not required to be advertised.

COMMENTS:

The Residential Design Codes (R Codes) allow for consideration of a variation to the minimum lot size requirement under the performance criteria. The Residential R60 density code requires that a minimum lot size of 160 square metres is achieved with an average of 180 square metres when considering subdivision. The proposal complies with the minimum lot size requirements for the density provision, however does not comply with the average requirement. The performance criteria contained within the R Codes provides for two relevant considerations; the first is a maximum variation of 5 per cent, and the second is to allow land to be developed with housing of the same type and form as land in the vicinity which would not otherwise be able to be developed.

In this instance, the proposal does not comply with either provision. A 5 per cent variation from the average lot size requirement would require an initial land area of 342 square metres to consider subdivision into two lots. The site is only 329 square metres in size and is therefore non-compliant with this performance criteria provision. With respect to the second consideration which allows like development to occur, it is confirmed that the surrounding lots with dual frontage to Ragen Alley are all 329 square metres in size and they are all single residential in nature.

As such, the proposed survey strata subdivision is not supported.

10.1.13 No. 545 (Lot 1) Fitzgerald Street (Corner Ruby Street), North Perth – Proposed Additional Two-Storey Single House to Existing Single House

Ward:	North	Date:	28 October 2003
Precinct:	North Perth, P8	File Ref:	PRO2448; 00/33/1742
Attachments:	001		
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with streetscape, building setbacks, privacy, open space, plot ratio, store, on-site car parking for existing house and outdoor living area requirements of the Residential Design Codes; and*
- (iii) the non-compliance with the fencing and street setback requirements of the Town's Policies relating to Street Walls and Fences and Knutsford Locality respectively;*

the Council REFUSES the application submitted by Daniel Cassetai Designs on behalf of the owners HN Tran and HK Ha for the proposed additional two storey single house to the existing single house at No. 545 (Lot 1) Fitzgerald Street (corner Ruby Street), North Perth as shown on the plans stamp-dated 18 July 2003.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

LANDOWNER:	HN Tran and HK Ha
APPLICANT:	Daniel Cassetai Designs
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R60
EXISTING LAND USE:	Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Front (south) setback – upper level	6.0 metres	Minimum 1.5 metres to 5.9 metres
Eastern setback – upper level	1.5 metres	1.0 metre
Western setback – ground level	1.0 metre	Nil
Cone of Vision		
Bedroom 3 window	4.5 metres	2.6 metres to northern boundary
Bedroom 2 window	4.5 metres	3.5 metres to eastern boundary
Balcony	7.5 metres	4.8 metres to eastern boundary
Plot Ratio	0.65	0.79
Open Space	45 per cent	43.5 per cent
Front Fence	Fence in front setback area shall not 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 wall shall be a maximum height of 1.2 metres above the ground level, with the infill portion of the fence and gates being visually permeable, with a minimum 50 per cent transparency	Piers height = 2.1 metres

Use Class	Single house
Use Classification	"P"
Lot Area	488 square metres

SITE HISTORY:

The site is occupied by a single storey dwelling.

The applicant was advised of the non-compliances associated with advertising of the proposal in correspondence dated 15 August 2003. The applicant was advised that such significant variations were unlikely to be supported and was requested to address these aspects. To date, no revised plans have been received.

An Item relating to the subject proposal was listed on the Agenda for the Ordinary Meeting of Council held on 7 October 2003, however, the Item was deferred at the request of the applicant. The applicant requested the Item to be on the Agenda for the 4 November 2003 Ordinary Meeting of Council.

DETAILS:

The applicant seeks an additional two-storey dwelling to the rear of the existing single house. The proposed dwelling will have frontage and access to Ruby Street even though there is a right of way available to the property.

CONSULTATION/ADVERTISING:

The proposal was advertised between 7 and 21 August 2003 and no submissions were received.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

Front (South) Setback – Upper Level

The Knutsford Locality plan requires a 6.0 metres setback to upper levels, whereas the application achieves a minimum setback of 1.5 metres (balcony) up to a maximum setback 5.9 metres for the additional dwelling with its primary frontage to Ruby Street.

The applicant has not provided justification for the reduced setbacks, which are not reflective of surrounding setbacks in the area. As such, these reduced setbacks are considered to have an undue impact on the streetscape of the area, which would result in the new residence dominating the site frontage and being out of keeping with the pattern of existing development. On this basis, the reduced upper level setback should not be supported.

Eastern Setback – Upper Level

The Residential Design Codes (R Codes) requires a 1.5 metres setback for the upper level wall from the eastern boundary, with the application achieving a 1.0 metre setback. The reduced setback is to the internal boundary between the existing and proposed dwelling. Any effect of the reduced setback will be limited to the owner of the property and on this basis, the relaxation is considered acceptable.

Western Setback – Ground Level

The applicant seeks a nil setback to the garage and store to the right of way (ROW) boundary on the western side of the lot. The R Codes does permit that in areas coded R30 or higher, one parapet wall to a side boundary may be considered if the wall has a maximum height of 3.5 metres with an average height of 3.0 metres where the wall has a length of no more than two thirds (66.66 per cent) of the boundary length. The parapet wall proposed is to be 8.5 metres in length, which represents 67.62 per cent of the length of this boundary. As such, the proposed parapet is outside the R Code considerations and would need to be modified to comply or could not be supported in its current form.

The Town's Engineering Services advises that the right of way to the rear of the property is not earmarked for widening.

Cone of Vision

The R Codes require that bedroom windows be setback 4.5 metres from any boundary. In this instance, the application seeks bedroom 2's window at 3.5 metres from the eastern boundary and bedroom 3's window at 2.6 metres from the northern boundary.

Bedroom 2 provides marginal potential to overlook the side setback area of the existing residence along the secondary street frontage. When applying the 45 degrees angle measurement as per the R Codes, it is considered that there should be no direct line of sight into the existing residence's property. As such, due to no objection being received and that there is limited potential to overlook from this window, screening is not considered necessary in this instance.

With respect to Bedroom 3, this window has the potential to affect the rear neighbour. Due to the potential overlooking that is likely to result, this window should have a screening requirement imposed.

The upper level balcony would require a 7.5 metres setback to any boundary, with the subject structure being 4.8 metres to the eastern boundary. The eastern elevation of the balcony is the element that would provide the ability to overlook the rear yard of the existing residence. In order to prevent such undue overlooking, an appropriate screening condition should be imposed to address this.

Plot Ratio

The R Codes permits a plot ratio of 0.65 whereas a plot ratio of 0.79 has been proposed. A variation of this nature is not supported due to the effect that increased floor area has on the bulk and scale of the buildings, which in turn contributes to the setback variations being proposed, overlooking issues and increased overshadowing in comparison to smaller scaled buildings on the site that comply with the plot ratio requirements.

Open Space

The R Codes allows for 45 per cent open space whereas the applicant seeks a reduced open space provision to 43.5 per cent. Such variations of this nature are considered inappropriate due to the reduction in amenity that is provided to the future occupants, and the lack of relationship the design has for the statutory requirements. As such, the reduction in open space as proposed is not supported.

Front Fence

The Town's Policy relating to Street Walls and Fences allows columns to a maximum 2.0 metres in height, with the solid portion of the fence being 1.2 metres and the remainder of the fence to a height of 1.8 metres being predominantly open in design. The proposed fence has piers to 2.1 metres in height which is beyond the Policy requirements, and should be reduced to 2.0 metres to comply.

Existing Dwelling

The existing dwelling would be required to be provided with two car parking spaces, a 4.0 square metres store and a minimum outdoor living space of 16 square metres in order to comply with the requirements of grouped dwellings under the R Codes. These aspects have not been demonstrated by the application. Any future access off Fitzgerald Street will require it to be referred to the Western Australian Planning Commission for comment and approval.

In light of the above, it is recommended that the proposal be refused due to the above areas of non-compliance.

10.1.17 Finalisation of Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 - Proposed Rezoning of No. 73 (Lot 58) Angove Street, North Perth, and Nos. 22A, 22B, 22C, and 22D (Lot 200) Kadina Street, North Perth

Ward:	North	Date:	27 October 2003
Precinct:	Smith's Lake Precinct	File Ref:	PLA0091
Attachments:	001 ; 002		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

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

COUNCIL DECISION ITEM 10.1.17

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

SITE HISTORY:

20 November 2001 The Council at its Ordinary Meeting resolved to initiate Scheme Amendment No.10, as follows.

"That the Council;

- (1) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to initiate an amendment to the Town of Vincent Town Planning Scheme No. 1 by initiating a rezoning of:-*

- (i) *portion of No. 73 (Lot 58) Angove Street, North Perth as shown in Appendix 10.1.26(c), from "unzoned land" to "Residential R30" Zone; and*
 - (ii) *portion of No. 22A (Lot 1), 22B (Lot 2), 22C (Lot 3) and 22D (Lot 4) Kadina Street, North Perth as shown in Appendix 10.1.26(d), from "unzoned land" to "Residential R30" Zone;"*
- 3 December 2001 The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 10.
- 7 December 2001 Correspondence received from the WAPC stating that it has noted Council's intention to advertise the Amendment.
- 18 December 2001 Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.
- 31 December 2001 All relevant owners and occupiers of nearby properties sent notice of the Amendment.
- 5, 8 &
9 January 2002 Amendment advertised in the 'Voice News', 'Guardian Express' and 'West Australian' newspapers respectively.
- 20 February 2002 Advertising period completed. No submissions lodged with the Town.
- 26 February 2002 Late submission received from landowner of No.73 Angove Street.
- 26 March 2002 The Council at its Ordinary Meeting held on 26 March 2002 resolved the following:
- "That the Council;*
- (i) *resolves pursuant to Town Planning Regulation 17(1), to receive the one submission of objection and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;*
 - (ii) *authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
 - (iii) *advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC) and Environmental Protection Authority and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, without modification, Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1."*

4 April 2002 Correspondence sent to the WAPC advising of the Council's resolution at the Ordinary Meeting of Council, and seeking final approval.

5 March 2003 Further correspondence sent to WAPC requesting decision advice regarding final approval of Amendment No. 10.

23 June 2003 Correspondence received from the WAPC relating to Amendment No. 10 to the Town's Town Planning Scheme No.1. The WAPC advised as follows:

"I refer to your letters of 4 April 2002 and 5 March 2003, and advise that the Hon. Minister for Planning and Infrastructure upheld the submission opposing the Amendment and has decided not to approve the above Amendment until such time as the following modifications are effected:

1. To rezone portion of No. 73 (Lot 58) Angove Street, North Perth from "unzoned land" to "Commercial";

2. To rezone portion of Nos. 22A, 22B, 22C and 22D (Lot 200) Kadina Street, North Perth from "unzoned land" to "Residential/Commercial R80".

The Hon. Minister further advises Council, that the modified Amendment is to be advertised for a period of 28 days, subject to affected owners being notified in writing of the proposal and invited to make submissions. Council is reminded that the amending documents are not on display at the Commission's offices during the advertising period. When forwarding the Amendment to the Commission for final approval advice on the commencement and expiry dates of the advertising period and the steps taken by Council to advertise the Amendment should be submitted, together with the documentation outlined in Regulation 18 of the Town Planning Regulations, 1967 (as amended).

Three sets of amending documents are returned herewith for the purpose."

22 July 2003 The Council at its Ordinary Meeting held on 22 July 2003 resolved the following:

"That the Council;

- (i) advises the Hon. Minister for Planning and Infrastructure and Western Australian Planning Commission that the Town DOES NOT SUPPORT the proposed modifications to Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1, to rezone portion of No. 73 (Lot 58) Angove Street, North Perth, from "unzoned land" to "Commercial" and portion of Nos. 22A, 22B, 22C and 22D (Lot 200) Kadina Street, North Perth, from "unzoned land" "Residential/Commercial R80", respectively, for the following reasons;*

- (a) *the proposed modifications to Amendment No. 10 have not been adequately justified by the Western Australian Planning Commission and Hon. Minister for Planning and Infrastructure; and*
 - (b) *the proposed modifications to Amendment No. 10 undermines the general objectives and intent of Town Planning Scheme No. 1 and Policies adopted pursuant to the Scheme; and*
 - (ii) *pursuant to Regulation 21 of the Town Planning Regulations, 1967 (as amended), advertises for a period of 20 days Amendment No. 10 to the Town of Vincent Town Planning Scheme No. 1 with modifications as required by the Hon. Minister for Planning and Infrastructure and the Western Australian Planning Commission in accordance with letter dated 23 June 2003 as follows:*
 - (a) *rezoning portion of No. 73 (Lot 58) Angove Street, North Perth from "unzoned land" to "Commercial"; and*
 - (b) *rezoning portion of Nos. 22A, 22B, 22C and 22D (Lot 200) Kadina Street, North Perth from "unzoned land" to "Residential/Commercial R80".*
- 22 September 2003 All relevant owners and occupiers of nearby properties sent notice of the Amendment.
- 20 &
23 September 2003 The modified Amendment advertised in the 'Voice News', and 'Guardian Express' newspapers respectively.
- 21 October 2003 Advertising period completed. No submissions lodged with the Town.

DETAILS:

The purpose of the proposed Scheme Amendment is to rezone the following land, which is "unzoned" under the Town's Town Planning Scheme No.1, in accordance with the letter from the WAPC, dated 23 June 2003 and Council's resolution of its Ordinary Meeting held on 22 July 2003, as follows:

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

CONSULTATION/ADVERTISING:

The advertising required by the Minister and the WAPC commenced on 23 September 2003 and concluded on 21 October 2003. At the completion of this advertising period nil submissions were received.

LEGAL/ POLICY:

Town Planning and Development Act, Town Planning Regulations and Town of Vincent Town Planning Scheme No. 1.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2003/2004 budget lists \$130,000 for Town Planning Scheme Amendments and Policies, and review of the Town Planning Scheme No. 1.

COMMENTS:

No submissions were received during the advertising period. Given this, it is recommended that the Council seeks final approval of Amendment No. 10 to Town Planning Scheme No. 1, without any further modification.

10.1.18 Hope for the Future: The Western Australian State Sustainability Strategy - A Vision for Quality of Life in Western Australia; and Study on Sustainable Development for the 21st Century in Hong Kong

Ward:	Both	Date:	27 October 2003
Precinct:	All Precincts	File Ref:	PLA0096
Attachments:	-		
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the document relating to "Hope for the Future: The Western Australian State Sustainability Strategy - A Vision for Quality of Life in Western Australia" dated September 2003;*
- (ii) *ADVISES the Government of Western Australia and the Western Australian Local Government Association that the Town generally supports, in principle, the content and intent of the "Hope for the Future: The Western Australian State Sustainability Strategy - A Vision for Quality of Life in Western Australia", as outlined in this Report;*
- (iii) *AUTHORISES the Chief Executive Officer to convene a meeting of the Sustainability Advisory Group at the earliest opportunity; and*
- (iv) *REFERS the document "Hope for the Future: The Western Australian State Sustainability Strategy - A Vision for Quality of Life in Western Australia" dated September 2003 and "Study on Sustainable Development for the 21st Century in Hong Kong" dated August 2000, to the Sustainability Advisory Group for discussion.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

BACKGROUND:

On 9 January 2003 the Chief Executive Officer under Delegation considered a report on "Focus on the Future - The Western Australian State Sustainability Strategy" (Draft SS) (Consultation Draft) dated September 2002, and resolved the following:

"That the Council;

- (i) receives the document relating to "Focus on the Future: The Western Australian State Sustainability Strategy" dated September 2002; and*
- (ii) advises the Government of Western Australia and the Western Australian Local Government Association that the Town generally supports, in principle, the content and intent of the "Focus on the Future: The Western Australian State Sustainability Strategy" as outlined in this Report."*

DETAILS:

Comments were sought from interested parties on the content of the Draft SS. A number of seminars relating to this Draft SS were held in 2003, which provided interested parties further opportunities for feedback on the Draft SS.

The State Government has now considered the comments received on the Draft SS, reviewed it accordingly and released the amended SS with a new title *"Hope for the Future: The Western Australian State Sustainability Strategy - A Vision for Quality of Life in Western Australia"* (SS) dated September 2003. A copy of this document is *"Laid on the Table"*, and was forwarded to Elected Members under the memorandum dated 9 October 2003 from the Executive Manager Environmental and Development Services.

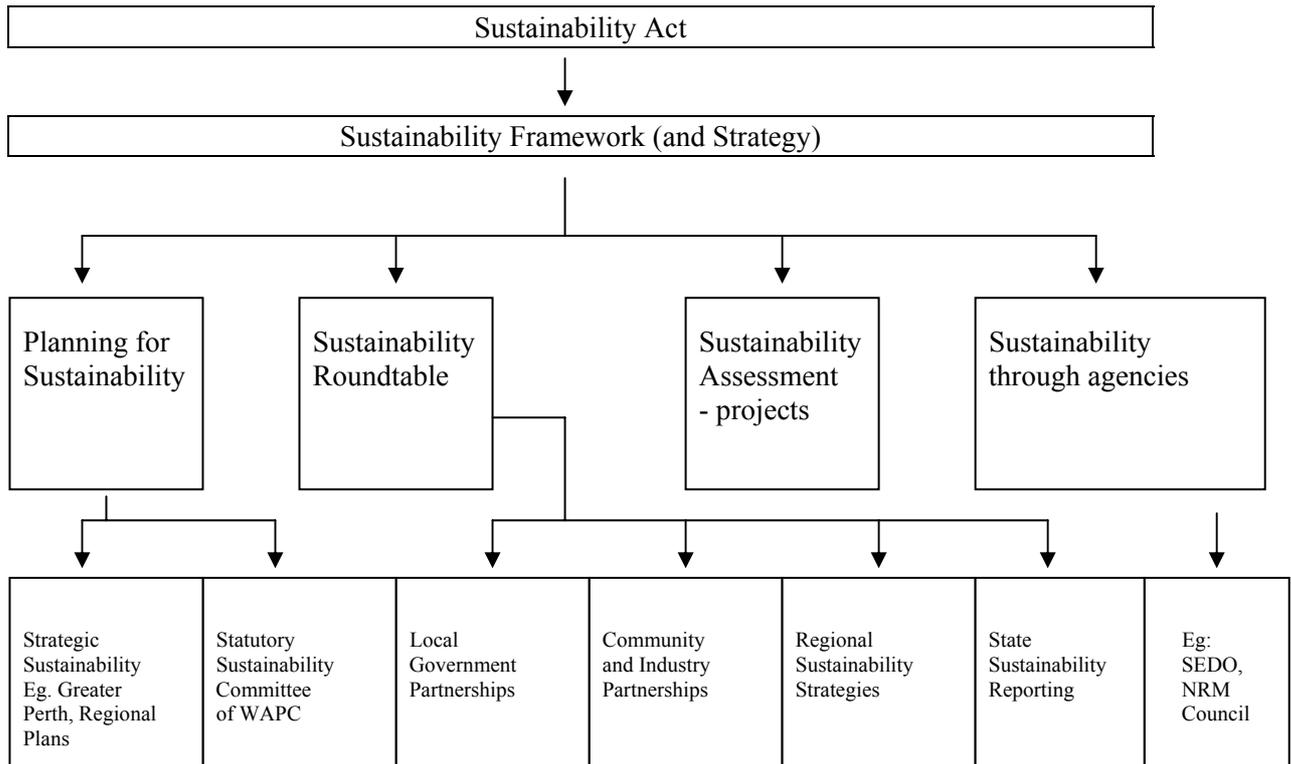
The SS provides an overarching framework for sustainability in Western Australia (WA) and identifies 46 priority areas in the Implementation and Action Plan.

The Western Australian Local Government Association recommended that Sustainability Roundtables be established to develop a State-Local Government Sustainability Partnership Agreement.

The Government recognises that partnerships between government, industry and community are vital to achieving a sustainable future for WA. It is likely that these partnerships will continue to form and reform around particular projects and issues.

Arrangements for implementing the sustainability agenda in WA include the Government demonstrating leadership in sustainability through its agencies (internal), and agencies influencing sustainability issues in the community and industry and help create opportunities for the future (external).

Arrangements for the State Government to implement the sustainability agenda in WA with external agencies include the following:



The framework informs all Government policy in a range of areas, for example, State Strategic Planning Framework etc... The Sustainability Roundtables will begin operating in 2004 and sub-committees will be established as necessary. The Sustainability Code of Practice for Government Agencies will be completed in 2003 and Sustainability Action Plans will be prepared by agencies in 2004. These Action Plans will provide timelines for actions and appropriate performance measures.

The review process of the State Sustainability Strategy is as follows:



It is considered essential that all Government agencies work together with the community to achieve the Sustainability Action Plan.

"The Government will implement the State Sustainability Strategy with awareness that community sensitivity and a community to transparent, participatory process are essential to achieving sustainability. Only in this way it is possible to create hope for the future."

The Town has been involved with several sustainable projects over the past few years and, with the release of the SS, there is a need for a Sustainability Management System (SMS) and local sustainable strategy to be developed by the Town to provide an integrated approach to sustainability within the Town. The Town will be commencing its SMS and Sustainability Strategy shortly.

Councillor Helen Doran-Wu has requested that the document relating to *"Study on Sustainable Development for the 21st Century in Hong Kong"* (SUSDEV 21) dated August 2000 be referred to the Sustainability Advisory Group for discussion and that a meeting of the Sustainability Advisory Group be convened at the earliest opportunity.

An extract of the background information in SUSDEV 21 is as follows:

"The Study on Sustainable Development for the 21st Century in Hong Kong (SUSDEV 21) was commissioned by the Government of the Hong Kong SAR in the Autumn of 1997. The study was conceived in response to the need to take account of environmental and social concerns as well as economic aspects when making decisions about the future of Hong Kong.

As the HKSAR Government's first formal step towards bringing sustainability considerations into the management of day to day activities in Hong Kong, the SUSDEV 21 study has been primarily concerned with developing a systematic process to enable Hong Kong's decision makers to gain an understanding of the long term implications of strategic development decisions, using a set of forward looking sustainability indicators. As a response to Hong Kong's rapid pace of change, this innovative approach differed from the review or "tracking" approach to using sustainability indicators adopted elsewhere in the world, although as a result of the interest shown in the issue by the community, a list of possible "tracking" indicators for Hong Kong, suggested by members of the public and special interest groups, has been included in the Final Report of the study, for Government to consider.

The study was thus primarily aimed at introducing the concept of sustainability into decision making, rather than towards producing a strategy for sustainable development or Agenda 21 in the SAR, although the extensive work carried out over the course of the study by Bureaux, Departments and the Study Team would certainly contribute to such a process in the future.

Another major goal of the study has been to introduce the idea of sustainability to the general public and to seek their views and ideas as to the important sustainability issues that Hong Kong faces, incorporating them into the process and appropriate tools which will enable Government to take account of the medium and long-term implications of today's decisions. Since these issues and the importance that is attached to them by society will change over time, SUSDEV21 represents a first step in an ongoing process."

The SUSDEV 21 will provide the Town with additional information relating to sustainability, which can be used when preparing the SMS if considered appropriate.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003 - 2008

- Key Results Area 1: The Physical Environment. Strategies and Action Plans:

"1.1 Protect and enhance the environment and biodiversity

Develop and implement best practice programs to achieve:

- a) Implementation of a clean air program.*
- b) Introduce measures to reduce greenhouse gases.*
- c) Increased use of local native vegetation, by Council and residents.*
- d) An inventory of significant trees and signage to encourage their protection.*
- e) Improved natural habitat and increased biodiversity in parks, reserves, wetlands and river foreshore areas.*
- f) Green ways linking areas of natural vegetation.*
- g) Incorporation of water sensitive urban design principles into the Town Planning Scheme.*
- h) Implementation of water conservation initiatives, including:*
 - installing a centrally controlled irrigation system;*
 - investigating the use of treated effluent for irrigation;*
 - encouraging residents to*
 - implement waterwise gardening principles;*
 - investigating and encouraging the use of grey water;*
 - investigating options for stormwater re-use where appropriate (eg: re-establishing wetlands).*
- i) A Vincent noise management plan.*
- j) Further investigate the use of alternative fuels for major plant, fleet and equipment.*
- k) Public awareness through education programs on environmental issues.*
- l) A waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and that has positive environmental outcomes including:*
 - investigation of the establishment of systems to rid the waste stream of toxic materials;*
 - promotion of the use of backyard composting and worm farms;*
 - community education with regard to waste minimisation;*
 - Investigate future recycling, waste collection and disposal methods.*
- m) Continued participation in Cities for Climate Protection and Local Agenda 21 issues...*

...1.3 Develop, implement and promote sustainable urban design.

Action Plans to implement this strategy include:

- a) Develop and implement sustainable building design guidelines.*
- b) Review urban design policies and guidelines to enhance amenity, accessibility, neighbourhood interaction and aesthetics.*
- c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision, to:*
 - encourage hubs or centres of community within the Town;*
 - review residential densities;*
 - review zoning.*

- d) *Incorporate sustainability into the Building and Design Awards to raise community awareness.*
 - e) *Develop a policy to encourage a proportion of affordable housing, in partnership with the State Government.*
 - f) *Participate in initiatives and incentives to foster sustainable building and urban design....*
- ...1.4 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*
Action Plans to implement this strategy include:
Infrastructure Improvements
- a) *Continually review new materials and technologies to achieve better accessibility, affordability and aesthetics for all infrastructure programs.*
 - b) *Continue to develop and implement annual road rehabilitation and upgrade programs.*
 - c) *Review options for a Right of Way management and upgrade strategy.*
 - d) *Continue to develop footpath upgrade programs appropriate to the Town's needs.*
 - e) *Continue to develop and implement streetscape enhancements.*
 - f) *Develop a program for appropriate treatment of wider streets.*
 - g) *Work with owners of significant vacant blocks to ensure that the blocks are maintained in keeping with the statutory regulations and the amenity of the area.*
 - h) *Continue to design and implement infrastructure improvements for public open space.*
 - i) *Develop a program to make all playgrounds universally accessible.*
 - j) *Continue to maintain an efficient and effective Works Depot.*
 - k) *Develop a strategy for the implementation of underground power:*
 - *investigate alternative mechanisms for funding (eg: loans, differential rates, deferred charges, etc);*
 - *investigate equitable methods of apportioning costs.*
 - l) *Work with the Water Corporation to develop strategies for improved stormwater conveyance including:*
 - *progressing the surveying and mapping of the Town's drainage infrastructure;*
 - *developing and implementing sustainable drainage improvement programs.*
 - m) *Work with the Water Corporation, Claise Brook Catchment Group and other interested parties to support on-going programs to improve water quality.*
 - n) *Develop policies for telecommunication infrastructure."*

FINANCIAL IMPLICATIONS:

The 2003/2004 Budget has \$50,000 allocated for the SMS.

COMMENTS:

In light of the above, it is recommended that the Council receives the document relating to *"Hope for the Future: The Western Australian State Sustainability Strategy - A Vision for Quality of Life in Western Australia"* dated September 2003, advises the Government of Western Australia and the Western Australian Local Government Association that the Town generally supports, in principle, the content and intent; convenes a meeting of the Sustainability Advisory Group at the earliest opportunity; and refers the document *"Hope for the Future: The Western Australian State Sustainability Strategy - A Vision for Quality of Life in Western Australia"* dated September 2003 and *"Study on Sustainable Development for the 21st Century in Hong Kong"* dated August 2000 to the Sustainability Advisory Group for discussion.

10.2.2 2004/2005 Metropolitan Regional Road Projects Grant Approval

Ward:	Both	Date:	28 October 2003
Precinct:	All	File Ref:	TES0174
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) receives the report on the successful 2001/2002 Metropolitan Regional Road funding allocation to the Town;*
- (ii) notes that the grant of \$500,000 is still subject to endorsement by the State Road Funds to Local Government Advisory Committee; and*
- (ii) includes the successful road projects in the Town's 2004/2005 Road Rehabilitation and Upgrade Program.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

BACKGROUND:

In February 2003 the Town was invited to make submissions for road improvement and road rehabilitation projects from the Metropolitan Regional Road Program.

In May 2003 the following road rehabilitation projects were submitted for funding in 2004/2005.

Note: Each year Local Governments are requested to submit a 5 year program with a detailed submission for only the first two years of the program

The following projects where listed for 2004/2005:

Project	Section
• Green Street	Tyler Street to Banksia Street <i>(boundary road with City of Stirling)</i>
• Walcott Street	Venn Street to Redfern Street <i>(boundary road with City of Stirling)</i>
• London Street	Green Street to Gill Street

DETAILS:

A letter was received from Main Roads WA on 22 October 2003 advising that:

“The attached schedules of Regional Road Group Project Grants and State Black Spot Grants for 2004/05 were approved by the Metropolitan Regional Road Group on 16 October 2003.

These programs are still subject to endorsement by the State Road Funds to Local Government Advisory Committee and announcement by the Minister, as well as final budget allocations. Councils should however, ensure design and preconstruction activities are not delayed, to ensure that the projects can be delivered in the financial year.

The 2003/04 Program will continue to be monitored and adjusted as required which could have further affects on the approved 2004/05 program.

Councils are reminded that any signal, sign and pavement markings require Main Roads WA approval and works are required to be carried out in accordance with relevant Main Roads’ Standards, Guidelines and Specifications.”

As outlined in detail in the report presented to Council on 28 April 1997, the Town’s roads program was developed using ROMAN (pavement management software).

The results obtained from ROMAN in 1997 indicated that the Town was required to expend in the order of \$8.4 million on its roads over the next 15 years. This equated to an average annual expenditure of \$560,000 per annum.

It is important to note that the above funding requirements do not allow for general road maintenance or traffic management works.

The Council subsequently allocated \$400,000 in the 1997/1998 financial year and that level of annual funding has not changed since that time.

The major purpose of ROMAN is to:

- Determine the condition of the existing road network system.
- Establish a priority rating system for road reconstruction and resurfacing works, including special maintenance considerations.
- Determine both short and long term funding requirements.
- Determine AAS27 requirements.

As advised in a report presented to the Council on 22 July 2003, a new version of Roman was recently released and the program is currently being updated to include all road projects completed since the start of the Town's Road Rehabilitation and Upgrade Program. Once this has been completed, a further report will be presented to Council outlining projected funding scenarios required to manage the road network.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town is responsible for the care control and management of approximately 137 km of roads which include Primary Distributors, Local Distributors and Access Roads.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Plan 2003-2008 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.
“a) *Continue to develop and implement annual road and footpath upgrade programs.*”

FINANCIAL/BUDGET IMPLICATIONS:

As outlined above, each year the Council allocates approximately \$400,000 for roads. The Town's share of the Metropolitan Regional Road Project funding for 2004/2005 will be \$238,333 and will be funded from this allocation. The State Grant will be \$0.5 million.

Project	Section	Project Cost \$	State	Town
Green Street	Tyler Street to Banksia Street	190,000	126,667	63,333
Walcott Street**	Venn Street to Redfern Street	400,000	266,667	66,667
London Street	Green Street To Gill Street	215,000	106,667	108,333
			\$500,000	\$238,333

Note** The Local Government share will be funded by the Town and the City of Stirling.

COMMENTS:

The effective and efficient management of the Town’s road infrastructure is one of the Town’s major responsibilities and the State Governments contribution is a welcome addition to the road funds already expended annually by the Town.

The Town’s Grant for 2004/2005 will be \$500,000, which is the maximum amount that is allocated to any one Local Government for Road Rehabilitation Projects.

It is therefore recommended that the Council receives the report on the successful 2001/2002 Metropolitan Regional Road funding allocation to the Town and includes the successful projects in the Town's 2004/2005 Road Rehabilitation and Upgrade Program.

10.2.3 Proposed Closure and Sale of Portion of ROW Bounded by Waugh, Charles, Farmer and Pansy Streets, North Perth

Ward:	North	Date:	18 October 2003
Precinct:	Charles Centre Precinct P7	File Ref:	TES0263
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed closure of a portion of the right of way bounded by Waugh, Charles, Farmer and Pansy Streets, North Perth;*
- (ii) *APPROVES the closure of the portion of right of way, as shown on attached plan 2096-RP-1;*
- (iii) *APPROVES the buying back of the right of way from the Crown for an agreed nominal sum;*
- (iv) *APPROVES the sale of the closed and repurchased portion of right of way to the owner of 352 to 354 Charles Street for the sum of \$2,000.00 plus GST subject to;*
 - (a) *the purchaser agreeing to grant a drainage easement to the Town for the protection and maintenance of its stormwater drainage infrastructure;*
 - (b) *advertising the sale of the land on a State-wide basis for a period of two (2) weeks in accordance with Section 3.58 of the Local Government Act 1995; and*
- (v) *advises all affected residents, property owners and suppliers of utilities of the closure and sale of the land.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

BACKGROUND:

In July 2002, the owner of the two properties located on the corner of Charles and Farmer Streets, North Perth wrote to the Town expressing his interest in acquiring a portion of an adjacent right of way (ROW), as illustrated on attached Plan 2096-RP-1.

The owner of 352 and 354 Charles Street previously constructed a car park at the rear of the commercial premises housed there. The Town also has a car park to the north of this, which is accessed from Pansy Street. A Town owned cul-de-sac ROW links the two carparks.

DETAILS:

The applicant has observed that a large number of vehicles are using his private car park and the ROW as a short cut to the Town owned car park. He is concerned that this traffic is causing wear to the newly resurfaced car park and that trucks negotiating the narrow ROW are damaging the wall of an adjacent building.

It appears that the ROW originally extended all the way to Farmer Street, and that the portion adjacent to 352 Charles Street was previously closed and amalgamated into that lot. Prior to taking measures to prevent the through traffic, such as the installation of bollards along the rear boundary of 354 Charles Street, the applicant has expressed a keen interest in acquiring the portion of ROW bordering the rear boundary of the lot with the intention of extending his parking area.

A Town owned stormwater drain serving the Pansy Street car park runs through the ROW and through the rear of the applicant's lots. Attached Plan A4-00-050 illustrates this drainage system. It is proposed that a condition of sale of the portion of ROW be that the applicant grant a 3m wide drainage easement over the drain in favour of the Town.

The ROW is owned by the Town, with no notation on the title of it having been resumed and vested. The land comprising the ROW is not designated ROW on the title, nor is it coloured brown which is the convention. It appears that at the time of resumption and vesting in the City of Perth the status of ROW was not declared. The land was later transferred to the Town.

This information at hand, the Department of Land Information (DLI) was approached and asked to determine whether the Town was bound to close the ROW in accordance with the normal procedure for a privately owned ROW, which effectively sees the resumed and vested land resumed again from the Town with all proceeds of sale of the land forfeited to the Crown.

DLI subsequently advised the Town of their determination and, in acknowledgment of the Town's fee simple ownership of the land which no longer officially carries the ROW designation, they have agreed that after "closure" and resumption the land would be sold back to the Town for a nominal fee, after which the Town would be free to sell the "closed" portion of ROW for the valuation some of \$1,000.00 +GST. This purchase price has been set by the Valuer General. The purchaser would be required to pay all fees incurred by the sale, the cost of preparation of the drainage easement and administration costs, estimated at \$1,000.

CONSULTATION/ADVERTISING:

The adjacent property owners have been asked to comment on the proposal and no objections have been received. The proposed sale will need to be advertised on a State-wide basis for two (2) weeks.

FINANCIAL/BUDGET IMPLICATIONS:

The applicant would be required to meet all costs associated with the closure and amalgamation of the land excluding the "Buy back" cost, which would be paid by The Town to the DLI. The applicant must also AGREE to pay all costs for the preparation of the drainage easement.

Therefore, the Town would require a payment of \$2,000 from the applicant for the ROW portion.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003-2008 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

LEGAL/POLICY IMPLICATIONS:

The proposed land sale by private treaty will need to be in accordance with Section 3.58 of the Local Government Act 1995.

COMMENTS:

There appears to be no impediment to proceeding with the closure of this small portion of ROW, which serves no useful purpose. The Town will benefit by acquiring an easement over its drainage system serving the car park and located in the ROW and at the rear of 352 and 354 Charles Street.

10.4.7 Tender No 278/03 - Cleaning of Administration & Civic Centre and Library

Ward:	Both	Date:	27 October 2003
Precinct:	-	File Ref:	TEN0278
Attachments:	-		
Reporting Officer(s):	Keith Steicke, Annie Smith, John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender as submitted by Jasneat Management and Facility Service Contractors as being the most acceptable to the Town for the cleaning of the Administration & Civic Centre and Library for a total annual price of \$43,399.40 (excluding Goods and Services Tax) for the first year;*
- (ii) *AUTHORISES the signing and affixing of the Council Common Seal to the contracts between the Town and Jasneat Management and Facility Service Contractors; and*
- (iii) *AUTHORISES the Chief Executive Officer to renew the agreement annually for an initial three (3) years, with the option to renew for a maximum period of a further two (2) year period, at the sole discretion of the Town based on quality of service, value for money, the Consumer Price Index, and contractual specifications.*

COUNCIL DECISION ITEM 10.4.7

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

BACKGROUND:

Tenders were recently sought from suitably registered companies for the cleaning of the Administration & Civic Centre and Library for a three (3) year period, with an option for a further two (2) years. The prime consideration in the evaluation of received tenders is to be the tender that clearly demonstrates an understanding of the task, and represents the best value for money in the Town's opinion.

The works comprise of:

- the total floor cleaning and general cleaning;
- the total carpet cleaning/shampooing; and
- other cleaning work included in the scope of works of the tender documentation.

TENDER EVALUATION:

The tender was advertised on 24 September 2003. At 2.00pm on 8 October 2003, nine (9) tenders were received. Present at the Opening were Craig Grant - Acting Purchasing Officer, Annie Smith - Executive Assistant, Jim MacLean - Manager Law & Order Services and John Giorgi - Chief Executive Officer. Several representatives of the cleaning companies were also present.

Tenders were received from the following companies:

Company		Administration Civic Centre \$	Library \$	Total \$
1.	Reekie Property Services	26,363.00	12,203.00	38,566.00
2.	Prestige Property Services	26,710.00	12,168.00	38,878.00
3.	Allclean Property Services Plus	28,258.27	13,960.04	42,218.31
4.	Jasneat Management & Facility Service Contractors	30,048.70	13,350.70	43,399.40
5.	Arrix Australia	30,212.00	14,055.00	44,267.00
6.	Airlite Cleaning	32,560.28	14,494.30	47,054.58
7.	Charles Service Company	33,834.63	15,757.52	49,592.15
8.	Austral Cleaning Company	40,288.60	15,208.00	55,496.60
9.	Golden West Corporate Total Management Pty Ltd	43,779.25	24,496.80	68,276.05
Average		32,450.00	15,076.00	47,527.00
Median		30,212.00	14,055.00	44,267.00

Selection Criteria

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

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

Criteria	%	Weighting
5. Financial History and Evidence of Stability <ul style="list-style-type: none"> Demonstrate financial history of organisation to carry out works for this project. Demonstrate evidence of stability and experience. 	5	5%
6. Overall compliance with Tender Specification and Requirements	10	10%
		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of John Giorgi Chief Executive Officer, Keith Steicke Property Maintenance Officer, and Annie Smith Executive Assistant.

	Reekie	Prestige	Allclean	Jasneat	Arrix	Airlite	Charles	Austral	Golden West
Cost (A)	26,363	26,710	28,258.27	30,048.70	30,212	32,560.28	33,834.63	40,288.60	43,779.25
(L)	12,203	12,168	13,960.04	13,350.70	14,055	14,494.30	15,757.52	15,208	24,496.80
Total	38,566	38,878	42,218.31	43,399.40	44,267	47,054.58	49,592.15	55,496.60	68,276.05
Hrs/wk (A)	20	17.5	17.5	22.5	20	21.75	24.5	25	30
(L)	10	9	8.75	10	10	9.5	11.5	17	18
No of Cleaners (A)	2	2	1	2	2	2	3	2	3
(L)	1	1	1	1	1	1	2	1	1
Award/Agreement	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Quality Assured	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
No of Staff (F/T)	5	150	16	12	41	104	10	0	65
(P/T)	40	850	133	296	600	763	396	0	275
(Cas)	As req.	100	2	5	5	25	25	4	0
Member Cleaners' Guild	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Financial Information	No (will provide)	No (will provide)	Yes	Yes	Yes	Yes	No	No	Yes
Information provided	Limited	Comprehensive	Adequate	Comprehensive	Comprehensive	Comprehensive	Comprehensive	Limited will provide if required	Comprehensive
References	Cities of Wanneroo & Joondalup Shire of Kalamunda	Qantas City of Perth Shire of Mundaring	Wesfarmers CSBP Aust Post Serco	Town of Vincent Cities of Belmont & Swan Challenge Stadium Aust Capital Equity	Western Power Coca-Cola Amatil Floreat Forum Shop Centre	Whitford City & Karrinyup Shop Centres West Aust Newspaper	Water Corp Lotteries Town of Cambridge	None provided	Central TAFE Educ Dept Rangeview Remand Centre

(A) = Administration & Civic Centre (L) = Library

Tender Assessment

Criteria	Weighting %	Reekie	Prestige	Allclean	Jasneat	Arrix	Airlite	Charles	Austral	Golden West
Price	50	50	49.5	48	46	45	43	41	37.5	28
Capacity to Deliver	20	15	15.5	16	19	18	19	18	15	20
Expertise & Experience	10	6	10	10	10	10	10	10	6	10
Exp of Staff	5	4	5	5	5	5	5	5	2	5
Financial History	5	3	4	3	5	5	5	3	3	5
Tender Compliance	10	8.5	10	10	10	10	9	10	5	10
TOTAL	100	86.5	93.5	92	95	93	91	87	68.5	78
Ranking		6th	2nd	4th	1st	3rd	5th	7th	9th	8th

1. **Reekie Property Services**

Price

This tender was the lowest in price. The submitted documentation indicated that savings would be achieved in a lesser amount of chemicals used, a reduction in hours and reduced overall overheads.

Hours - Administration and Civic Centre

Experience over the past eight years has demonstrated that not less than 22.5 hours per week is essential to maintain a high standard of cleaning. The hours tendered are 20 hours per week which is currently 2.5hrs less than the current contract. The Reekie Contract would result in 130 hours per year less. The Evaluation Panel considered this to be unacceptable.

Hours - Library

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

Capacity to deliver

This company is a small business with 5 full-time staff operating from a home office. Forty part-time cleaners are employed. The information provided did not demonstrate that they have the capacity to carry out this additional contract. They were rated accordingly in this criteria.

Expertise and Experience

The submitted information did not adequately demonstrate the depth of experience required and were rated accordingly with this criteria.

Experience of Staff

It was stated that the various members of this company had adequate experience.

Financial History

No financial details of the company were provided, however, it was stated that these would be provided if they were successful in this tender.

Tender Compliance

The documentation was very limited and basic. Overall tender compliance was considered adequate.

2. **Prestige Property Services**

Price

This tender was the second lowest in price. The submitted documentation indicated that considerable savings would be achieved by reducing the amount of cleaning hours provided.

Hours - Administration and Civic Centre

The hours tendered are 17.5 hours per week which is currently 5.5hrs less than the current contract. This contract would result in 260 hours (or 6.5 weeks) per year less than the current contract. The Evaluation Panel considered this to be unacceptable and would result in a lesser standard of cleaning.

Hours - Library

Experience over the past eight years has demonstrated that not less than 10 hours per week is required. The hours submitted is 9 hours per week and this would equate to 52 hours per year less than the current contract. The Evaluation Panel considered this to be unacceptable and would result in a lesser standard of cleaning

Capacity to deliver

Prestige is a large company employing 20,000 people nationally with 300 full-time and 900 part-time cleaners in Western Australia. They provide a multi-range of services including, cleaning, catering, security and maintenance. They were rated accordingly in this criteria.

Expertise and Experience

The submitted information was comprehensive.

Experience of Staff

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

Financial History

Financial details of the company were provided.

Tender Compliance

Tender compliance was achieved and adequately demonstrated.

3. Allclean Property Services Plus

Price

This tender was the third lowest in price. The submitted documentation indicated that considerable savings would be achieved by reducing the amount of cleaning hours provided.

Hours - Administration and Civic Centre

The hours tendered are 17.5 hours per week which is currently 5.5hrs less than the current contract. This contract would result in 260 hours (or 6.5 weeks) per year less than the current contract. In addition, only one cleaner was indicated. The Evaluation Panel considered this to be unacceptable and would result in a lesser standard of cleaning and one cleaner would not be able to adequately carry out the range of cleaning to prescribed standard within the hours specified for the whole building.

Hours - Library

The hours submitted is 8.75 hours per week and this would equate to 65 hours per year less than the current contract. The Evaluation Panel considered this to be unacceptable and would result in a lesser standard of cleaning

Capacity to deliver

Allclean is a well established Western Australian company employing 16 full-time and 300 part-time cleaners. They provide a full range of cleaning services.

Expertise and Experience

The submitted information was comprehensive.

Experience of Staff

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

Financial History

Financial details of the company were provided.

Tender Compliance

Tender compliance was achieved and adequately demonstrated.

4. Jasneat Management & Facility Service Contractors

This company holds the current cleaning contract and has held this for approximately 6.5 years. They have provided an excellent service.

Price

This tender was the fourth lowest in price.

Hours - Administration and Civic Centre

The hours tendered are 22.5 hours per week. The Evaluation Panel considered this to be acceptable and would continue the same high standard.

Hours - Library

The hours submitted is 10 hours per week. The Evaluation Panel considered this to be acceptable and would result in the same high standard of cleaning.

Capacity to deliver

Jasneat is a well established company employing 12 full-time and approximately 300 part-time cleaners. They provide a full range of cleaning services.

Expertise and Experience

The submitted information was comprehensive.

Experience of Staff

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

Financial History

Financial details of the company were provided.

Tender Compliance

Tender compliance was achieved and adequately demonstrated.

5. Arrix Australia

Price

This tender was the fifth lowest in price.

Hours - Administration and Civic Centre

The hours tendered are 20 hours per week which is currently 2.5hrs less than the current contract. This contract would result in 130 hours per year less. The Evaluation Panel considered this to be unacceptable.

Hours - Library

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

Capacity to deliver

Arrix is a national company employing 41 full-time and over 600 part-time cleaners nationally. They provide a full range of services including cleaning and maintenance.

Expertise and Experience

The submitted information was comprehensive.

Experience of Staff

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

Financial History

Financial details of the company were provided.

Tender Compliance

Tender compliance was achieved and adequately demonstrated.

6. Airlite Cleaning

Price

This tender was the fifth lowest in price.

Hours - Administration and Civic Centre

The hours tendered are 21.75 hours per week which is currently .25hrs less than the current contract. This contract would result in 13 hours per year less. The Evaluation Panel considered this to be acceptable as it is only marginally less than the current contract.

Hours - Library

Experience over the past eight years has demonstrated that not less than 10 hours per week. The hours submitted is 9.5 hours per week. The Evaluation Panel considered this to be unacceptable and would result in a lesser standard of cleaning.

Capacity to deliver

Airlite is a very large commercial cleaning company employing 104 full-time and over 760 part-time cleaners. They provide a full range of services including cleaning and maintenance.

Expertise and Experience

The submitted information was comprehensive. Their main expertise is in large shopping centres, schools and commercial offices.

Experience of Staff

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

Financial History

Financial details of the company were provided.

Tender Compliance

Tender compliance was achieved and adequately demonstrated.

7. Charles Service Company

Price

This tender was the 3rd highest in price.

Hours - Administration and Civic Centre

The hours tendered are 24.5 hours per week which is currently 2hrs per week more than the current contract. This additional cleaning is reflected in the price. Three cleaners were specified for the Administration and Civic Centre. One cleaner per floor is considered adequate.

Hours - Library

The hours submitted is 11.5 hours per week. This is currently 1.5hrs above the current contract. The additional hours is reflected in the price. Two cleaners were specified for the Library. One cleaner is considered adequate.

Capacity to deliver

Charles Service Company is Western Australian owned cleaning company employing 10 full-time, 396 part-time and 25 casual cleaners. They provide a full range of cleaning services.

Expertise and Experience

The submitted information was comprehensive.

Experience of Staff

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

Financial History

No financial details were provided, however they stated that these would be provided if they were successful.

Tender Compliance

Tender compliance was achieved and adequately demonstrated.

8. Austral Cleaning Company

Price

This tender was the 2nd highest in price.

Hours - Administration and Civic Centre

The hours tendered are 25 hours per week which is currently 3hrs per week more than the current contract. This additional cleaning is reflected in the price.

Hours - Library

The hours submitted is 17 hours per week. This is currently 7hrs above the current contract. The additional hours is reflected in the price.

Capacity to deliver

Austral do not have any industrial awards or agreements. They are not Quality Assured. Limited information was provided. Stated that only 4 cleaners were employed in a casual capacity.

Expertise and Experience

The information provided was limited, however, they stated that they would provide more upon request.

Experience of Staff

The limited information provided was inadequate to demonstrate the experience of this company.

Financial History

Financial details of the company were not provided.

Tender Compliance

The limited information did not adequately address the overall tender compliance and this was reflected in the rating. No references were provided.

9. Golden West Corporate Total Management Pty Ltd

Price

This tender was the highest in price.

Hours - Administration and Civic Centre

The hours tendered are 30 hours per week which is currently 7.5hrs per week more than the current contract. This additional cleaning is reflected in the price.

Hours - Library

The hours submitted is 18 hours per week. This is currently 8hrs per week above the current contract. The additional hours is reflected in the price.

Capacity to deliver

Golden West employ 65 full-time and 275 part-time staff. They provide a full range of cleaning services.

Expertise and Experience

The information provided was comprehensive.

Experience of Staff

The information provided was comprehensive.

Financial History

Financial details of the company were provided.

Tender Compliance

Full tender compliance was demonstrated.

FINANCIAL/BUDGET IMPLICATIONS:

The budget allocation for cleaning of the Administration and Civic Centre is \$35,500.

The budget allocation for cleaning of the Library is \$13,500.

The budget includes an amount for the cost of additional cleaning, which is occasionally required (e.g. after a function or event).

There are administrative and supervisory cost savings by awarding the tender to one cleaning contractor.

COMMENTS:

The assessment revealed that Jasneat Management & Facility Service Contractors is ranked number one. The company was previously known as Neatclean Pty Ltd and has been delivering satisfactory services for a number of years. The company amalgamated with Jason Cleaning Services last year.

This company is the current contractor. The cleaners have been working at the Town for several years and are familiar with the cleaning requirements. An excellent standard of service is provided.

It is therefore recommended that the tender submitted by Jasneat Management & Facility Service Contractors be accepted.

10.4.8 Information Bulletin

Ward:	-	Date:	28 October 2003
Precinct:	-	File Ref:	
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 4 November 2003, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.8

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

DETAILS:

The items included in the Information Bulletin dated 4 November 2003 are as follows:

ITEM	DESCRIPTION
IB01	Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville - Temporary Extended Trading Permit for Rugby World Cup
IB02	Letter of Thanks from Department of Agriculture re Energy Showcase Room Tour and Meeting
IB03	Letter from Local Government Advisory Board re Proposal to amend the District Boundary between the Town of Vincent and the City of Perth affecting Lord and Summers Street
IB04	Letter from Minister for Sport & Recreation re CSRFF Grant for Installation of a Bubble Machine at Beatty Park Leisure Centre - Final Payment to Western Australian Diving Association
IB05	"On Track" - Issue No 3 - The Latest News on New MetroRail
IB06	Register of Reports to be Actioned - Progress Report - November 2003
IB07	Register of Notices of Motion - Progress Report - November 2003
IB08	Register of Petitions - Progress Report - November 2003

10.1.5 No. 15 (Lots 50 and 99) Brookman Street, Perth – Proposed Partial Demolition of and Alterations and Two (2)-Storey Additions to Existing Single House

Ward:	South	Date:	29 October 2003
Precinct:	Hyde Park, P12	File Ref:	PRO 2277; 00/33/1519
Attachments:	001		
Reporting Officer(s):	M Bonini, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M J and M Greenshields for proposed partial demolition of and alterations and two (2) storey additions to existing single house at No. 15 (Lots 50 and 99) Brookman Street, Perth, and as shown on plans stamp-dated 4 March 2003 and 25 August 2003, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a Road and Verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) any replacement roofing shall be Z600 Custom Orb profile sheeting laid in short length, with rolled-top ridges, timber barge caps (not metal), with Ogee gutters and circular down pipes. Zinalume is not acceptable. Television aerials, air conditioning and other fittings may be roof-mounted, but must not be visible from the public domain;*
- (v) all original decorative details shall be retained;*
- (vi) rear water closets shall be conserved;*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following;*
 - (a) no structural changes to the existing floor plan of the front five rooms;*
 - (b) the ridge line of the roof of the proposed new addition not exceeding that of the existing building, in accordance with the Brookman and Moir Streets Development Guidelines, and as required by the Heritage Council of Western Australia; and*

(c) *the outdoor courtyard accessible from the master bedroom on the first floor being deleted, therefore resulting in no alteration to the existing roof form;*

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

(viii) *to protect the reasonable privacy of the adjacent residents to the south, prior to the first occupation of the development the window to the master bedroom on the western elevation on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. This is to be applied for 0.5 metre of the length of the window from its southern edge. 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 window not exceeding one square metre in aggregate in the respective subject walls, so it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Doran-Wu

That the item be DEFERRED.

CARRIED (6-1)

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

(Crs Franchina and Torre were apologies for the Meeting.)

Reasons:

1. Possible error in plans.
2. Determination of materials to be used.
3. Allowing the applicant to address concerns and review the plans.

LANDOWNER:	MJ and M Greenshields
APPLICANT:	As above
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R25
EXISTING LAND USE:	Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
South Ground Floor (Living)	1.5 metres	1.125 metres
South First Floor (Master Bedroom)	1.5 metres	0 metre to 1.125 metres
Privacy Assessment Master Bedroom	4.5 metres to boundary or screening to 1.6 metres above finished floor level	4 metres to south boundary
Brookman and Moir Streets Design Guidelines	Refer to the Heritage comments	

Use Class	Single House
Use Classification	"P"
Lot Area	304 square metres

SITE HISTORY:

The subject lot lies in the Brookman and Moir Streets Guidelines area. The Brookman and Moir Streets Guidelines were recently changed and the draft referred to the Ordinary Meeting of Council held on 8 April 2003 for determination. The Council resolved to adopt the new Draft Guidelines to be applied immediately at this meeting.

DETAILS:

The applicant seeks approval for alterations and two (2) storey additions to existing house involving partial demolition. The proposal is contained to the rear of the existing house. Development on adjoining lots is characterised by single storey residences. The proposal generally complies with the Residential Design Codes (R Codes) and the Town of Vincent Town Planning Scheme No. 1 and Policies, with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

The proposal has been advertised and three written submissions have been received by the Town. The main points raised in the first letter are as follows;

- *"It sets a precedence for other developments of this scale to occur around us.*
- *There will be overlooking into our backyard from the window in the upper storey - our backyard is used predominantly for entertainment and we would feel very uncomfortable using our backyard with that window looking into it.*
- *The bulk/size of the two-storey development will have a detrimental impact on our house...*
- *Our amenity will be reduced by the development - currently our views of heritage rooflines and the A-frames like development will spoil this setting"*

The second letter mentions the following concerns;

- *"The overlooking/overshadowing aspects of the development due to its height and bulk and proximity to my rear boundary fence are of concern..."*

- *My house appears lower than 15 Brookman Street, thus these overlooking/overshadowing effects are magnified.*
- *The upper rear facing (west facing) window of the proposal, despite the best of intentions, will still overlook my property. I do not wish there to be a window of any sort in this location...*
- *I do not agree with 2 storey developments in the Moir/Brookman Heritage Precinct.*
- *The proposal does not comply with the Residential Design Guidelines proposed for the Moir/Brookman heritage precinct (internal changes) and the development can be seen from Brookman Street...*
- *My motive for buying in this heritage precinct was to prevent overlooking buildings of this height and bulk...*
- *My opposition to this development isn't just about the window, it's the whole A-Frame arrangement dominating the skyline from the back of our house..."*

The third letter mentions the following;

"We are opposed to the development because of the large size, bulkiness and closeness to our rear fence. We believe there will also be overlooking from the rear facing window. The effects of these things will be to spoil our back garden privacy and space. Also it will cut out light.

The value of our house would be affected and we do not wish this proposal to go ahead,"

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage Comments

The subject property is included on the Town's Municipal Heritage Inventory and is part of the Brookman and Moir Streets Heritage Precinct currently being considered by the Heritage Council of WA for inclusion on the State Register of Heritage Places. In accordance with the Heritage of Western Australia Act 1990, the property was referred to the Heritage Council for their consideration. The Heritage Council have advised that they support the proposed alterations and additions subject to the following matter being addressed by the applicant: *"It is recommended that the proposal be modified such that the ridgeline of the roof of the proposed new addition does not exceed that of the existing building, in accordance with the Brookman and Moir Street Development Guidelines."*

The Council resolved to receive, adopt and advertise the Draft Brookman and Moir Street Design Guidelines (BMSDG) at the Ordinary Meeting of Council held on 8 April 2003. With regard to alterations and additions, Part 3 of the Draft Brookman and Moir Development Guidelines state *"...no additions will be permitted that would be visible from within the public domain over the existing roofline. Public domain is taken to mean Brookman Street, Moir Street and Forbes Street, together with Robinson Avenue. The rear right of way and Wellman*

Street are not included in the requirement." The Guidelines also state that *"..Additions to the rear must be unobtrusive and meet the requirements of the Residential Design Guidelines. The Town will exercise some discretion to achieve improved dwellings and good conservation outcomes."* Based on the Council's previous resolution with regard to adopting the Draft BMSDG and the Heritage Council's conditional support for the proposal, it is recommended that the proposed addition to the rear be supported, subject to amended plans being submitted showing the roof to the addition not exceeding the original ridge line.

The proposal includes alterations to the internal floor plan of the existing dwelling, showing the part removal of the hallway wall and rear bedroom, to create a recessed bathroom. In line with the Draft BMSDG, this proposal is not supported. The Draft BMSDG state that in relation to internal planning, it is essential that *"The original five rooms of the plan form must be retained as well as any original features, such as fireplaces and doors."* As the proposal affecting the internal original fabric is structural and not easily reversed, it is recommended that no discretion be applied to this condition and that amended plans be submitted showing no alterations to the internal walls and original features.

Response to Objections

Concern was raised regarding the height and bulk of the building, however, the overall height ensures that it does not exceed too greatly the existing height of the residence (refer to Heritage Council of Western Australia and condition). The privacy requirements are complied with except for the bedroom window to the south neighbour. This has been addressed in the conditions of the Officer Recommendation.

Other non-compliances relating to the Brookman/Moir Guidelines have been addressed in the conditions within the Officer Recommendation.

Overshadowing

No undue overshadowing impact takes place to the southern neighbour. There is 9.4 percent overshadowing that takes place. This is within the R Codes requirement, which allows a maximum amount of overshadowing of 25 per cent. This is therefore considered acceptable and complies with the provisions of the R Codes.

South Side Setback - Ground Floor

The proposed setback variation corresponds with the lower floor living room of the proposed addition. The variation pertains to the south elevation. The setback proposed is 1.125 metres, which is deficient from the requirement by 0.375 metre. The proposed wall does not follow the wall of the existing building, which is located on the boundary. Although the wall does not meet the required setback, it does provide a clearance from the boundary deemed to be adequate. The setback variation is therefore considered acceptable and supported.

South Side Setback - First Floor

The variation applies to the first floor of the proposed addition. The setback proposed does not meet the 1.5 metres requirement. The first floor lies directly above the proposed lower floor. The 0 metre setback relates to the outdoor courtyard. This abuts a boundary wall of the adjoining property and is screened from view or potential viewing via the roof. The remainder of the first floor addition is setback 1.125 metres. The length of the proposed addition closely relates to the length of the residence on the adjoining property on the south side, which involves a parapet wall for its north elevation. In this instance, the variation to the setback is considered acceptable and therefore supported.

Privacy Assessment - Master Bedroom

The proposed west facing window of the first floor master bedroom poses a variation to the south adjoining neighbour. It is considered appropriate in this instance to apply screening to the portion of the window, which is deficient from the setback requirement. This is reflected in the conditions of the Officer Recommendation.

Outdoor Courtyard - First Floor

The outdoor courtyard is considered to comply with the provisions of the R Codes in relation to 'Visual Privacy', however, the main concern pertaining to this area is the need to cut into the existing roof in order to accommodate the courtyard area. This is deemed to detract from the integrity of the existing architecture and also results in the original external feature of the roof to be lost. This is not in accordance with the Brookman and Moir Streets Guidelines. On this basis, the outdoor courtyard area is not supported.

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

**10.1.14 Nos. 102-104 (Lot 1) Lincoln Street, Corner Stirling Street, Highgate-
Proposed Demolition of Shop and Single House and Construction of
Two (2) Two-Storey Single Houses**

Ward:	South	Date:	28 October 2003
Precinct:	Forrest P14	File Ref:	PRO1655; 00/33/1773
Attachments:	001		
Reporting Officer(s):	J Barton, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (i) the proposed demolition of the place is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the place has cultural heritage significance, in terms of its aesthetic and historic values;*

the Council REFUSES the application submitted by M Rodic and Associates Pty Ltd on behalf of the landowners R & N Duric for the demolition of the existing shop and single house and construction of two (2) two-storey single houses at Nos. 102-104 (Lot 1) Lincoln Street, corner of Stirling Street, Highgate, and as shown on the plans stamp dated 24 October 2003.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Cohen, Seconded Cr Doran-Wu

That the Item be DEFERRED.

LOST (3-4)

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

(Crs Franchina and Torre were apologies for the Meeting.)

MOTION CARRIED (6-1)

For
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake

Against
Mayor Catania

(Crs Franchina and Torre were apologies for the Meeting.)

SUBSEQUENT MOTION

Moved Cr Ker, **Seconded** Cr Lake

That Council explicitly consider, in its review of the Town Planning Scheme, removing provisions that classify a "Local Shop" as a non-conforming use.

Debate ensued.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

Cr Chester requested that it be recorded that it be pointed out to the applicant that there is development potential within the site with the retention of the existing shop-house and that the Council has the potential to reconsider its commercial zoning.

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

COMPLIANCE:

Requirements	Required	Proposed
Setbacks <u>Unit 1</u> Upper Floor- Front	6 metres	4 metres to balcony
<u>Unit 2</u> Ground Floor- Rear- North-Western Side	1.5 metres	1.2 metres
Upper Floor- front	6 metres	2.5 metres to balcony, and 4 metres to rest of upper floor
Upper Floor- Rear- North Western Side	2 metres	1.2 metres minimum

Requirements	Required	Proposed
Buildings on Boundary	In areas coded R30 or higher, <u>one</u> side boundary setback may be permitted to nil for 2/3 of the length of the boundary. Boundary walls not higher than 3 metres average, and 3.5 metres maximum	<u>Unit 2</u> - Two-storey parapet wall on south-western side boundary to 6 metres in height (only affects proposed Unit 1)

Use Class	Single House
Use Classification	'P'
Lot Area	425 square metres (plus 20 square metres for the corner truncation)

SITE HISTORY:

The applicant lodged amended plans on the 3 October 2003, bringing the proposal into greater compliance with the R-Codes (Residential Design Codes), and the Town's Policies.

Another set of amended plans were also lodged on 24 October 2003, as the landowner wishes to add a balcony to the upper floor of Unit 2, and relocate the store in line with the carport.

DETAILS:

The applicant seeks approval to demolish the existing shop and attached single house and construct two (2), two-storey single houses with the above-mentioned variations to the Residential Design Codes (R-Codes) and the Town's Policies.

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

CONSULTATION/ADVERTISING:

The application was advertised to the adjacent neighbours from 28 August 2003 to 11 September 2003.

No submissions were received during the advertising period.

COMMENTS:

Setbacks

Unit 1

The upper first floor setback variation to the balcony to Unit 1 is considered supportable, as it is only a minor variation to the requirements of the Town's Brigatti Locality Statement, and it will not unduly adversely affect the amenity of the streetscape, as the balcony is only a minor protrusion in the street setback area.

Unit 2

Ground Floor- Rear (NW)

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

Upper Floor-Front

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

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

In this instance, the proposed variation is supported, as it not considered to create an undue impact on the amenity of the streetscape, or the adjoining neighbours. However, the balcony should have a minimum front setback of 3.0 metres to provide a staggering design element in relation to the ground floor 2.5 metres setback.

Upper Floor- Rear (NW)

A setback variation of 1.2 metres in lieu of 2 metres is also proposed to the rear of the upper floor, on the north western side. However, the proposal is considered to address the relevant Performance Criteria under Clause 3.3.1 of the R-Codes, as there is no overlooking or overshadowing onto the adjoining neighbour's property.

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

Boundary Walls

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

The proposal represents a variation to the above acceptable development requirements, as the boundary wall to Unit 2 on the south-western side is approximately 6 metres in height.

However, given that the two-storey parapet wall to Unit 2 only affects proposed Unit 1, which is owned by the same landowner, and that there is no undue impact in terms of overshadowing or overlooking, the wall is therefore considered acceptable.

Demolition

A Heritage Assessment of the existing corner shop and attached dwelling is attached as Appendix 10.1.14.

The place includes a corner shop and attached dwelling, on the north west corner of Lincoln Street and Stirling Street (formerly Shearer Street). The place was constructed circa 1895 by retired Police Officer John Hyde, along with associated dwellings at Nos.106, 108, 110, 112, 14 and 118 Lincoln Street. Of this collection of Gold Boom buildings, the corner shop and attached dwelling has been the most altered, with some changes occurring in the post war period, typically affecting fenestration and some interior details. As a result, the place demonstrates essential elements of the Federation style architecture with post-war alterations.

The place is therefore considered to be an essential element of the series of buildings built by John Hyde from the mid 1890s, and has *some historic significance* for its association with Police pioneer John Hyde, as well as *some aesthetic significance* for its role in demonstrating a series of buildings which illustrate varied design purposes, reflecting the social and economic diversity during the Gold Boom period.

It is therefore recommended that the proposed demolition of the existing dwelling be refused.

Conclusion

In light of the above, the proposed variations to the R-Codes and the Town's Policies are considered supportable, subject to standard and appropriate conditions to address the above matters. However, given that the demolition of the existing dwelling is not supported on heritage grounds, it is recommended that the application be refused.

10.1.8 No. 190 (Lots 5 & 6) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn-Proposed Demolition of Existing Vehicle Sales Premises Buildings and Construction of a ~~Four (4)~~ Three (3)-Storey, Including Lofts, Mixed Use Development Comprising One (1) Showroom, Five (5) Shops, Offices on First Floor, Nine (9) Multiple Dwellings, Undercroft Carparking and Stores

Ward:	North	Date:	27 October 2003
Precinct:	Mount Hawthorn Centre, P2	File Ref:	PRO0446; 00/33/1856
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by H Betlehem on behalf of the owner High Tree Investments Pty Ltd ATF and the 190 Scarborough Beach Road Unit Trust, for proposed demolition of existing vehicle sales premises buildings and construction of a ~~four (4)~~ three (3)-storey, including lofts, mixed use development and comprising one (1) showroom, five (5) shops, offices on first floor, nine (9) multiple dwellings, undercroft carparking and stores at No. 190 (Lots 5 and 6) Scarborough Beach Road, corner Matlock Street, Mount Hawthorn, and as shown on plans stamp dated 9 October 2003, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
 - (b) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
 - (c) *prior to the issue of a Building Licence, designs for art work(s), valued at a minimum of 1 per cent of the estimated total cost of the development to the sum of \$32,500 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (d) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (e) *subject to first obtaining the consent of the owners of No. 194A (Lot 9) Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 194A (Lot 9) Scarborough Beach Road description of adjoining land in a good and clean condition;*
- (f) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (g) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (h) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (i) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (j) *prior to the first occupation of the development, four (4) class- one or two and two (2) class- three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (k) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (l) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (m) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (n) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

- (o) *doors and windows and adjacent floor areas fronting Scarborough Beach Road and Matlock Street shall maintain an active and interactive relationship with these streets;*
- (p) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, including two (2) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (q) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (r) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (s) *a road and verge security deposit bond and/or bank guarantee of \$7600 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (t) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (u) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (v) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (w) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern elevation of the balconies for units 8 and 9 on the first floor level, within 7.5 metres of the northern side boundary, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished balcony floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (x) *prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the Western Australian Planning Commission whichever is applicable, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*
- (y) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*

(z) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

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

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

(ab) *prior to the issue of a Building Licence, a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with prior to the first occupation of the development;*

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

(a) *provision of an open pedestrian safety fence at the corner of Scarborough Beach Road and Matlock Street;*

(b) *the corner component of the development incorporating design elements to define and accentuate the corner and create a landmark feature without increasing the height or plot ratio of the development;*

(c) *a traffic mirror being located near the base of the ramp; and*

(d) *the minimum "head" height at vehicle entrance to basement carpark being 2.3 metres without signage/warnings and 2.1 metres with signage/warnings.*

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

(ad) *the maximum floor space for the uses shall be limited as follows:*

- *showroom - 115 square metres of gross floor area;*
- *shops - 394 square metres of gross floor area; and*
- *offices - 624 square metres of gross floor area;*

unless adequate carparking is provided for the changes in floor area use or floor space area;

to the satisfaction of the Chief Executive Officer; and

(ii) *the Council ADVISE the applicant/owner that the fee payable for the above development be based at a rate of 50 percent of the scheduled development application fees for the estimated development cost of \$3.25 million, which is \$2937.50, and this fee shall be paid prior to the issue of a Building Licence for the development.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted subject to changes in the heading of the report, clause (i) of the recommendation and compliance table in the report as follows:

10.1.8 No. 190 (Lots 5 & 6) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn-Proposed Demolition of Existing Vehicle Sales Premises Buildings and Construction of a ~~Four (4)~~ Three (3)-Storey, Including Lofts, Mixed Use Development Comprising One (1) Showroom, Five (5) Shops, Offices on First Floor, Nine (9) Multiple Dwellings, Undercroft Carparking and Stores

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by H Betlehem on behalf of the owner High Tree Investments Pty Ltd ATF and the 190 Scarborough Beach Road Unit Trust, for proposed demolition of existing vehicle sales premises buildings and construction of a ~~four (4)~~ three (3)-storey, including lofts, mixed use development and comprising one (1) showroom, five (5) shops, offices on first floor, nine (9) multiple dwellings, undercroft carparking and stores at No. 190 (Lots 5 and 6) Scarborough Beach Road, corner Matlock Street, Mount Hawthorn, and as shown on plans stamp dated 9 October 2003, subject to:*

COMPLIANCE:

Requirements	Required	Proposed
Town's Policy relating to the Mount Hawthorn Centre Precinct Building Height	Maximum height, three storeys, including loft can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, bulk and scale.	Proposed development is up to four (4) storeys high. A portion of the fourth storey is up to 13.4 metres in height.
Privacy-Balconies	Screened balconies or 7.5 metres from the adjoining lot boundary.	Balconies to units 8 and 9 are setback 6.86 metres from the north boundary and are not screened.

Use Class	Showroom, office building, shop and multiple dwelling
Use Classification	P, P,P and AA
Lot Area	1311 square metres for 2 lots.

CARRIED (6-1)

<u>For</u> Mayor Catania Cr Chester Cr Cohen Cr Doran-Wu Cr Farrell Cr Lake	<u>Against</u> Cr Ker
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(Crs Franchina and Torre were apologies for the Meeting.)

FURTHER REPORT:

The applicant has had further discussion with the Town's Planning Officers in relation to the loft spaces proposed for the above development.

There is currently no definition for a loft in the Town's Town Planning Scheme No. 1 and associated Policies, Residential Design Codes or the Building Code of Australia. The previous proposal have been re-designed such that the current proposal demonstrates the lofts proposed for units 11-16 in the above development are solely contained within the roof spaces of the development. As the loft spaces are within the roof spaces of the third storey, it is considered that the development is a three (3) storey, including lofts, development. The current proposal therefore complies with the height requirements of the commercial area as prescribed in the Policy relating to the Mount Hawthorn Centre Precinct, particularly as it is considered that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.

On the above basis, the Agenda report heading, Officer Recommendation preamble and the Compliance Table should be amended to reflect these height description changes.

LANDOWNER:	High Tree Investments Pty Ltd ATF and the 190 Scarborough Beach Road Unit Trust
APPLICANT:	H Betlehem
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
EXISTING LAND USE:	Vehicle Sales Premises

COMPLIANCE:

Requirements	Required	Proposed
Town's Policy relating to the Mount Hawthorn Centre Precinct Building Height	Maximum height, three storeys, including loft can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, bulk and scale.	Proposed development is up to four (4) storeys high. A portion of the fourth storey is up to 13.4 metres in height.
Privacy-Balconies	Screened balconies or 7.5 metres from the adjoining lot boundary.	Balconies to units 8 and 9 are setback 6.86 metres from the north boundary and are not screened.

Use Class	Showroom, office building, shop and multiple dwelling
Use Classification	P, P,P and AA
Lot Area	1311 square metres for 2 lots.

SITE HISTORY:

The adjacent lots to the above property along Scarborough Beach Road are also zoned commercial with the lots to the north being residential zoned lots. The existing building on the site, which is a vehicle sales premises has since ceased operating.

8 July 2003: At its Ordinary Meeting, the Council refused a proposal for the demolition of the existing vehicle sales premises building, and the construction of a four-storey mixed use development comprising one showroom, one eating house, four shops, six offices, twelve multiple dwellings and undercroft carparking for the following reasons:

- “1. *Development is not consistent with the orderly and proper planning and the preservation of amenities within the locality.*
2. *In consideration of the objections received.*
3. *Non compliance with the privacy requirements of the Residential Design Codes, the height requirements of the Town's Policy relating to the Commercial area of the Mount Hawthorn Centre Precinct, and the carparking requirements of the Town's Policy relating to parking and access.*
4. *The bulk and scale of the proposed development.*
5. *Close proximity to a school.*
6. *Impact on traffic”.*

9 September 2003: At its Ordinary Meeting, the Council refused the demolition of existing vehicle sales premises building and construction of a four (4)-storey mixed use development comprising one (1) showroom (115 square metres), five (5) shops (394 square metres), offices (624 square metres), ten (10)-multiple dwellings, a basement carpark and stores, for the following reasons:

- “1. *Development is not consistent with the orderly and proper planning and the preservation of amenities within the locality.*
2. *In consideration of the objections received.*
3. *Non compliance with the privacy requirements of the Residential Design Codes, the height requirements of the Town's Policy relating to the Commercial area of the Mount Hawthorn Centre Precinct, and the carparking requirements of the Town's Policy relating to parking and access.*
4. *The bulk and scale of the proposed development.*
5. *Close proximity to a school.*
6. *Impact on traffic.*
7. *Is considered a four-storey development in a maximum three-storey area.*
8. *High proportion of the development that is commercial rather than residential.”*

The Council also resolved that the Council advise the applicant/owner that the fee payable for the above development be based at a rate of 50 percent of the scheduled development application fees for the estimated development cost of \$3.25 million, which is \$2937.50, and this fee shall be paid prior to the issue of a Building Licence for the development.

DETAILS:

The applicant seeks approval for the demolition of existing vehicle sales premises building and construction of a four (4)-storey mixed use development comprising one (1) showroom (115 square metres), five (5) shops (394 square metres), offices (624 square metres), nine (9)-multiple dwellings, a basement carpark and stores. The third floor facing Matlock Street has also been brought closer within the lot boundary. The number of multiple units has been reduced by 1 unit, which has resulted in the building on the third floor being further setback from the north boundary which is zoned residential. Additional screening is proposed for units 17 and 18 on the second floor.

In the previous proposal one (1) showroom (115 square metres), five (5) shops (394 square metres), offices (624 square metres), ten (10)-multiple dwellings, a basement carpark and stores, were proposed, as compared to the current proposal as detailed above.

The information provided by the applicant in support of the proposal, which was included in the previous submission considered by the Council is still pertinent to this proposal, and has been included as verbatim from the initial report to the Ordinary Meeting of Council held on 8 July 2003.

- *“The proposal is to cater for increased demand for mixed use development within inner city areas and sits well within the Mount Hawthorn streetscape.*
- *The proposal is a 4 storey building at the corner of Scarborough Beach Road and Matlock Street. The proposal is a contemporary design devised to add colour and vibrancy to the streetscape. All apartments having access to the north and south light. Care has been taken to reduce the overall scale and bulk of the building by introduction of human scale and natural elements such as stone and timber.*
- *Carparking is provided at ground level and also at the basement level.*
- *The ground floor and first floor is for commercial tenancies with the remaining floors being used for residential tenancies.*
- *Cypress pines are proposed along the northern boundary to address the overlooking concerns into the adjoining residential property.*
- *An architectural emphasis at the corner has been created with the use of vertical timber screens that span the full height of the building”.*

The architects have submitted a letter dated 1 September 2003 relating to energy efficiency, which is included as an attachment to this report.

CONSULTATION/ADVERTISING:

In accordance with the Town's Community Consultation Policy, no additional advertising was carried out with this proposal as the variations requested are not greater than that requested in the previous applications considered by the Council on 8 July 2003 and 9 September 2003, where two submissions were received.

The concerns raised to the initial proposal when advertised in May/June 2003 has been included as verbatim in this report.

- *“Balconies proposed would be directly overlooking into adjoining lot, which is in the process of being developed with a two storey addition to the existing single house.*
- *Development is of a grand scale and would be an imposing structure within a residential streetscape and may impinge on the adjoining residential lot.*

- *Would like a dilapidation report to be prepared by the applicants/owners prior to commencement of construction to ensure adjoining property is not affected during construction works.*
- *Landscaping shown on submitted plans are considered insufficient to aid privacy.*
- *Locality statement states that development can be two storey including loft and that three storey may be considered.*
- *The proposal does not comply with the locality statement in terms of height. The building on the opposite side is three storey and presents an enormous impact on precinct.*
- *Privacy of adjoining neighbours would be severely compromised due to height and windows at inappropriate locations.*
- *With an R60 density, only 7 dwellings are permitted with a plot ratio of 0.70. The proposal exceeds the above figures.*
- *The proposal would result in the transfer of traffic to Matlock Street thereby increasing danger to children attending Mt Hawthorn Primary School.*
- *The site is a redevelopment site and should be developed in accordance with the requirements of the Town of Vincent Town Planning Scheme and the Residential Design Codes.*
- *A major development such as proposed should have been advertised to a wider community”.*

On 14 August 2003, the applicant and architect held a Briefing Session for the Town's Elected Members and Officers regarding the previous proposal being considered in the Agenda. The Town has also written to the applicant at the request of an Elected Member to ensure energy efficiency requirements under the Building Code of Australia were addressed prior to the submission of the development application. The applicant was further advised that if the corner tenancy were to be changed at a later date to an eating house (café/restaurant), the change in use will require to comply with the carparking standards for that use. This proposal was refused by Council on 9 September 2003.

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

LEGAL/POLICY:

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

COMMENTS:

The site falls within the Mount Hawthorn Centre. The Policy relating to the Mount Hawthorn Centre states that all development in the area should take into consideration the scale of surrounding buildings and be of a similar scale to the majority of adjacent buildings.

Where mixed use developments are proposed on the same site, they should be compatible so as to function without undue interference from one another so that the amenity of all uses is safeguarded. The Policy statement also states that the Town further encourages the development of residential uses in non-residential areas, which are close to services and attractions and generate after hours activity.

Residential Car Parking Requirements

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 16 carbays, which is inclusive of two 2 visitor carbays. It is considered appropriate that a minimum of 2 visitors carbays are made available for visitors use, which are to be marked and sign posted on-site accordingly, even though there would be the potential availability of after hours additional carbays set aside for the commercial tenancies. It is to be noted that the balconies for the units have not been taken into account for carparking calculation purposes, even though they are closed on three sides as opposed to two sides.

A total of 41 carbays have been provided for the entire development, therefore resulting in 25 carbays available for the commercial component.

Commercial Car Parking Requirements

Requirements as per Parking and Access Policy	Required No. of Carbays
Showroom: 3 carbay for the first 200 square metres (proposed 115 square metres).	3 car bays
Retail: 1 carbay per 15 square metres of gross floor area (proposed 394 square metres).	26.27 carbays
Office: 1 carbay per 50 square metres gross floor area (proposed 624 square metres).	12.48 carbays
Total carparking required before adjustment factor (nearest whole number)	42 carbays
Apply the parking adjustment factors.	(0.5814)
<ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.95 (parking facilities for bicycle users)* 	24.42 carbays
Carparking provided on site for commercial component	25 carbays
Resultant surplus	0.58 carbay

*This adjustment factor reflects condition (j) in terms of the provision of bicycle parking facilities.

Bicycle Parking Facilities:

Requirements	Required	Provided
<p>Office</p> <p>1 per 200 (proposed 624) square metres public area for employees (class 1 or 2).</p> <p>1 space per 750 square metres over 1000 square metres for visitors.</p>	<p>3.12 spaces</p> <p>N/A</p>	Bicycle parking is shown on ground floor plans
<p>Retail</p> <p>1 per 300(proposed 394) square metres for employees (class 1 or 2).</p>	1.31 spaces	
<p>1 per 200 (proposed 394) square metres for visitors (Class 3)</p>	1.97 spaces	

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of four (4) class 1 or 2 and two (2) class 3 bicycle parking facilities, rounded to the nearest whole number. As such, an appropriate condition should be applied accordingly.

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

Height

The Town's Policy relating to the Mount Hawthorn Centre - Building Height permits a maximum height of three-storeys, including a loft. In this instance, a four-storey development is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings.

The proposed highest point is 13.4 metres on the southern elevation facing Scarborough Beach Road, 10.9 metres on the eastern and 10.24 metres on the western elevations. The part of the building facing the north, which abuts a residential property, is 10.3 metres in height and is setback 6.86 metres to the lot boundary.

The fourth-storey elevation facing Matlock Street has been brought inwards by approximately between 3.2 to 7 metres towards the lot. A person standing at the Matlock Street pedestrian level when viewing the building from this elevation would see a three-storey building, rather than a four-storey building.

Privacy

In the first application considered by the Council on 8 July 2003, objection was raised in terms of potential overlooking from balcony openings on the first and second floors on the northern elevation, which are closer than 7.5metres, as the plans submitted indicated no screening. To overcome the potential overlooking aspect, which is still evident in the current proposal for the first floor, it is recommended that the balcony openings within 7.5metres of the northern boundary be all screened to a height of 1.6 metres from the balcony floor level with fixed obscured glass or other similar material to the satisfaction of the Town, so as to comply with the privacy requirements of the Residential Design Codes. All other major openings have the necessary setback in terms of privacy with respect to the requirements of the Residential Design Codes.

Plot Ratio

There are no specific plot ratio requirements for mixed use development under the Town of Vincent Town Planning Scheme No.1 for the subject commercial zoned land. Plot ratio requirements are only applicable if the development, is a complete residential development. Under the R60 applying to the site for residential development, the plot ratio is 0.70. The total plot ratio for the residential component would be 0.65.

The total plot ratio (residential and commercial) proposed for the development is 1.129, which excludes the ground floor commercial area. The plot ratio proposed in the last application considered by the Council on 9 September 2003 had a combined plot ratio of 1.44.

Density

The residential density applying to the site, if developed for solely residential purposes, and the area is R60. The above site is zoned Commercial. The Town may allow variations where acceptable levels of residential amenity can be maintained, especially in Commercial zoned land. In a mixed use developments, the Town in the past has considered development at a higher density provided that the whole project fits in with the surrounding development and the likely overall benefits to be achieved with such mixed use developments. In such situations, bulk and scale are also considered as part of the assessment criteria. The proposed development is four-storeys along the Scarborough Beach Road frontage and is stepped down towards the rear residential lots on the north side and also further stepped down towards the eastern side facing Matlock Street. The applicants have also reduced the number of multiple dwellings from 10 units to 9 units.

Overshadowing

The proposal complies with the solar access requirements as indicated in the Residential Design Codes, with most of the shadowing over Scarborough Beach Road, as the lot is orientated in a north-south alignment.

Traffic and Access

The updated advice on traffic and access due to the reduction in number of residential units and floor space changes proposed is as follows:

The Town's Technical Services have advised that the number of vehicle movements for each residential unit are estimated to be between 6 to 8 vehicles per day with an average of approximately 5 vehicle movements per day for commercial units. This equates to an estimated increase of between 109 to 127 vehicle movements per day. This would increase the average daily volume along Matlock Street between Dover Street and Scarborough Beach Road from 629 to between 738 and 756 vehicles per day.

It is considered that vehicles will be travelling in three directions from Matlock Street, which are as follows:

- East onto Scarborough Beach Road;
- West along Dover Street; and
- North along Matlock Street.

Based on the scenario that a third of the traffic produced by the proposed development will be carried by each of these routes, then the daily increase will be between 36 and 42 vehicle movements for each route.

- The average daily traffic volume for Dover Street is 519 vehicles, an increase of 42 vehicles or a 8 per cent increase, which will result in 561 average daily traffic movements.
- The average daily traffic volume for Matlock Street between Dover Street and Woodstock Street is 926 vehicles, an increase of 42 vehicles or a 4.5 per cent increase, which will result in 968 average daily traffic movements.

Dover and Matlock Streets are classified as access roads in accordance with the Metropolitan Regional Functional Road Hierarchy and, in accordance with the access road criteria, an access road should not carry more than 3000 vehicles per day.

Based on the above, the estimated increase in traffic volume from the above development in both Matlock and Dover Streets is not considered excessive with the overall volumes being well below the access road criteria.

In addition, the recent black spot improvements at the Matlock Street/Scarborough Beach Road intersection have resulted in a decrease in permitted traffic movements at this intersection, resulting in an improvement in safety and reduction in traffic volume in the lower end of Matlock Street.

In addition, funds have been allocated in the 2003/2004 Budget for traffic management improvements in Matlock Street between Woodstock and Killarney Streets in the vicinity of the Mount Hawthorn Primary School. This proposal will be discussed by the Local Area Traffic Management Advisory Group before the matter is determined by the Council.

Trees

The Town's Parks Services has advised that the street tree at the north-east corner, where the proposed crossover is proposed to be located, can be removed. All cost associated with this work is to be borne by the applicant/owner.

Dilapidation Report

The comments raised in the initial 8 July 2003 Agenda Report, in relation to the preparation of a "dilapidation report" raised by the adjoining landowner in their submission, is a civil matter that needs to be dealt with by both the affected landowners. The architect has been previously advised of this matter by the Town's Officers.

Bin Storage

The Town's Health Services have advised that it is satisfied with the location of the residential and commercial bin storage area as shown on the submitted plans.

Demolition

The buildings at the above site are not listed on the Town of Vincent's Municipal Heritage Inventory, and as such, demolition is supported to accommodate the above proposal.

Energy Efficiency

The Town's Building Services have advised that the energy efficiency requirements of the Building Code of Australia. (BCA) apply to Class 1 Buildings, such as single houses. The above development is a Class 2 Building and as such the provisions of the BCA relating to energy efficiency are not applicable to the above development.

Notwithstanding the above, the applicants architect in letter dated 1 September 2003 advised as follows:

"At building licence stage a thorough assessment will be undertaken but listing the main requirements of the energy efficiency assessment below, we note there should be no significant changes required.

<i>Roof insulation</i>	<i>Will meet R2.7 requirement</i>
<i>Wall insulation</i>	<i>Not required in double brick, but where other walls are used insulation will meet R1.4 requirement.</i>
<i>Floor insulation</i>	<i>Not required.</i>
<i>Air Movement</i>	<i>Minimum Total ventilation opening 5%</i>
<i>Glazing</i>	<i>Typically windows are to be standard glazing with shading in the form of timber screens, canopies or canvas awnings where appropriate.</i>
<i>Roof Lighting</i>	<i>Not applicable.</i>
<i>Building Sealing</i>	<i>Air conditioning is to be provided to all units, building sealing will be applied as per BCA requirements as design development is finalised.</i>
<i>Services</i>	<i>Refrigerated cooling is to be located externally hidden behind parapet walls. It will meet the R1.0 requirement."</i>

Landmark Features

The corner component of this proposal should incorporate design features to define and accentuate the corner to create a landmark feature, without increasing the height and plot ratio of the development.

Fees Payable

The applicant has not as yet paid the planning application fees for the above development. The current schedule planning application fees payable for the above development based on the development cost of \$3.25 million is \$5,875. The applicant has requested that minimal fees be paid. The applicant was advised by the Executive Manager Environmental and Development Services that a reduced fee, of 50 percent which is \$2937.50 could be considered in accordance with the Town's adopted Schedule of Fees and Charges, and that it be paid prior to issue of the Building Licence for the above development. The applicant is seeking a further reduction.

Commensurate with the additional work involved in assessing the revised plans submitted, it is recommended that the fee reduction by 50 per cent to \$ 2937.50 be paid prior to issue of Building Licence, and a Council resolution to this effect is recommended.

Summary

The proposal is supported as is considered not to unreasonably affect the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.

10.1.9 No. 300 (Lots 96 and 97) Charles Street, Corner Albert Street, North Perth - Proposed Alterations and Additions to Existing Shop, and Caretaker's Residence, Change of Use from Shop and Caretaker's Residence to Office, and Construction of Eight (8) Two and Three-Storey Multiple Dwellings with Part Undercroft Carparking

Ward:	North	Date:	28 October 2003
Precinct:	Charles Centre, P7	File Ref:	PRO1557; 00/33/1726
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Cameron Chisholm and Nicol (WA) Pty Ltd on behalf of the owner Sovereign Investment Group Pty Ltd for the proposed alterations and additions to existing shop and caretaker's residence, change of use from shop and caretaker's residence to office, and construction of eight (8) two and three-storey multiple dwellings and part undercroft carparking at No. 300 (Lots 96 and 97) Charles Street, corner Albert Street ,North Perth, and as shown on plans stamp dated 15 October 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (ii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development \$7500 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) subject to first obtaining the consent of the owners of No 306 (Lot 98) Charles Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No 306 (Lot 98) Charles Street description of adjoining land in a good and clean condition;*

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *stores for the dwellings having a minimum area of 4 squares metres, with a minimum dimension of 1.5 metres; and*
 - (b) *height of the walls facing Charles and Albert Streets which are currently 6.3 and 6.4 metres high, being a maximum height of 6 metres.*

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

- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (viii) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (ix) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (x) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

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

- (xiii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (xiv) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xv) *doors and windows and adjacent floor areas for the proposed office fronting Charles Street shall maintain an active and interactive relationship with these streets;*
- (xvi) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, including two (2) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xvii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xviii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (xix) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$4400 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xx) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xxi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxii) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xxiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Charles and Albert Streets verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xxiv) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xxv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expenses;*
- (xxvi) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (xxvii) *a right of way security bond and/or bank guarantee for \$ 880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xxviii) *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 Charles and Albert Streets 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;*
- (xxix) *the maximum floor space for the office use shall be limited to 50 square metres of gross floor area; unless adequate carparking is provided for the changes in floor space area; and*
- (xxx) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$1,615 for shortfall of 0.646 carbays based on the cost of \$2,500 per bay as set out in the Town's 2003/2004 Budget. Alternatively, if the carparking shortfall is reduced as a result of a greater number of carbays being provided or the carparking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in carparking requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

LOST (0-7)

(Cr's Franchina and Torre were apologies for the Meeting.)

Reasons:

1. **The development is not consistent with the orderly and proper planning and preservation of the amenities of the area.**
2. **Non-compliance with the open space, building height, streetscape, boundary setbacks, privacy, incidental development (store), and access and car parking requirements of the Residential Design Codes.**
3. **Non-compliance with the Town's Policy relating to the Charles Street Precinct.**
4. **Non-compliance with the Town's Policy relating to Parking and Access.**
5. **Consideration of the objection received.**

LANDOWNER: Sovereign Investment Group Pty Ltd
APPLICANT: Cameron Chisholm & Nicol (WA) Pty Ltd
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Commercial
EXISTING LAND USE: Shop and caretaker's residence

COMPLIANCE:

Requirements	Required	Proposed
Carparking -Residential Visitors -Commercial	15 carbays 2 of the above 15 carbays 1 carbay	11 carbays 1 of the above 11 carbays Nil
Stores	1.5 metres , with an area of 4 square metres	1.5 metres, with an area of 3.6 square metres
Open space	60 per cent (486 square metres)	54.4 per cent (441 square metres)
Wall height-Charles Street Wall height-Albert Street	6 metres 6 metres	6.3 metres 6.4 metres
Setbacks Ground floor-north 1st floor-north Ground floor-north(piers on boundary) 1st floor-south-Albert Street Ground floor-west-Charles Street 1st floor-west-Charles Street	1.5 metres 1.5 metres 1.5 metres 1.5 metres 4 metres 6 metres	Nil Nil Nil Nil 3.6 metres 5 metres
Communal open space	128 square metres	Internal courtyards and balconies

Use Class	Office and multiple dwelling
Use Classification	"P" and "AA"
Lot Area	810 square metres for 2 lots.

SITE HISTORY:

Portions of the lots are within the Planning Control Area No.54. The adjacent lots to the north of the above property along Charles Street is also zoned commercial with the lots to the east and to the south being residential zoned lots. The existing building on the site, which is a shop has ceased operation.

26 February 2002: At its Ordinary Meeting, the Council refused an application to demolish the existing dwelling and shop for the following reasons:

"1.(a) is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and

(b) the existing place has cultural heritage significance in terms of its historic and representative values and is entered in the Town's Municipal Heritage Inventory.

Council also resolved to advise the landowner that it was prepared to give consideration to a development proposal which includes the retention and upgrading of the existing dwelling and shop on the site."

27 August 2002: At its Ordinary Meeting, the Council recommended approval to the Western Australian Planning Commission for the proposed alterations and loft additions to the existing caretaker's residence and shop and construction of additional seven (7) two-storey with loft multiple dwellings. The Western Australian Planning Commission has still not determined the above application considered by Council on 27 August 2002.

DETAILS:

The applicant seeks approval for alterations and additions to the existing shop, change of use from shop and caretaker's residence to office, and the construction of eight (8) two and three-storey multiple dwellings, including partly undercroft carparking.

Vehicular access to the site is via the 4 metres rear right-of-way (ROW), which has been resumed and vested in the Town as a public ROW.

CONSULTATION/ADVERTISING:

The proposal has been forwarded to the Western Australian Planning Commission (WAPC), as portion of the existing shop is within the Planning Control Area No 54.

The application was advertised in accordance with the Town's Community Consultation Policy. At the end of the submission period, one (1) late submission was received.

The concerns raised in the submission are as follows:

- Intrusion of privacy. Design of units 1 and 2 , first floor balconies , living areas and the second floor bedrooms look into court yard and living areas of adjoining property. Request that no setback or cone of vision reductions be allowed to units 1 and 2.
- Objection to the full third storey proposed along the northern lot boundary, which is against objectives of Town's Policies.

The applicant has submitted the following information in support of the proposal:

- The provision of 11 carbays for 8 residential units. The units have been designed for the first home buyers market, which historically most are one car households.
- Stores proposed have an additional floor level, which takes it to 3.8 square metres.

- The R Codes allow for balconies to be 1.5 metres in depth and 4 square metres in area. Furthermore, courtyards are also proposed for 6 of the 8 units.

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

LEGAL/POLICY:

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

COMMENTS:

The site falls within the Charles Centre Precinct. The Policy relating to the Charles Centre Precinct for the Commercial zoned areas state that the new buildings are to be generally low-scale and setback from the street, a distance compatible with the existing development. New development should enhance the commercial area and does not adversely impact upon the residential uses. Site layout and design to ensure that noise is minimised, and a high level of visual amenity and privacy is provided for residences. Adequate onsite carparking should also be provided. Two storeys are encouraged and a third storey can be considered, provided the amenity of the adjoining residential area is protected in terms of privacy, scale and bulk.

Where mixed use developments are proposed on the same site, they should be compatible so as to function without undue interference from one another so that the amenity of all uses is safeguarded. The Policy statement also states that the Town further encourages the development of residential uses in non-residential areas, which are close to services and attractions and generate after hours activity.

Multiple dwellings

Under the Residential Design Codes (R Codes), the definition for multiple dwellings is as follows: *"a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but does not include a grouped dwelling"*. The proposed residential component complies with the above definition of multiple dwellings. The areas of overlap have been indicated in dotted lines on the ground floor plans.

Residential Car Parking Requirements

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 15 carbays, which is inclusive of 2 visitor carbays. It is considered appropriate that a minimum of 2 visitors carbays are made available for visitors use, which are to be marked and sign posted on-site accordingly.

A total of 11 carbays have been provided for the entire development, with no carbays provided for the commercial component. This results in a shortfall of 4 carbays for the residential component, and one (1) carbay for the commercial component.

The carparking adjustments for the commercial component applied to the site is as follows:

Commercial Car Parking Requirements

Requirements as per Parking and Access Policy	Required No. of Carbays
Office: 1 carbay per 50 square metres gross floor area (proposed 50 square metres).	1 carbay
Total carparking required before adjustment factor (nearest whole number)	1 carbay
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) 	(0.646) 0.646 carbay
Carparking provided on site for commercial component	Nil carbay
Resultant shortfall	0.646 carbay

Cash-in-lieu of carparking is to be considered where non-residential uses have a shortfall in carparking as required by the Town. The proposed shortfall to be compensated by way of cash in lieu is recommended.

The proposal represents a variation to the R-Codes car parking requirements for multiple dwellings, as eleven (11) bays are proposed in lieu of the required fifteen (15) bays, resulting in at least one carbay being provided per multiple dwelling.

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

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

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

Given that the subject land is within 400 metres to a bus stop along Charles Street, and the availability of on street parking along Albert Street, the proposal is considered to address the above mentioned performance criteria.

In light of the above, the provision of eleven bays is considered to be sufficient in this instance. The reduction in carparking for the residential component is supported on the above basis.

Height

The Town's Policy relating to the Charles Centre Precinct (Building Height) permits a maximum height of three-storeys, including a loft. In this instance, a three-storey development is considered acceptable in the context of the height, scale and nature of surrounding commercial and residential properties, especially to the northern boundary of the above site. The applicants have moved the second and third storey component 1.6 metres from the northern boundary, thereby addressing the concerns raised by the adjoining landowner to the north.

It is however recommended that the height of the walls facing Charles and Albert Streets, which are currently 6.3 and 6.4 metres high, be reduced to the required 6 metres.

Privacy and cone of vision

The applicant has included visual screening in the form of obscure glass to a height of 1.6 metres, thereby complying with the cone of vision requirements of the R Codes, and addressing the concerns raised by the adjoining landowner to the north.

Plot Ratio

There are no specific plot ratio requirements for mixed use development under the Town of Vincent Town Planning Scheme No.1 for the subject commercial zoned land. Plot ratio requirements are only applicable if the development, is a complete residential development. Under the R80 applying to the site for residential development, the plot ratio is 1.0. The total plot ratio proposed for the development is 0.98, which excludes the ground floor office area.

Heritage

The existing shop-house at No.300 Charles Street, corner Albert Street, was included on the Town's Municipal Heritage Inventory on 26 September 2000, after an application for demolition was refused. The place has some historic value as a residence with a corner shop attached servicing a main road in and out of Perth, along the old Wanneroo Road at the beginning of the 20th century. It also is representative of the accelerated residential development that occurred in North Perth during the first decade of the 20th century and the growing service requirements of the population of North Perth and the surrounding suburbs. It also relates well historically to the existing Brownes Dairy and associated residential buildings.

The shop-house is in need of repair and the proposal to renovate the shop-house to facilitate commercial space to the front and living space to the rear and roof space is supported. This proposal will continue the original intent of the building, being mixed commercial and residential, maintaining the heritage integrity of the place and providing for its ongoing use and maintenance. While the bulk and intensity of the proposed extensions to the roof space is considered to be intrusive to the original design of the shop, the overall proposal is supported in terms of adaptive reuse and in consideration of the historic, rather than aesthetic values associated with the place.

Density

The residential density applying to the site, if developed for solely residential purposes, is R80. The above site is zoned Commercial. The existing building on site is to be retained. In the last application submitted for the above site, the Council supported a 23 percent increase in the density which equated to 8 multiple units. The Town may allow variations where acceptable levels of residential amenity can be maintained, especially in Commercial zoned land. In a mixed use developments, the Town in the past has considered development at a higher density provided that the whole project fits in with the surrounding development and the likely overall benefits to be achieved with such mixed use developments. In such situations, bulk and scale are also considered as part of the assessment criteria. The proposed development is partly three-storeys and stepped along the northern boundary and to the rear residential lots on the east side. The proposed increase in the density from 6.48 multiple units to 8 multiple units which equates to an increase of 23 per cent is considered acceptable.

Overshadowing

The proposal complies with the solar access requirements as indicated in the Residential Design Codes, with most of the shadowing over Albert Street.

Setbacks

The existing building has a nil front setback to Charles Street. There is currently a 3.66 metres wide Planning Control Area (No. 54) requirement along Charles Street. The proposal requires referral to the WAPC for determination. The existing nil front setback to Charles Street is supported. The proposed 5 metres setback in lieu of 6 metres for the upper floor along Charles Street, is also supported, as the encroaching balcony structures are unroofed with open style balustrading.

The setback for the ground floor and first floor along the northern boundary and the setbacks along the southern boundary along Albert Street are supported, as there is no undue overshadowing, and the building bulk has been reduced by way of increased setback from the boundaries.

The other setback variations proposed are within acceptable limits, taking into account the constraints involved in retaining the existing shop and caretaker's residence, and are considered not to unduly affect the general amenity of the area, as the major openings on which the setbacks have been calculated have been adequately screened in accordance with the R Code. The visual impact of the development when viewed from the street is also reduced due to the staggering of the heights of the building with the three storey development at the rear of the lot.

Open Space

The proposed open space is 54.4 percent in lieu of 60 percent for a residential development. There are no open space requirements for commercial zoned land with mixed use developments. On the above basis, the variation is supported.

Communal Open Space

Six of the eight multiple dwellings have been provided with a balcony area, or equivalent outdoor area or both, directly accessible from a habitable room.

Although it could be argued that the R-Codes require a communal open space area of 16 square metres for each dwelling, Table 1 of the R-Codes is ambiguous, as it only appears to require one communal area of 16 square metres for the development. Additionally, 128 square metres (8 units x 16 square metres) of communal open space is considered excessive for a development of this scale, especially given that 54.4 per cent (441 square metres) of open space has been provided.

In light of the above, and given that sufficient total open space has been provided, and that each unit has its own outdoor area, or balcony, for entertaining, the proposed communal open space area is considered adequate enough to meet the future needs of the residents in dwellings of this size.

Balconies and stores

The R Codes under Clause 4.2.1 states that in mixed use developments, the size of stores can be 1.5 metres in dimension and 4 square metres in area. Being a commercial zoned land and the development is being deemed as a mixed use, the balconies and store sizes proposed are considered to comply with the above clause in the R Codes. As courtyards are also proposed for 6 of the 8 units, the balconies proposed are considered acceptable. The undersized stores have been conditioned to comply with the R Codes.

Traffic and Access

The Town's Technical Services have advised that the parking layout tends to comply with the Town's standards, although some of the manoeuvres are generally tight, considering the heritage building onsite being retained. The paving for the building adjacent to the ROW should be at the same level as the ROW to facilitate effective manoeuvring.

Health and Building

The Town's Health Services have advised that it is satisfied with the location of the residential and commercial bin storage area as shown on the submitted plans.

The development will also be required to comply with the relevant Building Code of Australia requirements in terms of opening to boundaries and the provision of facilities for people with disabilities.

Summary

It is considered that the proposal will not generally have an adverse impact on the amenity of the area. It is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

The Council's decision is required to be forwarded to the Western Australian Planning Commission for determination.

10.1.15 No. 173 (Lot 10) Fitzgerald Street, West Perth – Proposed Demolition of Existing House and Construction of a Two (2)-Storey Single House

Ward:	South	Date:	29 October 2003
Precinct:	Hyde Park, P12	File Ref:	PRO 2397; 00/33/1698
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the place has cultural heritage significance, in terms of representation and historic values;*
- (iii) the non-compliance with streetscape, building setbacks, open space, plot ratio, privacy and solar access (overshadowing) requirements of the Residential Design Codes;*
- (iv) the non-compliance with the street setback requirements of the Policy relating to Robertson Locality; and*
- (v) consideration of the objections received;*

the Council REFUSES the application submitted by Perceptions on behalf of the owner D E Sherar for proposed demolition of existing house and construction of a two (2) storey single house at No.173 (Lot 10) Fitzgerald Street, West Perth, and as shown on the plans stamp dated 25 June 2003 and 29 August 2003.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

LANDOWNER: D E Sherar
APPLICANT: Perceptions
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R80
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
East Ground Floor (Front)	4 metres	2.003 metres
West Ground Floor (Carport)	1 metre	0 metre
North Ground Floor (Study, Stairs, Kitchen, Laundry)	1.5 metres	0 metre
North Ground Floor (Carport)	1 metre	0 metre
South Ground Floor (Porch, Foyer, Family, Meals)	1.5 metres	0 metre
South Ground Floor (Carport)	1 metre	0.5 metre
East First Floor (Balcony, Bed 2)	6 metres	2.003 metres to 3.25 metres
North First Floor (Master Suite, Stairs, WIR, Ens 2)	1.7 metres	0 metre
South First Floor (Bed 2, Sitting, WIR, Ens)	1.5 metres	0 metre
Privacy Assessment		
West Balcony - North Facing	7.5 metres or screening to 1.6 metres above finished floor level	0.5 metre to north boundary
West Balcony - South Facing	7.5 metres or screening to 1.6 metres above finished floor level	3 metres to south boundary
West Balcony - West Facing	7.5 metres or screening to 1.6 metres above finished floor level	4.5 metres to south boundary
Master Suite window	4.5 metres or screening to 1.6 metres above finished floor level	3.5 metres to north boundary
East Balcony	7.5 metres or screening to 1.6 metres above finished floor level	0.7 metre to north boundary. Faces front setback area.
East Balcony	7.5 metres or screening to 1.6 metres above finished floor level	2 metres to south boundary. Faces front setback area.
Bed 2 window	4.5 metres or screening to 1.6 metres above finished floor level	1 metre to south boundary. Faces front setback area.
Open Space	45 per cent	28 per cent
Plot Ratio	0.65	0.90
Overshadowing	50 per cent maximum	88 per cent

Use Class	Single House
Use Classification	"P"
Lot Area	147 square metres

SITE HISTORY:

The subject site is occupied by a single storey single house. The house is listed on the Town's Interim Heritage list.

Council conditionally approved four, two-storey grouped dwellings at its Ordinary Meeting held on 25 February 2003, on the northern side of the subject lot. On the south side of the subject lot lies a single-storey single house.

DETAILS:

The applicant seeks approval for a two storey-single house with orientation towards Fitzgerald Street and access to the rear of the lot via a right of carriageway across the driveway to be created from Fitzroy Road along Fitzgerald Street. This is in accordance with a letter provided by the owner of No. 800 Fitzgerald Street, North Perth.

The proposal is non-compliant in many areas relating mainly to the Residential Design Codes (R Codes) and also the Town of Vincent Town Planning Scheme No. 1 and Policies.

CONSULTATION/ADVERTISING:

The proposal has been advertised and two written submissions have been received by the Town from the rear and southern neighbours. The main points raised in the first letter are as follows;

"Objection to Rear Balcony

I very strongly object to the proposed rear balcony, which would be 3 metres wide and 1.7 metres deep...The users of the balcony will be able to look directly into the rear portion of my property. The rear is comprised almost entirely of windows, one of which is a bathroom window, looking straight into the toilet and bath. The other window looks into the kitchen and lounge room...

The proposed balcony will also directly overlook my back yard. My backyard is used for a number of activities, as it has an outdoor laundry and a small studio. I believe that I should be able to carry on such activities, including entertaining, without being directly overlooked by neighbours.

Another factor I would like to draw to your attention is that my property is on a very small lot of 145 metres. If this balcony is permitted, with its attendant overlooking, approximately 35-40% of my property, (on a modest estimation), will be directly observable. This raises serious security and privacy issues.

As the balcony is only 8 metres away from my property, it is likely the users of the balcony will be able to hear private conversations. I am also concerned about noise carrying from the balcony to my property...

No window at rear should be allowed

I also ask that you require that no window is permitted at all at the rear of the property, as there would be inevitable overlooking and observation into my property.

Breach of open space requirement

...Only 28 per cent is proposed which is manifestly inadequate, being almost half what is considered an acceptable minimum.

The effect of this breach is that the proposed house is simply too large for the size of the block and will result in a bulky building that takes natural light and air from a number of adjoining properties...

Other privacy breaches

There are many substantial breaches of set backs in the proposal. In particular there are seven privacy assessment breaches, all of which are substantial.

I ask that you consider the effect of these breaches on the privacy and security of the surrounding property.

Demolition

I am very disappointed that a proposal has been put forward to demolish this house. This existing house, I suspect, is on the interim heritage register, and, at its very least, is situated in the heritage precinct..."

The second letter is from the south neighbour and the main points raised are as follows;

"We wish to respond to the development for No 173 Fitzgerald Street, West Perth. We would like to oppose not only the grossly out of code building proposed but also the demolition of the current building on the site, which is part of a matching pair of buildings that are circa 1890-1905.

This extended proposal however includes the demolition of a significant building and the mirror partner to the building and home in which we currently reside as well as own. Both buildings are attached to each other, there are shared flashings and the parapets are joined in various points. Demolition of this building will cause damage to our residence. No mention has been made on plans of any special consideration for this eventuality and measures to deal with such problems.

More importantly however, if 173 Fitzgerald Street were to be demolished it would destroy not just the building but also the neighbouring building at 171 Fitzgerald Street in terms of heritage and street appeal.

Quite apart from our severe concerns over the demolition of 173 Fitzgerald Street, we are also extremely concerned at the proposed new residence...this proposal is non-compliant in a great many ways.

In addition to these concerns already raised by planners we feel there are further concerns:

- *Overshadowing - On midday June 21 our rear living space (our major outdoor living space) will be in 100% shadow, also far greater than 50% of our block will be overshadowed...*
- *Featureless parapet wall - The wall facing our property is largely featureless...*

- *Structural concerns - apart from the structural concerns to our property with regard to demolition, the compacting of footings for the new building would almost undoubtedly cause major cracking considering our building is over 100 years old...*
- *Parking - when our building was built no provisions were made for parking bays, as such we have always had to either streetpark on Fitzgerald Street during non-clearway times or park in Fitzroy Street - that bay has already been destroyed by the crossover for the new development abutting this proposal..."*

The proposal occurs along Fitzgerald Street, which is classified as an Other Regional Road (ORR) Reservation. The proposal was referred to the Department for Planning and Infrastructure for comment. Preliminary verbal no objection has been raised to the proposed development by the Department for Planning and Infrastructure, subject to access via Fitzgerald Street not being permitted.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

The Heritage Assessment is attached as Appendix 10.1.15. The existing dwelling is a brick and metal roof semi-detached cottage built circa 1898. It is modest in scale and is elevated with an outlook to Robertson Park, previously market gardens at the time of the dwelling's construction. The dwelling was constructed at the height of the Gold Boom, when smaller scale residential dwellings were erected to accommodate the growing numbers of people living in the city. The design is vernacular in nature, and although not elaborately detailed as some semi-detached pairs elsewhere in the Town, it has been individualised by the presence of some design elements such as the blind niches to the facade.

The place is considered to have *some representative and historic value* as a modestly sized dwelling built during the Gold Boom, as part of a cohesive series of houses facing Robertson Park. As such, the place meets the threshold for consideration under the Town's Policy - Heritage Management - Municipal Heritage Inventory, and it is recommended that the proposed demolition of the subject place be refused.

Overshadowing

The development proposal is considered to significantly impact upon the southern neighbour as overshadowing has been calculated at 88 per cent. This equates to 130.8 square metres of overshadowing on a 147 square metres lot. The extent of overshadowing proposed is not considered acceptable by the Town and therefore not supported.

Setbacks

The proposed setback variations affect all boundaries. The setback from the north boundary is 0 metre, which coincides with a boundary wall of a similar nature on the northern lot. The front setback also follows the same setback as the development to the north. These setbacks are not considered to cause undue impact to any adjoining owners or to the streetscape as there is already a precedence established on the lots immediately north. The variations of

most concern are the ones that affect the south neighbour. The south neighbour is considerably affected by a two storey parapet wall, which not only creates an overshadowing problem but is also considered to be visually over imposing. The proposed setback variations pertaining to the southern lot are not considered acceptable and therefore not supported.

Privacy Setbacks

The privacy setbacks pertaining to the east balcony and bedroom 2 face the front setback areas of the adjoining lots. These variations are considered to comply as the R Codes make specific reference to major openings "*...not to overlook any part of any other residential property behind its street setback line*".

The remaining variations to the privacy requirements are not considered acceptable. Compliance would be required via the application of screening to the Town's requirements. The variations are therefore not supported in this instance.

Open Space

The open space proposed is 28 per cent as opposed to 45 per cent as required. The shortfall in open space is considered to be excessive demanding an overdevelopment of a relatively small site. The degree of this variation results in disruption to the overall amenity of the immediate area. The open space variation proposed is therefore not considered acceptable and not supported.

Boundary Wall Development

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height and length of the boundary wall. In this instance, the proposed development involves a boundary wall on the west side boundary. Whilst it is a single storey wall, it occupies 92 per cent of the rear boundary due to the very narrow nature of the lot. The boundary wall only affects a small portion of the west affected lot as the wall abuts the side boundary of the west neighbour. The proposed boundary wall does represent a variation, but is not considered to pose undue impact upon the west affected neighbour.

Plot Ratio

The plot ratio of the development is proposed at 0.90. This is over the requirement by 0.25. A variation in plot ratio of this degree is not considered to be acceptable and indicates an over development of the site. The variation to plot ratio is therefore not supported.

In view of the above, it is recommended that the proposal be refused due to the nature and extent of variations involved.

10.1.1 Further Report - No. 484 (Lot 2) Beaufort Street, Highgate - Change of Use from Shop to Eating House and Residential, and Associated Alterations and Additions Involving Partial Demolition

Ward:	South	Date:	28 October 2003
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO1151; 00/33/1784
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Morison and R Luca on behalf of Benjamin Co Pty Ltd, for proposed change of use from shop to eating house and residential, and associated alterations and additions involving partial demolition at No. 484 (Lot 2) Beaufort Street, Highgate, and as shown on plans stamp dated 30 September 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (ii) prior to the occupation of the building for the proposed eating house use, a grant of easement or a legal agreement in favour of the Town shall be provided over the vehicle access and registered on the respective Certificate of Titles for No. 484 (Lot 2), No. 476 (Lot 1) Beaufort Street and Nos. 118-120 (Lot 4) Broome Street; OR alternatively, the applicant/owners shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to complete the grant of easement for access within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) subject to first obtaining the consent of the owners of No.476 (Lot 1) Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.476 (Lot 1) Beaufort Street, description of adjoining land in a good and clean condition;*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*

- (vii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (x) *doors and windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with these streets, including a minimum of 1.78 metres of the new building façade being active and visually permeable with the rest of the façade that is to be solid wall to incorporate architectural features;*
- (xi) *prior to the first occupation of the development, two (2) carbays (Nos. 2 & 3) are to be provided for the residential component of the development, and shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xiii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (xiv) *a road and verge security deposit bond and/or bank guarantee of \$1650 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xvi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvii) *the maximum floor space for the eating house shall be limited to 55 square metres of gross floor area; and*
- (xviii) *provision of adequate access for person's with disabilities in accordance with the relevant standards of the Building Code of Australia;*

to the satisfaction of the Chief Executive Officer;

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted subject to clauses (x) and (xii) being amended and a new clause (xix) being added as follows:

- "(x) doors and windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with these streets, including a ~~minimum of 1.78 metres of the new building façade being active and visually permeable with the rest of the façade that is to be solid wall to incorporate architectural features~~ a 2.56 metres solid bricked in facade as per option one(1), and this solid wall shall incorporate significant design features;*
- (xii) the car parking area(s) on the subject land shall be adequately lit in accordance with the Australian Standards, AS 1158.1, lighting categories C2 and C3 for open carbays, sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xix) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$3075 for the shortfall of 1.23 carbays based on the cost of \$2,500 per bay as set out in the Town's 2003/2004 Budget. Alternatively, if the carparking shortfall is reduced as a result of a greater number of carbays being provided or the carparking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in carparking requirements;"*

Debate ensued.

Cr Farrell departed the Chamber at 7.45pm.

Cr Farrell returned to the Chamber at 7.46pm.

Moved Cr Lake, Seconded Cr Farrell

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

- "(xx) no part of the residential component of the development is to be used for associated activities related to the commercial use on site."*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (6-1)

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

(Crs Franchina and Torre were apologies for the Meeting.)

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 D Morison and R Luca on behalf of Benjamin Co Pty Ltd, for proposed change of use from shop to eating house and residential, and associated alterations and additions involving partial demolition at No. 484 (Lot 2) Beaufort Street, Highgate, and as shown on plans stamp dated 30 September 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (ii) prior to the occupation of the building for the proposed eating house use, a grant of easement or a legal agreement in favour of the Town shall be provided over the vehicle access and registered on the respective Certificate of Titles for No. 484 (Lot 2), No. 476 (Lot 1) Beaufort Street and Nos. 118-120 (Lot 4) Broome Street; OR alternatively, the applicant/owners shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to complete the grant of easement for access within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) subject to first obtaining the consent of the owners of No.476 (Lot 1) Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.476 (Lot 1) Beaufort Street, description of adjoining land in a good and clean condition;*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (vii) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking;*
- (viii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (x) *doors and windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with these streets, including a 2.56 metres solid bricked in facade as per option one(1), and this solid wall shall incorporate significant design features;*
- (xi) *prior to the first occupation of the development, two (2) carbays (Nos. 2 & 3) are to be provided for the residential component of the development, and shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xii) *the car parking area(s) on the subject land shall be adequately lit in accordance with the Australian Standards, AS 1158.1, lighting categories C2 and C3 for open carbays, sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xiii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (xiv) *a road and verge security deposit bond and/or bank guarantee of \$1650 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xvi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvii) *the maximum floor space for the eating house shall be limited to 55 square metres of gross floor area;*
- (xviii) *provision of adequate access for person's with disabilities in accordance with the relevant standards of the Building Code of Australia;*
- (xix) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$3075 for the shortfall of 1.23 carbays based on the cost of \$2,500 per bay as set out in the Town's 2003/2004 Budget. Alternatively, if the carparking shortfall is reduced as a result of a greater number of carbays being provided or the carparking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in carparking requirements; and*
- (xx) *no part of the residential component of the development is to be used for associated activities related to the commercial use on site.*

to the satisfaction of the Chief Executive Officer;

FURTHER REPORT 4 NOVEMBER 2003:

The Car Parking Table has been further assessed in terms of the adjustment factors relating to previous car parking shortfall as per the Town's Policy relating to Parking and Access, and revised as follows:

Commercial Car Parking Requirements

Requirements as per Parking and Access Policy	Required No. of Carbays
Eating House (restaurant): 1 carbay per 4.5 square metres of gross floor area (proposed 55 square metres)	12.22 carbays
Total carparking required before adjustment factor (nearest whole number)	12 carbays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) 	(0.646) 7.752 carbays
Minus the carparking provided on site for commercial component	4 carbays
Minus the carparking shortfall currently applying to site <u>(after taking into account relevant adjustment factors)</u> i.e. $7.0 \text{ carbays} \times 0.646 = 4.522$ carbays <u>Previously, 2 carbays provided for commercial component, resulting in an existing surplus of 2.522 carbays.</u>	5.3 <u>2.522</u> carbays
Resultant surplus <u>shortfall</u>	1.548 <u>1.23</u> carbays

On the above basis, there is a car parking shortfall and the above cash-in-lieu clause/condition (xix) should be applied accordingly.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 7 October 2003 considered the subject development application, and resolved that *“the Item be Deferred to consider parking issues and cash-in-lieu requirements”*.

The applicant has submitted the following additional information (attached), which is summarised, in support of their proposal and also addressing the matters raised by Council on 7 October 2003.

- Under Option 2 of the carparking layout, 6 carbays can be provided.
- Applicants have negotiated with the owners and lessee of the convenience/liquor store at No.488 Beaufort Street use of carbays on that site given the current peak demands for carparking being in the evenings and Sundays. Both parties have agreed to finalise this arrangement (attached) for a period of 1 year, which may be extended. At least 8 additional carbays can be provided under this arrangement.
- Applicants have advised the Town's Technical Services that the owners of 3 vacant lots along Broome Street directly behind the subject site are prepared to negotiate with the Town the possibility of sale/lease of their land for purposes of providing additional carparking.

- Applicants are prepared to pay cash-in-lieu for the shortfall in carparking.
- Provision of additional employment opportunities for the local residents, and would encourage the use of alternative means of transport for employees.
- Prepared to liaise with local residents, Councillors, Precinct Groups regarding the parking issue.
- An access management strategy will be developed to encourage patrons to consider using alternative transport such as taxi services, with free taxi call services for patrons. Look into the possibility of liaising with specific taxi drivers to offer a dedicated service for both arrival and departure if required.
- A website for transport and parking alternatives will be developed.
- Proposal will make a positive contribution to the community, a step forward in seeking from business, a concerted and innovative means of addressing the concerns regarding the issue of parking and alternative transport, and that Councillors consider the above matters.

Advice from the Town's Law and Order Services is that there are no plans for any additional fee paying carparks in the vicinity of the above site.

The Town's Technical Services have advised that under the 2003/2004 Budget, there is provision to construct approximately 30 carbays along Stirling Street between Broome and Harold Streets.

The carparking approved for the above site to date are indicated in the Tables below for comparison with the current carparking requirements.

Existing carparking requirements applying to the shop and residence at the above site:

Use	Required	Proposed
Residential	2 carbays	-
Commercial	7.3 carbays	4 carbays in total
Shortfall	5.3 carbays	

Carparking approved by Council in 1999 for an eating house:

Use	Required	Proposed
Residential	1 carbay	1 carbay
Commercial	16.1 carbays	4 carbays
Shortfall	12.1 carbays	

In terms of the parking agreement between the applicant and the owners/lessee of No.488 Beaufort Street, the carparking demands can change if deregulation were approved by the State Government in the near future. The option 2 carparking layout, which proposes 6 carparking spaces is considered acceptable, of which two (2) carbays are provided for the residential component and four (4) carbays are proposed for the commercial component. The carparking table is adjusted to reflect the Town's Parking and Access Policy, as follows:

Commercial Car Parking Requirements

Requirements as per Parking and Access Policy	Required No. of Carbays
Eating House (restaurant): 1 carbay per 4.5 square metres of gross floor area (proposed 55 square metres)	12.22 carbays
Total carparking required before adjustment factor (nearest whole number)	12 carbays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) 	(0.646) 7.752carbays
Minus the carparking provided on site for commercial component	4 carbays
Minus the carparking shortfall currently applying to site	5.3 carbays
Resultant surplus	1.548 carbays

The revised carparking Table indicates that there is a surplus of 1.548 carbays for the site. After taking into account the various factors in accordance with the Parking and Access Policy, including the current car parking shortfall for the existing development.

Summary

From the above additional information submitted by the applicant, it can be seen that the applicant has proposed various genuine initiatives to further reduce the impact on carparking demands as a result of the proposed development. In light of the above, the carparking provided onsite is considered acceptable.

The proposal is supported as is not considered to unreasonably affect the amenity of the adjacent or surrounding properties, including the shortfall in carparking. Therefore the previous Officer's Recommendation for conditional approval remains unchanged, except for previous clause/condition (x) being amended to state "minimum" rather than "maximum".

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 7 October 2003.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Morison and R Luca on behalf of Benjamin Co Pty Ltd, for proposed change of use from shop to eating house and residential, and associated alterations and additions involving partial demolition at No. 484 (Lot 2) Beaufort Street, Highgate, and as shown on plans stamp dated 30 September 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
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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 complete the grant of easement for access within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

- (iii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) subject to first obtaining the consent of the owners of No.476 (Lot 1) Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.476 (Lot 1) Beaufort Street, description of adjoining land in a good and clean condition;*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (vii) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (viii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (x) doors and windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with these streets, including a maximum of 1.78 metres of the new building façade being active and visually permeable with the rest of the façade that is to be solid wall to incorporate architectural features;*
- (xi) prior to the first occupation of the development, two (2) carbays (Nos. 2 & 3) are to be provided for the residential component of the development, and shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xiii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (xiv) a road and verge security deposit bond and/or bank guarantee of \$1650 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xv) the construction of crossovers shall be in accordance with the Town's specifications;*

- (xvi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
 - (xvii) *the maximum floor space for the eating house shall be limited to 55 square metres of gross floor area; and*
 - (xviii) *provision of adequate access for person's with disabilities in accordance with the relevant standards of the Building Code of Australia;*
- to the satisfaction of the Chief Executive Officer;*

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Lake, Seconded Cr Farrell

That the Item be DEFERRED to consider parking issues and cash-in-lieu requirements.

CARRIED (7-0)

(Cr Ker was an apology for the meeting.)

FURTHER REPORT:

Carparking

The carparking required for the commercial component after the adjustment factor has been calculated is 7.752 carbays. Provided on-site is 3 carbays for the commercial component, resulting in a shortfall of 4.752 carbays. If cash in lieu was to be calculated, it would be based on \$2500 per carbay or pro rata, resulting in cash in lieu payment of \$11,880 (\$2,500x 4.752 carbays).

Cash in lieu has not been recommended as the shortfall is less than the current shortfall affecting the site, as per the agenda report.

The carpark used for the adjustment factor is the Barlee Street fee paying carpark, which has 46 carbays (inclusive of one disabled carbay) and is adjusted as below. The adjustment factor used in the Carparking Table is 0.95, which is based on more than 25 carbays. The distance from the carpark to the subject site at No. 484 Beaufort Street is approximately 320 metres.

Commercial Car Parking Requirements

<i>Requirements as per Parking and Access Policy</i>	<i>Required No. of Carbays</i>
<i>Eating House (restaurant): 1 carbay per 4.5 square metres of gross floor area (proposed 55 square metres)</i>	<i>12.22 carbays</i>
<i>Total carparking required before adjustment factor (nearest whole number)</i>	<i>12 carbays</i>
<i>Apply the parking adjustment factors.</i>	<i>(0.646)</i>
<ul style="list-style-type: none"> ▪ <i>0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</i> ▪ <i>0.85 (within 400 metres of a bus stop)</i> ▪ <i>0.95 (within 400 metres of one or more public car parks in excess of 50 25 spaces)</i> 	<i>7.752 carbays</i>

<i>Requirements as per Parking and Access Policy</i>	<i>Required No. of Carbays</i>
<i>Carparking provided on site for commercial component</i>	<i>3 carbays</i>
<i>Resultant shortfall</i>	<i>4.752 carbays</i>

Facade

The Mount Lawley Centre Precinct (P11) states that facades along the Beaufort Street alignment should have continuous interactive fronts between Harold and Chatsworth Streets. On the above basis, the proposal has been assessed in terms of the Town's Policy relating to Security Roller Shutters and Grilles on Non-Residential Buildings. One of the objectives of the policy is "to ensure that facades of non-residential buildings facing the streets provide ground level surveillance, an active and visually permeable interface, and commercial exposure and visual amenity both during and outside of normal business hours."

LANDOWNER: Benjamin Co Pty Ltd
APPLICANT: D Morison and R Luca
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Commercial
EXISTING LAND USE: Vacant (Previously shop ground floor and residence on upper floor)

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Town's Policy relating to Security Roller Shutters and Grilles on Non-Residential Buildings</i>	<i>Permeable interface at street level</i>	<i>Partly permeable and partly bricked up wall.</i>

<i>Use Class</i>	<i>Eating house and residential dwelling</i>
<i>Use Classification</i>	<i>P & AA</i>
<i>Lot Area</i>	<i>501 square metres.</i>

SITE HISTORY:

The above site is located along Beaufort Street and is zoned Commercial. The site is currently vacant and was last used as a shop on the ground floor and as a residence on the upper floor.

12 April 1999 At its Ordinary Meeting, the Council approved the change of use of the vacant ground floor tenancy to an eating house subject to conditions.

DETAILS:

The information provided by the applicant (attached) in support of the proposal is summarised as follows:

- The applicant seeks approval for the part demolition of existing building and increasing the ground floor space to accommodate the eating house. There are to be six (6) employees including the applicant who intends to live on the upper floor. The times of operation are Tuesday to Sunday from 9am to 12 pm. All alterations will be in keeping with the original character of the building. A non-objection submission has been included with the submission from the adjoining owners to the south in relation to the parapet wall and the use of the rear of their property for access rights.*

- *Option 1 is the preferred option over option 2 as per the attachment. The applicants have advised that similar type front walls have been built for the "Must Wine Bar" at No. 519 Beaufort Street and at another development at No. 446 Beaufort Street.*

CONSULTATION/ADVERTISING:

The proposal was advertised for 14 days. One submission (objection) was received at the close of the advertising period. The resident who had made the submission is not one of the adjoining landowners advised of the proposal during the advertising period. The main concerns raised in the submission are summarised as follows:

- *Shortfall in carparking. The current proposal would be creating extra demand for carparking, and the area is experiencing a carparking shortage.*
- *If the 5 carbays proposed is for customers, there should be adequate signage on Broome Street indicating parking availability.*
- *The previous shortfall of 12 carbays should be based on a bookshop and not a cafe as approved in 1999, but not acted upon.*
- *The issue of the bricked up window where the kitchen is located. Should try and have as much interaction as possible. Even thick curtains or frosted glass would be better than the brick wall.*

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

LEGAL/POLICY:

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

COMMENTS:

The site falls within the Mount Lawley Centre Precinct. The Policy relating to the Mount Lawley Centre Precinct includes the re-use of buildings contributing to the character of the locality is to be encouraged, and that new development is to be complementary.

Commercial Car Parking Requirements

<i>Requirements as per Parking and Access Policy</i>	<i>Required No. of Carbays</i>
<i>Eating House (restaurant): 1 carbay per 4.5 square metres of gross floor area (proposed 55 square metres).</i>	<i>12.22 carbays</i>
<i>Total carparking required before adjustment factor (nearest whole number)</i>	<i>12 carbays</i>
<i>Apply the parking adjustment factors.</i>	<i>(0.646)</i>
<ul style="list-style-type: none"> ▪ <i>0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</i> ▪ <i>0.85 (within 400 metres of a bus stop)</i> ▪ <i>0.95 (within 400 metres of one or more public car parks in excess of 50 spaces)</i> 	<i>7.752 carbays</i>
<i>Carparking provided on site for commercial component</i>	<i>3 carbays</i>
<i>Resultant shortfall</i>	<i>4.752 carbays</i>

Residential Carparking and Access

Two (2) carbays are to be provided for the residence. A total of 5 carbays have been provided for the entire development, therefore resulting in shortfall of 4.752 carbays for the commercial component.

The current carparking provided for the shop and residence is 4 carbays in lieu of 9.3 carbays resulting in an existing shortfall of 5.3 carbays. In 1999, the Council approved an eating house at the above site which was not acted upon where 5 carparking spaces (one for the residential and 4 for the commercial component), were provided in lieu of 16.1 carbays which resulted in a shortfall of 12.1 carbays.

There are 17 carbays provided along Broome Street and a further 46 carbays being provided at the fee paying "Barlee Street" public carpark along Beaufort Street. This carpark is approximately 320 metres to the subject site. While there is a shortfall in carparking experienced in the general area due to the numerous eating outlets in the vicinity during particular hours of the day, the resultant shortfall is not greater than the current shortfall affecting the site. It is considered that the proposed shortfall is acceptable and can be supported.

The applicant has advised that adequate access is to be provided for access for people with disabilities from the carbay at the rear of the subject site via Broome Street to the front of the building. Direct access through the building is not achievable due to the layout of the building including the configuration of the residential component of the development (attached).

Due to the scale of the proposed development, no bicycle facilities are required to be provided pursuant to the Town's Policy relating to Parking and Access.

Access to the rear of the site is via the rear of the adjoining lot to the south (Lot 1) and Lot 4 along Broome Street. In order to protect the access, a Grant of Easement or a legal agreement in favour of the Town is required over the vehicle accessway for reciprocal right of access. The applicant has had verbal and written agreement from the owner's of Lot 1 Beaufort Street, for the preparation of the above legal agreement. An appropriate condition is recommended to this effect. Lot 4 Broome Street is owned by the same owner of this development proposal.

Facade

The proposal has been assessed in terms of the Town's Policy relating to Security Roller Shutters and Grilles on Non-Residential Buildings. One of the objectives of the policy is "to ensure that facades of non-residential buildings facing the streets provide ground level surveillance, an active and visually permeable interface, and commercial exposure and visual amenity both during and outside of normal business hours."

The applicant has submitted their preferred Option (1), which indicates a glass window 1 metre in width and rendered brick wall which is 2.56 metres in width for the new building façade. The existing facade is mostly glass.

Option (2) proposes 1.78 metres width of glass window and 1.78 metres width of rendered brick wall. Due to the location of the kitchen at the front of the building, and partly due to the layout of the existing shop and the residence, option (2) is considered a more acceptable and reasonable design proposal in the context of the above policy and is supported rather than option (1).

It is to be noted that the above site is opposite Nos. 475-481 Beaufort Street, which is the Highgate Lottery Centre and News where the Town is currently defending an appeal for the retention of an unauthorised roller door, which is contrary to the above policy.

Overshadowing

Not applicable as the upper floor is an existing building.

Demolition

The buildings at the above site are not listed on the Town of Vincent's Municipal Heritage Inventory, and as such, demolition is supported to accommodate the above proposal.

Summary

The proposal is supported as is not considered to unreasonably affect the amenity of the adjacent or surrounding properties, including the shortfall in carparking. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters due to the nature of the development."

10.2.1 Robertson Park Improvement Plan

Ward:	South	Date:	29 September 2003
Precinct:	Hyde Park, P12	File Ref:	PRO0692
Attachments:	001:		
Reporting Officer(s):	J. van den Bok, R Lotznicher, H. Eames;		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Robertson Park Improvement Plan;*
- (ii) *APPROVES the works as outlined on the attached Plan Nos 2176-LS-2 and A4-2176-LS-3 which have been updated to incorporate (where practical) comments received from respondents during the community consultation process and the Robertson park Working Group, subject to;*
 - (a) *ensuring that no works are carried out in the Cathedral Section of the Park until additional information has been provided to the Heritage Council of W.A.;*
 - (b) *ensuring the proposal complies with all conditions specified by the Heritage Council of W.A. in its correspondence to the Town dated 22 October 2003, and the Department of Indigenous Affairs, including but not limited to the preparation and implementation of an archaeological watching brief;*
- (iii) *considers some of the relevant suggestions for further improvements in the park, as outlined in the report, during the 2004/2005 budget deliberations;*
- (iv) *expresses its appreciation to all respondents including the Claisebrook Catchment Group and members of the Robertson Park Working Group for their valued input in the development of the improvement plan;*
- (v) *AUTHORISES the Executive Manager Technical Services to make minor variations to the plan which may arise during the implementation of the works; and*
- (vi) *ADVISES respondents that the current status of the dog exercise area will remain unchanged (given its significance as a "free" exercise area for dogs and the lack of alternative free exercise areas in the vicinity).*

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted subject to clause (iii) being amended and new clauses (vii) and (viii) being added as follows:

- "(iii) *considers ~~some of the relevant~~ the following suggestions for further improvements in the park, as ~~outlined in the report requested by members of the community,~~ estimated to cost in the order of \$114,500, during the 2004/2005 budget process:*
 - (a) *Boardwalk through seasonal dampland \$25,000*
 - (b) *Reticulation – grass tennis courts \$22,000*
 - (c) *Palmerston Street driveway (close off and build dual use path) \$15,000*
 - (d) *Gazebo \$12,000*
 - (e) *Lee Hops Cottage (restoration works at rear of cottage) \$10,000*

<i>(f) Barbeque</i>	<i>\$10,000</i>
<i>(g) Tennis hit-up wall</i>	<i>\$8,000</i>
<i>(h) Half basketball court</i>	<i>\$6,500</i>
<i>(i) Root barrier (along eastern edge of tennis courts)</i>	<i>\$3,500</i>
<i>(j) Park signage (Ivy Park design)</i>	<i>\$2,500</i>

(vii) increases the lease area for the two (2) rows of grass courts by up to 1.2m at the Fitzgerald St end if the Chief Executive Officer is satisfied that the extra land is required to allow the rotation of courts; and

(viii) fences off a total area of 225 m² at the rear (east) of Lee Hops cottage, which has been identified as having considerable archaeological significance (G Nayton, 2000), to protect surface features during the entire period of construction within the park."

Cr Doran-Wu departed the Chamber at 8.03pm.

Cr Doran-Wu returned to the Chamber at 8.05pm.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) receives the report on the Robertson Park Improvement Plan;*
- (ii) APPROVES the works as outlined on the attached Plan Nos 2176-LS-2 and A4-2176-LS-3 which have been updated to incorporate (where practical) comments received from respondents during the community consultation process and the Robertson park Working Group, subject to;*
- (a) ensuring that no works are carried out in the Cathedral Section of the Park until additional information has been provided to the Heritage Council of W.A.;*
 - (b) ensuring the proposal complies with all conditions specified by the Heritage Council of W.A. in its correspondence to the Town dated 22 October 2003, and the Department of Indigenous Affairs, including but not limited to the preparation and implementation of an archaeological watching brief;*
- (iii) considers the following suggestions for further improvements in the park, as requested by members of the community, estimated to cost in the order of \$114,500, during the 2004/2005 budget process:*
- | | |
|---|-----------------|
| <i>(a) Boardwalk through seasonal dampland</i> | <i>\$25,000</i> |
| <i>(b) Reticulation – grass tennis courts</i> | <i>\$22,000</i> |
| <i>(c) Palmerston Street driveway (close off and build dual use path)</i> | <i>\$15,000</i> |
| <i>(d) Gazebo</i> | <i>\$12,000</i> |
| <i>(e) Lee Hops Cottage (restoration works at rear of cottage)</i> | <i>\$10,000</i> |
| <i>(f) Barbeque</i> | <i>\$10,000</i> |
| <i>(g) Tennis hit-up wall</i> | <i>\$8,000</i> |
| <i>(h) Half basketball court</i> | <i>\$6,500</i> |
| <i>(i) Root barrier (along eastern edge of tennis courts)</i> | <i>\$3,500</i> |
| <i>(j) Park signage (Ivy Park design)</i> | <i>\$2,500</i> |

- (iv) *expresses its appreciation to all respondents including the Claisebrook Catchment Group and members of the Robertson Park Working Group for their valued input in the development of the improvement plan;*
 - (v) *AUTHORISES the Executive Manager Technical Services to make minor variations to the plan which may arise during the implementation of the works;*
 - (vi) *ADVISES respondents that the current status of the dog exercise area will remain unchanged (given its significance as a "free" exercise area for dogs and the lack of alternative free exercise areas in the vicinity);*
 - (vii) *increases the lease area for the two (2) rows of grass courts by up to 1.2m at the Fitzgerald St end if the Chief Executive Officer is satisfied that the extra land is required to allow the rotation of courts; and*
 - (viii) *fences off a total area of 225 m² at the rear (east) of Lee Hops cottage, which has been identified as having considerable archaeological significance (G Nayton, 2000), to protect surface features during the entire period of construction within the park.*
-

BACKGROUND:

At the Ordinary Meeting of Council held on 22 July 2003, the updated Robertson Park Improvement Plan was presented to the Council, where it was resolved:

"That;

- (i) *the Council receives the report on the updated Robertson Park Improvement Plan;*
- (ii) *the Council adopts the updated Robertson Park Improvement Plan as shown on attached Plan Nos 2176-LS-1, which incorporates the proposed water feature and improvements to Stuart Street including minor layout changes to the park, and advertises the plan for a period of 28 days inviting written submissions from the public;*
- (iii) *the Council refers the proposed plan to the Heritage Council of Western Australia as part of the proposed consultation process;*
- (iv) *the Council complies with statutory heritage conditions as required by the Department of Indigenous Affairs and the Heritage Council of Western Australia;*
- (v) *the Council gives consideration to the recommendations of Aboriginal stakeholders contained in the Ethnographic Survey of Robertson Park dated October 2000, including but not limited to the recommendations for the recreation of the proposed wetland habitat;*
- (vi) *the Council receives a further report at the conclusion of the consultation period and once a response has been received from the Heritage Council of Western Australia, and considers any submissions received; and*
- (vii) *recognition and consideration be given that future attention will be required to details of ancillary relics relating to Lee Hops Cottage."*

Subsequently in accordance with the Council's resolution, the updated improvement proposal for Robertson Park was widely advertised as follows:

- Local newspapers
- Town of Vincent website
- Town of Vincent Library, Administration and Civic Centre
- Precinct and Community Groups
- Surrounding residents bounded by Charles Street, Newcastle Street, Lake Street and Bulwer Street.
- Owner of 'former' Bottle yard sub division.

A copy of the plan was also forwarded to the Heritage Council of WA (HCWA) for assessment and comment.

DETAILS:

The Robertson Park Improvement Plan was advertised for public comment for a period of twenty-eight (28) days, closing on 5 September 2003.

At the close of the consultation period, a total of thirty-two (32) submissions had been received. The various comments received were assessed and have been summarised into specific areas as follows:

Wetland/Seasonal Dampland

- | | |
|--|-------------|
| 1. Boardwalks are an excellent addition and should continue right across wetland rather than terminate in the centre as indicated on the concept plan. | 1 response |
| 2. Concerned on the long-term impact wetland will have on dog owners | 1 response |
| 3. There should be no lake at all | 2 responses |
| 4. Lake would bring mosquitos | 1 response |

Officers' Comments:

- 1) *This comment is noted and will be considered when the boardwalk is progressed. There is no funding for construction of this item within the current budget.*
- 2) *The current status of the park (dog exercise area) will remain and there are no plans for change, given its significance as a "free" area for dogs and the lack of alternative "free" areas within the vicinity.*
- 3) *There will not be a permanent lake at this site. It is envisaged that very little, if any water will remain on a permanent basis and a pool of water will only be evident after periods of consistent rainfall.*
- 4) *Research into the affect mosquito's may have in respect to the construction of the wetland is currently being undertaken. The Town receives very few if any complaints regarding mosquitos around Hyde Park and this is not likely to be a major issue with the construction of a seasonal dampland that will be designed following careful research and planning.*

Dog Exercise Area

- | | |
|--|-------------|
| 1. Robertson Park should always remain a free exercise area | 7 responses |
| 2. Provision of dog trough/bowl | 7 responses |
| 3. Provision of dog bins/bags | 3 responses |
| 4. Concerned that existing dog exercise area is being reduced with the addition of paths/plantings | 1 response |

Officers' Comments:

- 1) *The current status of the park (dog exercise area) will remain and there are no plans for change, given its significance as a "free exercise" area for dogs and the lack of alternative "free exercise" areas within the vicinity.*
- 2) *This is an excellent idea and will be incorporated into the final design and budget.*
- 3) *Again this suggestion is most appropriate and these items will be included and located in a suitable location(s) around the reserve.*
- 4) *While the inclusion of paths and flowerbeds may restrict access across certain areas, the majority of the space is still useable. Some existing areas are being opened up with the removal of trees, car parks and fences and additional open space will be provided along the Stuart Street frontage.*

Fencing

- | | |
|--|-------------|
| 1. Fitzgerald Street fencing should remain | 3 responses |
| 2. Include fencing around wetland | 4 responses |
| 3. All perimeter fences should be retained | 5 responses |
| 4. Existing fencing requires upgrading | 3 responses |

Officers' Comments:

- 1) *The existing 1.2metre fence along Fitzgerald Street is in poor condition and should be removed and/or replaced. Costs for additional fencing has not been allowed for within the initial budget. It has been suggested that this fence should remain to keep dogs and children from running onto Fitzgerald Street. It should be noted that there are other parks in similar situations, where dog exercise areas exist close to busy roads. eg. Forrest Park. The playground area where children congregate is proposed to be relocated some 30 metres from where it currently exists away from the road and car park. The exercising of dogs is mostly restricted to the larger open area of grass between the proposed seasonal wetland and Halvorsen Hall and the slope leading up to Fitzgerald Street is a "natural barrier" for running dogs and children. It is proposed to remove the fence along Fitzgerald Street and the situation be monitored.*
- 2) *This has not been included in the current budget, however issues with dogs and the wetland area will be monitored.*
- 3) *The Council has previously supported and encouraged the removal of fencing from reserves during their redevelopment. Reserves were previously fenced to deter motor vehicles (a common problem, particularly in the 1980's) from causing excessive amounts of vandalism. Hyde Park is a typical example of a reserve located adjacent to busy roads where the lack of fencing has not been an issue. The Robertson Park working group has recommended that all fences be removed and the situation monitored and should there be a future need for fencing the matter can be included in future budgets.*
- 4) *Refer note above notes 1 and 3 above.*

Pathways/Entry Statement

- | | |
|---|-------------|
| 1. Construct paths using crushed limestone | 3 responses |
| 2. Paths should be kept to a minimum | 2 responses |
| 3. Paths are too intrusive | 2 responses |
| 4. Path width to be only 1.5m | 1 response |
| 5. Additional path required from Brisbane St across to Palmerston St | 2 response |
| 6. Path to/from Halvorsen Hall should be deleted and east/west path moved closer to Carpark to provide a larger area of open space | 2 response |
| 7. Path along Fitzgerald St should continue on from where it currently terminates using crushed limestone up to the corner of Randall St | 1 response |
| 8. Pathway network is 'overkill' and should be drastically reduced | 1 response |
| 9. Path in south-west corner is not required and slices up the park | 1 response |
| 10. Entrance steps/retaining wall at Fitzgerald St/Stuart St to be retained | 1 response |
| 11. Paths should link all of the park features | 1 response |
| 12. Opposes path adjacent to tennis courts along Fitzgerald street as it crosses the car park and an area that is currently used for storage of soil. | 1 response |

Officers' Comments:

- 1) *It is envisaged that as the path network through Robertson Park will be extensively used the use of crushed limestone will not stand up to the wear and tear. Safety of patrons using the park and facilities is paramount and therefore this type of application was not considered appropriate in this particular location as it would be high maintenance and a safety issue.*
- 2) *The proposed paths leading from each corner of the park feed to the central feature garden and walkway. They balance the design and "weld" together the otherwise fragmented pieces of the landscape.*
- 3) *Comments as per (2) above.*
- 4) *All paths through reserves within the Town are 2.5 metres wide as they provide a dual use for pedestrians, cyclists and other users and therefore this width should remain consistent through Robertson Park.*
- 5) *This comment is not supported as a path across this area of the park is not considered necessary.*
- 6) *This comment was discussed at length by the working group and it was considered that a path was required to provide access to Halvorsen Hall. It was decided that the path should remain, but be constructed in brick paving rather than red asphalt. The working group also considered that paths do not necessarily breakup areas of open space, but assist in linking areas together. Therefore, all paths, other than the path to Lee Hops cottage should remain.*

- 7) *The entire section of pathways adjacent to the tennis courts along Fitzgerald Street has been redesigned. Initially there were 2 paths at this location (the existing concrete path and the proposed path) and a safety issue was identified at the entrance to the car park. A single path has now been included along this entire length of the park and it will be constructed of red asphalt up to the corner of Fitzgerald and Randall Street. It is proposed that the new path at the entrance to the carpark will now be relocated to the west of the existing tree and will also link up with the existing paths along Fitzgerald Street and across from Cowle Street.*
- 8) *Comments as per (2) above.*
- 9) *Comments as per (2) above.*
- 10) *This comment is noted and the entrance and retaining wall will now be included and the design amended accordingly.*
- 11) *Comments as per (2) above.*
- 12) *The issue identified at the crossing point of the carpark has been noted and has now been redesigned as noted in (7) above. All activities associated with the Veterans Tennis Club will now have to be contained within their leased area, including areas for the collection of rubbish, soil and grass clippings*

Central Feature Garden/Walkway

1. Too formal and too straight. This is predominately an informal park 5 responses

Officers' Comments:

- 1) *It is considered the central avenue of trees and feature garden are the primary element that give the park:*
 - *Clarity or legibility. The four corner paths feed to this central area. This is an overall structure that is very easy to understand and welds together the otherwise fragmented pieces of landscape that have been inherited.*
 - *An identity. The existing line of ironbark tree species, at this location, is a strong element in the park that is worth making good use of. Repeating and extending this theme and directing park users through the middle of this area will create a very stirring and beautiful experience. Particularly with the two existing large Port Jackson figs symmetrically placed to finish the western end of the avenue.*
 - *Some resolution. The iron barks and Port Jackson figs will merely "float" without some related structure. It will also make the similarly structured adjacent open lawn space with its Norfolk island pines and connecting trees more grounded.*
 - *Historic reflection. The maintenance of some areas of historic structure set amongst the less structured surrounding park will highlight these historic elements. The central avenue will also maintain some reflection of the former car park that it replaces, which although not at all loved by residents, it is none the less part of its history and the reason the ironbarks were previously planted.*

Trees/Shrubs

- | | |
|---|-------------|
| 1. Liquid Ambers along Fitzgerald St to be replaced with Melaleucas or Paperbarks | 8 responses |
| 2. Species diversity around wetland is too low | 1 response |
| 3. Support planting of Liquid Ambers | 2 responses |
| 4. Avenue of Ironbarks is 'gloomy' and not in keeping with wetland species | 2 responses |
| 5. Plant natives | 3 responses |
| 6. No more Moreton Bay figs | 1 response |
| 7. Retain the old Mulberry tree | 1 response |
| 8. Plant natives along edges of pathways | 1 response |
| 9. New plantings to be established to maintain mature heights below 600mm or above 2 metres | 1 response |

Officers' Comments:

- 1) *Following assessment of the comments received during the consultation process, it is considered that the proposed Liquidambers be replaced with the swamp paperbark (Melaleuca quinquinervia).*
- 2) *This issue matter will be addressed and further advice will be sought from the Perth Biodiversity Project staff prior to the sourcing and planting of species.*
- 3) *Comments as per (1) above.*
- 4) *While the ironbarks are not a W.A. native species, there is an avenue of existing ironbarks that if retained, will "float" within the landscape and serve no real purpose. Ironbarks are a very attractive tree and will provide a significant feature along the central axis path.*
- 5) *The majority of plants proposed to be included within the park are W.A. native species.*
- 6) *There are various Port Jackson figs being removed, as they provide little amenity value in their current poor condition. To balance the area from which they are being removed, two (2) Moreton Bay figs are proposed to be planted. This area of the park consists of mainly exotic species and it is considered this theme should be retained.*
- 7) *The mulberry tree should be retained, however its life will be short in its current location and transplanting will possibly result in its demise. Propagation of the tree is currently being undertaken in view that a new specimen can be planted at some future point in time.*
- 8) *Where appropriate plantings have been included along paths. Native species will be used as understorey plantings under existing and proposed native trees. In other areas that are heavily shaded, exotic species will be used that will blend in with the native theme which is the dominant theme throughout the park.*
- 9) *Comment is noted and will be addressed when sourcing and planting of areas as identified in the concept plan.*

Playground

- | | |
|---|-------------|
| 1. Provision for water/drinking fountain | 4 responses |
| 2. Relocate playground adjacent to tennis courts near Carpark - as existing | 5 responses |
| 3. Retain two (2) playgrounds | 1 response |
| 4. Provision of half basketball court | 1 response |
| 5. Provision of fencing around playground | 1 response |
| 6. Provision of tennis hit-up wall | 1 response |
| 7. Location of playground is too close to dog exercise area | 1 response |

Officers' Comments:

- 1) *This is an excellent idea and will be incorporated into the final design and budget.*
- 2) *It was resolved that the playground would be relocated away from the car park for safety reasons and due to the fact that the new rubber surfaced playground would not be appropriate located under Queensland Box trees with their numerous small and sharp fruits. While this issue was commented on as being an acceptable practice, this is definitely not the case and should a rubber surfaced playground be located under Queensland Box trees, only children with shoes will be able to access the area safely.*
- 3) *There are many interesting and upgraded playgrounds located within close proximity to Robertson Park and the retention of two (2) playgrounds is not considered necessary.*
- 4) *This idea is noted and while not part of the original concept will be listed for consideration as part of the Town's 2004/05 draft budget deliberations.*
- 5) *While Robertson park is a dog exercise area, fencing of the playground has not been required in the past and is therefore not considered necessary at this point in time. However, this will be monitored and if required can be included for consideration in future budgets.*
- 6) *Comments as per (4) above.*
- 7) *Existing locations of playgrounds are within a dog exercise area. The new playground location is somewhat protected by the grove of trees to the north and the central axis garden to the south.*

Lighting Fixtures

- | | |
|--|------------|
| 1. Concerned at lack of lighting along Stuart St | 1 response |
| 2. Increase lighting in park | 1 response |
| 3. Use of a more ornate or stepped pole is preferred or alternative a cheaper style of light | 1 response |

Officers' Comments:

- 1) *This matter will be investigated and additional lighting considered if required.*
- 2) *An additional thirty (30) Thorn "Urbi" lights will be installed throughout the park.*
- 3) *The Town has previously resolved to adopt the Thorn "Urbi" light as the lighting fixture to be installed in all future park upgrades. It is acknowledged that a more ornate looking pole would be more effective, however the budget allocation does not allow for the increased cost of up to \$15,000.00 for light poles.*

Seating

- | | | |
|----|----------------------------|-------------|
| 1. | Install seats in 'U' shape | 7 responses |
| 2. | Seating: Aluminium | 8 responses |
| | Recycled Plastic | 7 responses |
| | Jarrah | 2 responses |
| | Aluminium/jarrah | 2 responses |

Officers' Comments:

- 1) *The seating concept has already been included in the plan and additional areas will be included where this seating design is appropriate.*
- 2) *Following assessment of the comments received, it is recommended that the aluminium seating be installed within Robertson Park.*

Litter Bins

- | | | |
|----|--|------------|
| 1. | Bins to be located near entrances to park | 1 response |
| 2. | Locate bin enclosure for tennis courts away from public places | 1 response |

Officers' Comments:

- 1) *This comment is noted and will be addressed when installation of park furniture is progressed.*
- 2) *This issue is noted and will be raised with members of the Veteran's Tennis Club. A dedicated enclosure for their rubbish may have to be constructed and considered in future budgets*

Public Toilets

- | | | |
|----|------------------|------------|
| 1. | Must remain open | 1 response |
|----|------------------|------------|

Officers' Comments:

- 1) *The public toilets at Robertson Park have been closed for some years as excessive amounts of vandalism and undesirable behaviour was occurring in what was a very dark area of the park. Upon completion of the park improvement works and with the additional lighting, the toilets will be opened for use by the public.*

Signage

- | | | |
|----|--|------------|
| 1. | Co-name Robertson Park | 1 response |
| 2. | Signage to clearly show both names for the park | 1 response |
| 3. | Use signage similar to 'Ivy Park' including the year the park was originally established | 1 response |

Officers' Comments:

- 1) *It is proposed to ultimately co-name all Parks and Reserves within the Town of Vincent that have had a past aboriginal name.*
- 2) *Noted and will be addressed when current co-naming issues are resolved.*
- 3) *This comment is noted and will be considered upon completion of the works and dependant on funding.*

Artworks

1. A more appropriate location for the artwork would be at the western end and in the middle of the central feature garden 1 response

Officers' Comments:

- 1) *The location of the artwork should remain in an area that is accessible, where patrons can move around the pieces, look and listen to the history of the area via a recording device. The location identified, is the preferred location and meets the requirements of the artist.
Construction is currently in progress.*

Stuart Street Treatment

1. Consideration to be given to relocating flooded gums northwards into park to allow an additional 16 car-bays or alternative stagger trees making them more spread out opposed to the existing line as proposed. 2 responses

Officers' Comments:

- 1) *While this option has considerable merit in that additional car bays could be created, the line of trees (Melaleucas) proposed to frame the open grassed area will have to also be relocated further into the park, therefore somewhat defeating what was originally intended.

Furthermore, moving the trees into the park to the east of this section will restrict access along this side of the seasonal damp land. While no footpath has been allowed for, this strip of turf allows access along the Stuart Street frontage and along side the wetland to the larger open grassed areas. In addition it is considered that removing the trees will also create a large expanse of bitumen that in turn could attract undesirable vehicular / driver behaviour.*

Lee Hops Cottage

1. Delete path to rear of cottage 2 responses
2. Land at rear of cottage to be left undisturbed 1 response
3. Foundation of shed/laundry should be moved back to original location 1 response
4. Land at rear of cottage should be fenced during construction to prevent accidental damage 1 response

Officers' Comments:

- 1) *This comment is supported and path will be deleted.*
- 2) *This comment is noted and the area will be fenced prior to works commencing on site.*
- 3) *Noted, as per part (vii) of the Council's resolution. Item 10.2.3 of Ordinary Meeting held on 22nd July 2003.*
- 4) *Comments as per (2) above.*

Palmerston Street Driveway Access

1. Delete driveway and create a dual use path. Cars can not easily turn around. What is the purpose of the driveway? 1 response

Officers' Comments:

- 1) *This comment is supported as the area is only used for parking occasionally by the adjacent residents. While these works have not been included in the original budget estimate, this matter will be progressed, adjacent residents will be further consulted and the proposal may ultimately have to be included in future budgets.*

General Comments

1. Provision for a gazebo or barbecue 3 responses
2. Delete housing development 1 response
3. Interpret Ormiston House 1 response
4. Link with wetlands trail ie signage 1 response
5. More ranger patrols required 1 response
6. Heritage Officer to assess plan in terms of all recommendations 1 response
7. Use of external resources if the Town can not build or translate documentation 1 response
8. Acknowledge level of consultation undertaken by the Town of Vincent and Claisebrook Catchment Group 1 response

Officers' Comments:

- 1) *This request is noted and will be considered in future draft capital works budgets.*
- 2) *The bottle yard sub division has previously been approved by the Council and the land has now been sold of by the Town.*
- 3) *This idea has previously been considered and its perimeter will be marked in the proposed path way.*
- 4) *Wetland and Heritage trail will be linked with interpretive signage.*
- 5) *Comments noted*
- 6) *The Town's Heritage Officer comprised part of the working group that developed the concept plan and has been continually consulted as the process and plan has been progressed.*

- 7) *This, comment is noted.*
- 8) *This project is very significant and the Town acknowledges that consultation with all concerned is paramount. Thankyou to the members of the Claisebrook Catchment Group who have spent considerable time in consulting with residents and concerned groups.*

Veterans' Tennis Club Submission

1. Access to courts blocked along southern end of Court 2
2. Telephone line currently runs across from Lee Hops Cottage. Require a separate line.
3. Roots of Moreton Bay Figs (eastern side) are encroaching into tennis courts.
4. Request eastern fencing to be extended out by up to 1.2 metres.
5. Future provision for reticulation of grass courts.
6. Patrons are concerned regarding use of Italian Club Carpark - lighting is very poor.
7. Carpark entrance to be widened.
8. Dimensions of Fitzgerald St carpark to be increased.
9. Port Jackson Fig in car park restricts access and remove Norfolk Island Pine and straighten access allowing more car bays.
10. Controlled parking time limits/introduction of permits

Officers' Comments:

- 1) *This is noted and adjustments will be made to ensure that access is maintained through existing gates into tennis court complex.*
- 2) *Arrangements will be made to have a separate telephone line running to the tennis courts directly from Fitzgerald Street.*
- 3) *This is an ongoing problem and requires a solid root barrier to be installed along the eastern fence line adjacent to the Moreton Bay Figs. This project will be listed in future budgets for consideration.*
- 4) *The existing fence on the eastern side of the grass courts requires replacement and in accordance with the lease conditions(as this is the Town's responsibility) the works will be listed for consideration in the 2004/05 budget.*

Relocation of the perimeter fence 1.20m into the Park

The Town has been advised that this is required to ensure that 12 courts can be accommodated from west to east and to enable the courts to be remarked from time to time to manage wear and tear of the grass surface.

Currently the distance(as per the lease documentation)and as verified on site between the western boundary fence (Fitzgerald St) and the eastern boundary fence (Palmerston St end) is 178.0m. Within that distance there are currently twelve (12) grass tennis courts. As part of the park redevelopment proposal it was previously agreed that ten (10) metres would be taken from the western end of the lease area leaving a distance of 168.0m. Within this reduced distance (168.0) in strict accordance with the Department of Sport and Recreation guidelines- Dimensions for playing areas, only eleven (11) courts would be able to be accommodated. The guidelines for Lawn tennis, Club Standard indicate that the a clearance of 3.05m is acceptable from a side fence and a clearance space of 3.66m is acceptable for two courts side by side. Therefore if one was to strictly adhere to these guidelines only eleven (11) courts would be able to be accommodated within the reduced area

During further discussions with Veterans Tennis they acknowledged that they were aware of the guidelines however their advise from Tennis West was that these were guidelines only (which previously stated 2.75m clearance from both between courts and fences) and for club courts a reduced standard is acceptable.

Veterans Tennis further advised that they wished to continue with the twelve (12) courts across and they acknowledged that these could be accommodated within the proposed reduced area, based on a reduced (acceptable) clearance between the courts, however they needed the additional 1.20m to enable the courts to be moved and remarked periodically to manage wear and tear of the grass surface.

Veterans Tennis are willing to accept a lesser clearance between courts and side fences to maintain the 12 courts across as they claim any fewer courts would make the club less viable. The minimum 1.20m requirement to accommodate this is considered acceptable to the officers however it is recommended that the 1.20m be taken up at western end and not the eastern end. The existing fence at the western end will be relocated as part of the park upgrade works and instead of relocating it 10.0m it could be relocated 8.80m still providing a distance of 11.80m from the face of kerb to the new fence line. (refer detail outlined on plan No A4-2176-LS-3)

- 5) *The reticulation mainline including the laying of solenoid wires for auto-reticulation has recently been installed which will allow the tennis courts to be isolated from the parks new in ground reticulation system. The automatic reticulation of the tennis courts has not been budgeted for and will therefore be listed for consideration in the 2004/05 budget.*
- 6) *This matter will be further investigated.*
- 7) *The carpark entrance is to be modified and widened to 6.5 metres.*
- 8) *The width of the Fitzgerald Street carpark is to be increased, the carpark will also be re-kerbed, drainage installed and re-surfaced.*
- 9) *The Norfolk Island Pines in the corners of the park are a significant feature and their removal is not supported.*
- 10) *This matter will be further investigated and discussed with the Veterans Tennis Club following completion of the works.*

Heritage

In accordance with the requirements of the Heritage of Western Australia Act 1990, the Town referred the Improvement Plan to the Heritage Council for their approval. The Heritage Council Development Committee considered the matter on Tuesday 21 October 2003 and has advised the Town that the overall proposal is supported, subject to the following conditions:

- That an Archaeologist conducts a watching brief over the ground works and that appropriate arrangements are set up to manage and document any findings (not required for ground disturbing works affecting the former Bottle Yard site);

- Further information is to be provided regarding the proposal for the Cathedral Section of the Park. It is understood that c.1920 Port Jackson Figs, Bay Trees and Norfolk Island Pines were planted on the Fitzgerald Street side of the Park in a cathedral shaped plan and it is not clear whether the proposals allows for the retention of significant plantings in this area;
- The preparation of interpretive material, possibly as an interpretive trail utilising the new paths through the park, to present the rich and diverse history of the site. It is understood that site specific interpretation is planned for Robertson Park as part of a broader Heritage Trail within the Town of Vincent.
- Detailed plans are requested to be referred to the Heritage Council for further comment.

Heritage concerns for the park relate to both its Indigenous and non-Indigenous culture and past uses and this has been reflected in the level of consideration and concern shown by both the Department of Indigenous Affairs (DIA) and the Heritage Council of Western Australia (HCWA) for the proposed improvement plans. Consequently, conditions specified by DIA and HCWA require compliance by the Town.

With particular reference to the requirements for archaeological monitoring from DIA as well as HCWA, a coordinated and strategic approach to fulfilling conditions relating to archaeological watching briefs for both Indigenous and non-Indigenous culture should avoid multiplication of time delays and consultants costs.

It should be noted that many of the items summarised in the submissions above were previously identified and raised through consultation with Aboriginal Consultants in September 2000. These included recommendations relating to co-naming, drinking/water fountains, species diversity (of flora and fauna) around the wetland and the management of domestic animals (namely dogs) within the park. Other items, relating to the late nineteenth and twentieth century, including but not limited to Lee Hops Cottage and associated former garden (archaeological site only), also require sensitive, cautious and considered approach before change occur.

The park is highly valued for its diverse representation of cultures and changes that have occurred within a Perth Metropolitan Park, including reserve, industry, agriculture, residential, natural wetland system and municipal recreation and buildings. As such, particular appreciation and awareness should be given to the park and the documentation and guidance that are available in the form of Indigenous knowledge and cultural heritage assessment. The comments provided in the above submissions are considered to be constructive and should be considered in the context the requests form Indigenous community representatives and the Heritage Council of WA.

Aboriginal Sites Register

With regards this matter the following is an extract from the minutes of the Ordinary Meeting of Council held on 22 July 2003.

Robertson Park (also known as Boorjoormelup and Henderson's Lake) is a registered Aboriginal site under the Aboriginal Heritage Act 1972. It includes areas that were once lake margins occupied by Aboriginal people.

Consultation with Aboriginal stakeholder groups has been undertaken by the Town of Vincent. All members of the groups consulted advised that Robertson Park was a site of heritage significance to Aboriginal people. The proposal has received support from the stakeholder groups.

The Aboriginal stakeholder groups have expressed a strong desire for the recreation of the original wetland habitat to encourage the return of tortoises and other fauna that were once common in the area. The place is a significant site that holds particular importance as a route for the Wagyl.

The improvements to Robertson Park are subject to conditions by the Minister for Indigenous Affairs where ground disturbance associated with sub-surface material is occurring. A number of recommendations from the Aboriginal Stakeholders relate to the recreation of a wetland habitat and these are considered to be a valuable contribution to the appreciation and understanding of the proposed works. They include recommendations in relation to the wetland location, materials, fauna and flora that should be considered when formulating the specifications relating to the wetland recreation.

CONSULTATION/ADVERTISING:

The Robertson Park Improvement plan has been widely advertised and consultation undertaken with numerous groups and surrounding residents. Given the magnitude of this project and the duration of the construction period, it would be prudent of the Town to arrange the installation of a sign depicting the final plan and providing some brief comments regarding the proposal.

Timetable

The following draft implementation timetable was reported to the Ordinary Meeting of Council held on 22 July 2003

<i>Finalise concept Plan</i>	<i>May - June 2003</i>	Completed
<i>Report to Council</i>	<i>July 2003</i>	Completed
<i>Community Consultation</i>	<i>July/August 2003</i>	Completed
<i>Prepare further report to Council</i>	<i>August 2003</i>	Completed
<i>Report to Council</i>	<i>September 2003</i>	Changed to Nov03
<i>Finalise construction drawings</i>	<i>October 2003</i>	Changed to Nov 03
<i>Construction</i>	<i>November 2003 - Mar 04</i>	Not Commenced

FINANCIAL/BUDGET IMPLICATIONS:

Estimated Cost of all Works

The following breakdown of the estimated costs for upgrade project were also reported to the Ordinary Meeting of Council held on 22 July 2003.

<i>Item</i>	<i>Estimated Cost</i>
	<i>\$</i>
<i>Earthworks / Removal</i>	<i>20,000</i>
<i>Tree Removal</i>	<i>20,000</i>
<i>Bore / Pump Upgrade</i>	<i>20,000</i>
<i>Reticulation</i>	<i>9,000</i>
<i>Paths asphalt/ flush kerbing Brick Paving</i>	<i>155,000</i>

<i>Item</i>	<i>Estimated Cost</i> \$
<i>Path Bridge Over Roots</i>	20,000
<i>Entry Statements</i>	10,000
<i>Tennis Lane resurfacing / removal drainage</i>	10,000
<i>Lighting</i>	84,000
<i>Trees</i>	21,000
<i>Shrubs</i>	18,000
<i>Mulching</i>	10,000
<i>Grassing</i>	10,000
<i>Park Furniture</i>	14,000
<i>Playground upgrade</i>	15,000
<i>Electrical Supply</i>	20,000
<i>Car park Upgrade</i>	25,000
<i>Fence Realignment - Fitzgerald Street</i>	17,000
<i>Reticulation</i>	69,000
<i>Palmerston / Stuart Street Intersection Improvements</i>	15,000
<i>Wetland</i>	70,000
<i>Stuart Street (Including trees, road rehabilitation)</i>	65,000
<i>Art Work</i>	35,000
<i>Estimated Total</i>	<i>\$752,000</i>

Funds totalling around \$754,000 for the various works associated with the redevelopment of Robertson Park have been allocated for some time however were dependant on the sale of the Bottleyard land. The following is a list of funding available for the project and surrounds in the 2003/2004 budget.

<i>Item</i>	<i>Budget</i> \$
Park Improvements	498,000
Reticulation	40,000
Works around Bottleyard Subdivision	57,000
Palmerston / Stuart St Intersection Improvements	45,000
Stuart St Improvements/angle parking formalisation	35,000
Wetland (Grant/TOV)	44,336
Art Work	35,000
Total	\$754,336

It is considered that sufficient funds have been allocated to implement the bulk of the proposed works.

LEGAL/POLICY IMPLICATIONS:

It further recommended that the Council ensures the proposal complies with all conditions specified by the Heritage Council of W.A in its correspondence to the Town dated 22 October 2003, and the Department of Indigenous Affairs, including but not limited to the preparation and implementation of an archaeological watching brief;

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Plan 2003-2008 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

"c) Continue to design and implement infrastructure improvements for public open space."

COMMENTS:

The plan to upgrade Robertson Park has been on the agenda since the mid to late 1990s and it is very satisfying to all concerned that the journey is now almost over and works can commence on site. Many people have spent a considerable length of time meeting, undertaking research and continually amending the design to reflect the views of the working group and various changes in the area being upgraded.

Whilst not everyone's comments can be accommodated, as a result of the extensive consultation that has taken place, the Robertson Park Working Group is confident that the final design reflects the views of the majority of patrons, aims to preserve heritage, improve access, link fragmented areas of the park and have positive environmental benefits.

It is therefore recommended that the Council implements the works as outlined on the attached Plan Nos 2176-LS-2 and A4-2176-LS-3, considers some of the relevant suggestions for further improvements in the park, as outlined in the report, during the 2004/2005 budget deliberations

It is also appropriate that the Council should express its appreciation to all respondents including the Claisebrook Catchment Group and members of the Robertson Park Working Group for their valued input in the development of the Improvement Plan.

Mayor Catania advised that Cr Lake declared a financial interest in this Item. Cr Lake departed the Chamber at 8.07pm and did not speak or vote on the matter.

10.1.3 No. 219 (Lot 2) Brisbane Street, Perth – Proposed Alterations and Three Storey Additions to the Existing Single House

Ward:	South	Date:	28 October 2003
Precinct:	Hyde Park, P12	File Ref:	PRO1691; 00/33/1768
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the Riley Hair on behalf of the owners J Pals for proposed alterations and three storey additions to the existing single house, and as shown plans stamp-dated 4 August 2003, subject to:

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

(a) the parapet wall height (overall development height) being reduced to a maximum height of 7.8 metres measured from natural ground level; and

(b) significant design features being incorporated into the parapet walls, to reduce the visual impact on the adjoining neighbours;

(ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, kitchen window(s) and the eastern and western elevations of the elevated outdoor living area and the balcony shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;

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

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

- (iv) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (x) *subject to first obtaining the consent of the owners of the adjoining eastern and western properties for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing east and west in a good and clean condition;*
- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted subject to a new clause (xii) being added as follows:

- "(xii) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence or Building Licence, whichever occurs first;"*

Moved Cr Chester, Seconded Cr Cohen

That clause (i)(a) be deleted.

AMENDMENT CARRIED (5-1)

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

(Cr Lake was absent from the Chamber and did not vote. Crs Franchina and Torre were apologies for the Meeting.)

Debate ensued.

Moved Cr Doran-Wu, Seconded

That clause (i)(b) be deleted.

LAPSED FOR WANT OF A SECONDER

Debate ensued.

MOTION AS AMENDED CARRIED (5-1)

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

(Cr Lake was absent from the Chamber and did not vote. Crs Franchina and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.1.3

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 Riley Hair on behalf of the owners J Pals for proposed alterations and three storey additions to the existing single house, and as shown plans stamp-dated 4 August 2003, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) significant design features being incorporated into the parapet walls, to reduce the visual impact on the adjoining neighbours;*

- (ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, kitchen window(s) and the eastern and western elevations of the elevated outdoor living area and the balcony shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

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

- (iii) *compliance with all Building, Environmental Health and Engineering requirements;*
- (iv) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (x) *subject to first obtaining the consent of the owners of the adjoining eastern and western properties for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing east and west in a good and clean condition;*

- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town; and*
- (xii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence or Building Licence, whichever occurs first;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: J M Pals
APPLICANT: R Hair
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R80
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks -		
East - Basement	1.5 metres	Nil
Ground floor	2.3 metres	Nil
First floor	1.8 metres	Nil
West - Basement	1.5 metres	Nil
Ground floor	1.9 metres	Nil
First floor	1.4 metres	Nil
		Consideration can be given to parapets abutting existing parapet walls on boundaries. In addition, in areas coded R30 and higher consideration can be given to a parapet on one side boundary subject to certain provisions.
Plot Ratio	0.65 (151.45 square metres)	0.89 (209 square metres)
Open Space	45 per cent (104.85 square metres)	41 per cent (92.6 square metres)

Requirements	Required	Proposed
Privacy - Ground floor - Balcony/Outdoor Living	7.5 metres	Less than 7.5 metres to eastern and western boundaries. Screened to a height of 1.4 metres to the side boundaries.
Ground Floor - Kitchen	6.0 metres	Less than 6.0 metres to the western boundary. However, screening provided.
First floor - Balcony	7.5 metres	Less than 7.5 metres to eastern and western boundaries Note: southern neighbour has provided consent
Building Height	7.0 metres to the top of the external wall (concealed roof)	Maximum height of 9.0 metres

Use Class	Single House
Use Classification	"P"
Lot Area	223 square metres

SITE HISTORY:

The subject site slopes down from Brisbane Street to the rear unsealed 3.42 metres wide privately owned right of way, which abuts the property to the south. It is occupied by a single storey dwelling that has been designed with a finished floor level similar to the height of Brisbane Street. The dwelling appears similar to a two storey dwelling, effectively due to the dwelling being built up to provide the same finished floor level throughout the dwelling.

The dwelling is not listed on the Town's Municipal Heritage Inventory.

DETAILS:

The applicant seeks approval for the construction of three-storey additions with a portion of the addition being cut into the natural ground level. The proposal includes parking for the dwelling accessed off of the right of way, two additional bedrooms, a small balcony, a kitchen and dining room and an elevated outdoor living area (located above the garage).

The side setbacks of the addition and the plot ratio generally do not comply with the acceptable development standards of the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies.

CONSULTATION/ADVERTISING:

The proposal was advertised to neighbouring property owners for comment. No objections were received during the consultation process. A letter of support was submitted with the application from the southern neighbour, situated opposite the subject site over the right of way.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Nature of Development

The proposal includes bedroom, dining, kitchen, elevated outdoor living and garage additions to a single house on a green title lot.

Open Space

The open space shortfall of approximately 12 square metres is considered supportable given the minor nature of the variation, the useable areas provided on site that consist of approximately 10 square metres of front verandah area (that could not be included in the open space calculations due to the definition of open space in the R-Codes), a small landscaped courtyard area, provision of a rear elevated outdoor living area (approximately 40 square metres) and the abutting right of way that provides a sense of openness.

Plot Ratio and Height

The Residential Design Codes (R-Codes) require a plot ratio of 0.65 (151.45 square metres) for the acceptable development standards. The proposed plot ratio of 0.89 (209 square metres) is greater than this, however is supported as the proposal is not considered over development of the property.

The R-Codes provide discretionary power to vary the plot ratio, however do not provide performance criteria for assessment purposes. This creates some difficulty when trying to ascertain whether proposed variations are acceptable. Plot ratio is generally a mechanism to control visual bulk. The property is coded R80 however, single house development reverts to the R60 standards. Plot ratio therefore reduces from 1.0 to 0.65. It should be noted however that the higher density code supports a higher level of development.

The Hyde Park Precinct allows consideration of three storey development (including loft), provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk. In relation to this, the addition is located to the rear of the existing dwelling where the visual bulk will be substantially concealed from Brisbane Street by the existing dwellings. The outlook from the eastern neighbouring house and deck area is directed to southern views, and the proposed parapet wall will not be visible from within the house.

The visual bulk of the extension is further reduced by a portion of the additions being partly below ground level.

The applicant submitted the following that further supports the plot ratio (a full copy of the applicant's submission is attached to this report):

"A high level of development characterizes the area around the house. For instance:

- *The triplex residential development at 207 Brisbane Street has been developed with the rear-facing units having four floors, three-floor high side parapet walls, and a Plot Ratio at least as high as this property.*
- *The Northbridge Hotel has a Plot Ratio of approximately 3.0.*
- *The new mixed-use development on the corner of Brisbane and Lake Streets has a Plot Ratio of approximately 1.50.*

The vacant lot at the rear of the western neighbouring property No. 221 will most likely be developed with a house facing south to the city views, and the new resident will probably want to create a similarly scaled building to the addition proposed for this site. There will therefore be little effect from the additional building bulk created by the addition. "

No objections were received from adjoining property owners.

Setbacks

The proposed side setbacks do not comply with the acceptable development standards of the Residential Design Codes. The eastern parapet wall (nil setback) is 32.5 metres in length compared to the 27.6 metres parapet length to the adjacent lot. The proposed height of the parapet varies from 3.5 metres to an average of 8.0 metres, which is above the maximum acceptable standard of 7 metres for an external wall with a concealed roof.

The western parapet wall has a nil setback for a length of 8.9 metres, which complies with acceptable standard of 30 per cent of the total boundary length. However the average height of 8.3 metres does not comply with the 7 metres acceptable standard height for an external wall with a concealed roof.

With this in mind, it is preferable to reduce the parapet wall height, given the overall height of the proposed parapets on both the east and west boundaries, so that they do not project above 7.8 metres measured from natural ground level. This height is consistent with providing a flat roof based on the proposed lower height of a sloping roof. A condition is recommended that reflects this requirement.

This minor variation to the height of the external wall with a concealed roof is considered supportable given the minor nature of the variation.

Privacy

With regard to the potential for unreasonable overlooking from the ground floor kitchen window to the western property, and ground floor balcony/outdoor living area and the first floor balcony to the eastern and western neighbouring properties, it is considered necessary that relevant screening conditions are applied to these openings to comply with the privacy requirements of the Residential Design Codes. To address this matter, a condition to screen to a minimum height of 1.6 metres is contained within the recommendation. There are no other issues of undue overlooking in association to the proposal.

It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

Cr Lake returned to the Chamber at 8.23pm.

The CEO requested that Item 10.4.4 be brought forward on the Agenda as Con Lampropoulos, Project Architect was in attendance to provide information and answer any questions on the project.

Mayor Catania concurred with this request.

10.4.4 Tender No 282/03 - Construction of the Office Building for the Department of Sport and Recreation, 246 Vincent Street, Leederville

Ward:	South	Date:	30 October 2003
Precinct:	Oxford Centre; P4	File Ref:	TEN0282
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender by Perkins Builders as being the most acceptable to the Town for the construction of the Office Building for the Department of Sport and Recreation, 246 Vincent Street, Leederville, for a price of \$5,788,697. (exclusive of Goods and Services Tax); and*
- (ii) *AUTHORISES the signing and affixing of the Council Common Seal to the contract between the Town and Perkins Builders.*

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

At 8.30pm **Moved Cr Lake, Seconded Cr Chester**

That Standing Orders be suspended to allow the Project Architect to answer questions.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

Debate ensued. The project architect answered questions about the building.

At 8.39pm **Moved Cr Lake, Seconded Cr Doran-Wu**

That Standing Orders be resumed.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

Mayor Catania thanked Mr Lampropoulos for attending the meeting.

Moved Cr Chester, Seconded Cr Lake

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

"(iii) REQUESTS the Chief Executive Officer to further explore alternatives for paving and artwork."

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

Council thanked Con Lampropoulos and Peter Hunt Architect for their work on this project so far and for keeping it within the Budget.

COUNCIL DECISION ITEM 10.4.4

That the Council;

- (i) ACCEPTS the tender by Perkins Builders as being the most acceptable to the Town for the construction of the Office Building for the Department of Sport and Recreation, 246 Vincent Street, Leederville, for a price of \$5,788,697 (exclusive of Goods and Services Tax);*
 - (ii) AUTHORIZES the signing and affixing of the Council Common Seal to the contract between the Town and Perkins Builders; and*
 - (iii) REQUESTS the Chief Executive Officer to further explore alternatives for paving and artwork.*
-

BACKGROUND:

At the Ordinary Meeting of Council held on 9 September 2003, Council resolved as follows;

"That the Council;

- (i) APPROVES of the proposed Office Building at 246 Vincent Street, Leederville for the Department of Sport and Recreation, as shown in Plan Nos. A01, A02, A03, A04, A05, A07, A08, A09, and A10;*
- (ii) AUTHORIZES the Chief Executive Officer to make minor changes to the proposed Office Building, which may arise during the construction period; and*
- (iii) NOTES that there is an Asset Management/Maintenance Report pending for this project."*

On 24 September 2003 tenders were invited from approved registered builders. At 2pm on 22 October 2003, four tenders were received. Present at the opening were Purchasing/Contracts Officer - David Paull, Chief Executive Officer - John Giorgi and Executive Manager Corporate Services - Mike Rootsey. Representatives of all four building companies were also present.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Chief Executive Officer - John Giorgi, Con Lampropoulos and John Hutchinson of Peter Hunt Architect and Bill Bosworth of Ralph Beattie Bosworth Pty Ltd, Quantity Surveyors and Cost Consultants.

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;

Department of Housing and Works Scoring System

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

(Scoring was calculated using the criterion weighting)

TENDER SUMMARY

The following is a summary of the Tenders received:

Tender Sum

Company	Consolidated Construction \$	BGC Construction \$	Cooper & Oxley \$	Perkins Builders \$
Tender Sum (exc GST)	6,472,000	6,291,894.63	6,265,000	6,117,000

Tender Assessment

Criteria	Consolidated Construction	BGC Construction	Cooper & Oxley	Perkins Builders
1. Financial Offer/Fee Proposal 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 (GAST)	45 Highest	53 3rd lowest	55 2nd lowest	60 Lowest
2. Capacity to Deliver	15	15	15	15
3. Professional Expertise and Relevant Experience in Similar Project	10	10	10	10
4. Relevant Experience of Key Personnel	5	5	5	5

Criteria	Consolidated Construction	BGC Construction	Cooper & Oxley	Perkins Builders
5. Financial Capacity and Evidence of Stability	5	5	5	5
6. Overall Compliance with Tender Specification and Requirements	5	5	5	5
Ranking	4th	3rd	2nd	1st

Tender Evaluation Panel Comments

All building companies have the proven capacity to carry out a project of this size within the specified tight time frame.

Perkins Builders have previous experience with a wide range of building projects. They have currently 14 projects under construction, with an approximate value of \$30 million (excluding GST), with only two projects currently scheduled for completion after October 2003 - they have advised they therefore have ample resources to undertake this project and complete the work within the specified timeframe. They are available to commence on-site on 11 November 2003. They have nominated the following projects as an indication of their capabilities:

2003	Dalyellup Primary School	\$5.2 million
2003	Freycinet Resort	\$8.5 million
2002-2003	Next Generation Health, Lifestyle and Fitness Centre	\$10 million
2001	St Brigid's College - Fitness Centre	\$3.6 million
2000	South West Sports Centre - City of Bunbury	\$11 million

After the closing of tenders for this project on 22 October 2003, the Architect, Con Lampropoulos and John Hutchinson of Peter Hunt Architects met with the lowest tenderer. Mr Bill Bosworth, Project Quantity Surveyor and Cost Consultant, has analysed the tenders and has provided the following tender information:

"Tenders for the construction of the above project have been returned and the tender results are as follows:

Perkins Builders	\$ 6,117,000
Cooper & Oxley	\$ 6,265,000
BGC	\$ 6,291,894
Consolidated Constructions	\$ 6,472,000

GST is excluded from the above results.

Tenders were extremely close giving a range of 5.8%. Discounting the lowest and highest the average was \$6,278,447.

All tenders were clean without conditions and receipt of Addendum Nos, 1, 2 and 3 (issued during the tender advertising period) confirmed.

With the volume of building construction currently experienced, there has been a marked increase in tender prices. However, the cost pressures from sub-trades mainly the major services i.e. Mechanical and Electrical, has shown a marked increase in tender pricing. It would appear from analysis that the pattern has continued for this tender. The combined results of the mechanical and electrical sub-contract packages compared with the services consultant's pre-tender estimate is set out hereunder:

	Mechanical	Electrical	Total
Perkins Builders	\$770,000	\$581,000	\$ 1,351,000
Cooper & Oxley	\$780,000	\$550,000	\$ 1,330,000
BGC	\$810,000	\$760,000	\$ 1,570,000
Consolidated Constructions	\$779,000	\$560,000	\$ 1,339,000
Consultants Pre-Tender Estimate	\$673,000	\$431,858	\$ 1,104,858

Ralph Beattie Bosworth's pre-tender estimate dated 21st October 2003 incorporating the above consultant's estimates was:

Pre-Tender Estimate	\$5,918,843
Adjust for Mechanical and Electrical Services based on lowest tender	\$ 246,142
Pre-Tender Estimate adjusted	\$6,164,985

From the above analysis it would appear that the construction market place was read correctly with the exception of the major services. It will be the relevant consultant's task to negotiate with the lowest tenderers sub-contractors to endeavour to main the pre-determined budget.

A comparison of the Towns' budget, pre-tender estimate and actual tender costs are shown below;

	TOV Schedule 1 September 2003	RBB Pre-Tender estimate of Project Cost	Adjusted to Reflect Tender Result
Lowest tender Perkins Bros			\$ 6,117,000
Construction Cost (As per Quantity Surveyor RBB estimate 12 th August 2003	\$ 5,696,000	\$ 5,696,000	
Other building costs as agreed 12 th August 2003	\$ 99,800	\$ 99,800	
Agreed Cost adjustment after 1 st September 2003*		\$ 47,408	
Addenda Nos. 1, 2 & 3#		\$ 35,635	
Sub Total	\$ 5,795,800	\$ 5,918,843	\$ 6,117,000
Total professional Fees	\$ 366,152	\$ 366,512	\$ 366,512
Other Fees	\$ 32,048	\$ 32,048	\$ 32,048
Energy Efficient management System	\$ 42,000	Included	Included
Soft Landscaping	\$ 50,000	\$ 17,200	\$ 17,200
Interest during construction	\$ 214,000	\$ 214,000	\$ 214,000
Transformer	Included	\$ 40,000	\$ 40,000
EXPECTED TOTAL PROJECT COST	\$ 6,500,000	\$ 6,590,243	\$ 6,786,760

* This includes an amount for illuminated glazed ground floor display boxes, additional costs for concrete, structural steel, electrical, mechanical and hydraulic services.

This includes an amount for variations relating to electrical, mechanical and hydraulic services as a result of the refinement of the tender drawings."

Savings of \$328,303 have been achieved without detriment to the standard of finish and equipment, as follows;

1.	Cabinetworks: Price as per drawings and not as per specification	\$6,000
2.	Provisional Sum - Fall Arrest System: Fixed price for the supply and installation of a certified roof fall arrest system - actual cost	\$5,000
3.	Precast Concrete: Change precast flooring system from "Deltacore" to "Ultrafloor"	\$56,625
4.	Mechanical Services: Changes to Mechanical Services as detailed by Consultants, - Steens Gray & Kelly (nominal)	\$25,000
5.	Electrical Services: Changes to Electrical Services as detailed by Electrical Consultants - CCD Australia (nominal)	\$77,688
6.	Painting: Delete painting to Basement Carpark - leave as face brick	\$3,000
7.	Masonry Unit Paving: Delete extent of Urbanstone pavers and Provisional Sum for Paving and replace with Midland Clay pavers - Midland Red and Golden Dune in at rear of building	\$61,067
8.	Provisional Sum - Shade Structure: Supply and install Shade Roof Structure - <i>actual cost</i>	\$12,000
9.	External Wall Cladding: Savings offered from Alpolic supplier	\$5,000
10.	Delete glass splashbacks to benches and replace with tiling	\$2,328
11.	Provisional Sum - Ceramic Tiling: Reduce the Provisional Sum for tiles.	\$8,658
12.	Metalwork: Changes to Ballustrade to provide powder coated uprights instead of stainless steel.	\$16,020
13.	Windows: Change glass from TS30 to Stopsol Classic Green.	\$6,417
14.	Stone Cladding: Change the stone thickness form 30mm to 20mm. Dry fix system as per Town.	\$12,500
15.	Ceilings: Change gyprock lining from 13mm to 10mm thickness	\$5,000
16.	Lift: Alternative model with speed of 1m per second instead of 1.6m per second	\$7,000
17.	Site Preparation: Refined costs	\$11,000
18.	Builder's Margin: Pro-rata reduced profit as result of above cost reductions	\$8,000
TOTAL		\$328,303

Revised Project Budget

Based on the tender result, the revised Project Budget is as follows:

<u>Construction Contract</u>	
Perkins Builders - tender price	\$6,117,000
Energy Efficiency Management System	incl.
Soft landscaping and paving	\$17,200
Transformer (50% shared with Leederville Oval lighting)	\$40,000
Construction Contingency	\$100,000
Percent for Art	\$60,000
Total Professional Fees	\$366,352
Other Fees	\$32,048
Interest during construction	\$214,000
Total Project Cost - Town	\$6,946,600
<i>Less</i> negotiated cost savings from builder (as detailed)	\$328,303
<i>Less</i> negotiated contributions from DSR for additional works (agreed 12 August & 30 October 2003)	\$124,195
TOTAL PROJECT BUDGET - Town	6,494,102
BUDGET EXCLUSIONS	Nil
<u>Fit Out</u>	
To be carried out by DSR - (<i>approx.</i>)	\$1,000,000

Given that:

- (a) Perkins Builders have checked and confirmed their tender.
- (b) Based on their tender, the Project is within budget and can proceed without any amendments to the scope of work.

It is recommended that the Contract is awarded to Perkins Builders."

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2002-2003 includes an amount of \$1.5 million for this financial year. The total project cost is estimated to be up to \$6.5 million. This project will be funded from rent from the tenant (DSR) and therefore no rates income will be required.

It should be noted that the Town's proposal will be on the basis that the rent will cover all borrowings for the construction of the office building and also an annual "Sinking Fund" amount to be placed in a Reserve Fund for future maintenance and repairs.

Reserve Fund

A Reserve Fund has been created to ensure that sufficient funds are available in future years to maintain the building, carry out capital works improvements and replace carpets and plant.

Loan

The Town is monitoring the interest rates on a weekly basis and a report is included in this Agenda.

Capital Works and Maintenance Program

A Maintenance and Capital Works Program will be prepared by the Project Quantity Surveyor and Architect and will be reported to the Council in November 2003.

Proposed Timetable

The following is a revised indicative timetable for this project;

Project	Weeks Duration	Start Date	Finish Date
Council to approve Major Land Transaction	-	12 August 2003	Completed
Briefing to Elected Members	-	27 August 2003	Completed
Council to approve of plans	-	9 September 2003	
Advertise Tender	4	24 September 2003	29 October 2003
Tender Assessment/Award Tender	2	29 October 2003	4 November 2003
Council to Award Tender	-	4 November 2003	-
Construction Commences	-	11 November 2003	15 October 2004
Fit out (by tenant)	8-10	18 October 2004	24 December 2004

The project is on target, in accordance with the timetable.

LEGAL/POLICY IMPLICATIONS:**Tender**

The tender was called in accordance with the Local Government Act (Functions & General Regulations 1996, Part 4).

Lease Documentation

A Lease document and Agreement for Lease document has been signed between the Department of Housing and Works (on behalf of the Department of Sport and Recreation) and the Town. The Town has a legal obligations to complete the building by 18 October 2004.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

PRINCIPAL ACTIVITIES PLAN:

This is included in the Town's Principal Activities Plan, Page 42 – "*Major Capital Works – Land and Buildings*".

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 4 – "*Economic Development - Clause 3.3(a) - Explore Federal, State and Local Government opportunities for investment and effective service delivery*" and "*Clause 3.4 – Investigate relationships at the State, Inter-State and International level to attract investment to the Town*".

The construction of an office building on Leederville Oval to accommodate the DSR will provide a focus for the numerous sporting facilities within the Town. Furthermore, it will bring an additional 80-100 employees into the area and this will result in increased patronage to the Leederville and surrounding areas business proprietors.

COMMENT:

The Town is to be congratulated on successfully winning the State Government Tender to construct the Office Building for the DSR. This will also further strengthen the Town's partnership with the State Government of Western Australia. It is considered that this project will complement the Leederville Oval and Loftus Land redevelopment projects.

The project budget is in accordance with the Council's previous decisions.

Accordingly, it is recommended that the Council approves the recommendation.

10.1.2 No. 8 (Lots 71 and 78) Brookman Street, Perth - Status Report and Minor Variation to Planning Approval and Building Licence for Alterations and Additions to Existing Dwelling

Ward:	South	Date:	28 October 2003
Precinct:	Hyde Park, P12	File Ref:	PRO 1014; 00/33/0936
Attachments:	001		
Reporting Officer(s):	G Snelling, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

the Council APPROVES the following minor variation to the Planning Approval 00/33/0936 issued 13 March 2002 to the owners L. A. and P. M. Sanders, and to the Building Licence No.20/1754 issued 16 December 2002 to the builder J. Towton, for the alterations and additions to the existing dwelling on No.8 (Lots 71 and 78) Brookman Street, Perth:

- (i) *widening of the internal doorway to the dining room from the sitting room, that is from an 820 millimetres wide opening to 1640 millimetres wide.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted subject to a new clause (ii) being inserted as follows:

"(ii) refers the reconstruction of No. 8 Brookman Street to the Heritage Council of Western Australia for:

- (a) *its assessment of the effectiveness of the outcome and its contribution to the precinct; and*
- (b) *advice on improving future outcomes should further and similar reconstruction be required in the Brookman and Moir Streets Precinct."*

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.1.2

That;

the Council APPROVES the following minor variation to the Planning Approval 00/33/0936 issued 13 March 2002 to the owners L. A. and P. M. Sanders, and to the Building Licence No.20/1754 issued 16 December 2002 to the builder J. Towton, for the alterations and additions to the existing dwelling on No.8 (Lots 71 and 78) Brookman Street, Perth:

- (i) *widening of the internal doorway to the dining room from the sitting room, that is from an 820 millimetres wide opening to 1640 millimetres wide; and*

- (ii) *refers the reconstruction of No. 8 Brookman Street to the Heritage Council of Western Australia for:*
- (a) *its assessment of the effectiveness of the outcome and its contribution to the precinct; and*
 - (b) *advice on improving future outcomes should further and similar reconstruction be required in the Brookman and Moir Streets Precinct.*

LANDOWNER: P and L Sanders
APPLICANT: P and L Sanders
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme: Residential R25
EXISTING LAND USE: Single house

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	301 square metres

SITE HISTORY:

This application was considered at the Ordinary Meeting of Council held on 26 February 2002, where the Council resolved the following:

"That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owners L and P Sanders dated 13 February 2002 for proposed alterations and additions to the existing dwelling including partial demolition at No.8 (Lots 71 and 78) Brookman Street, Perth and as shown on the plans dated 13 July 2001 and 14 August 2001, subject to;*
 - (a) *compliance with all relevant Building, Environmental Health and Engineering requirements;*
 - (b) *all necessary precautions shall be taken to ensure that no structural damage occurs to the adjoining dwellings at Nos. 10 and 6 Brookman Street, including a survey of the adjoining property's common wall prior to work commencing;*
 - (c) *annotated photographs depicting the completed works be lodged with the Town at the conclusion of the works;*
 - (d) *any filling placed on the site shall not exceed a height of 300 millimetres above the established natural ground level of any adjoining lot. A height in excess of 300 millimetres to a maximum of 600 millimetres above the established natural ground level of any adjoining lot may be permitted, subject to the written consent of the owners of all adjoining properties to the proposed depth of filling;*

- (e) *a footpath security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (f) *a Demolition Licence shall be obtained from the Town of Vincent prior to commencement of any demolition works on site;*
- (g) *prior to the issue of a Demolition and/or Building Licence, whichever occurs first, the following shall be submitted and approved:*
 - (1) *an archival documented record of the place (including photographs, floor plans and elevation) for the Town of Vincent Historical Archive Collection;*
 - (2) *plans showing detailed finishings including the reconstruction of the front facade in red brick and stucco bands, tuck-pointing, windows, vents and other decorative features and elements as indicated on the Brookman and Moir Design Guidelines; and*
 - (3) *all fabric that is capable of re-use will be indicated and how and where this fabric will be re-used will also be shown;*
- (h) *the Brookman and Moir Streets Design Guidelines shall be the overall guiding document for any detailed design in relation to the reconstruction of the front portion of the dwelling;*
- (i) *works to the existing building (excluding the proposed alterations to the rear of the dwelling) are to be supervised by a conservation architect; and*
- (j) *subject to first obtaining the consent of the owners of No.6 Brookman Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary(parapet) wall facing No.6 Brookman Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer."

The formal Planning Approval 00/33/0936 was issued on 13 March 2002 to the owners L. A. and P. M. Sanders, and the Building Licence 20/1754 was issued to the builder Jack Towton on 16 December 2002, for the alterations and additions to the existing dwelling on No.8 (Lots 71 and 78) Brookman Street, Perth.

DETAILS:

The subject development involves variations to the Planning Approval 00/33/0936 issued 13 March 2002 to the owners L. A. and P. M. Sanders, and for amendments to the Building Licence No.20/1754 issued 16 December 2002 to the builder J. Towton. The nature of the variations, as shown below, is considered to be minor.

In response to an Elected Members Request and a complaint from the owner of No.2 Brookman Street, the Town's Heritage and Building Officers carried out a site inspection on 16 October 2003, of the recently reconstructed dwelling at No.8 (Lots 71 and 78) Brookman Street, Perth. This follows numerous site inspections, meetings and correspondences being undertaken by the Officers in the past months. Monitoring by the Officers of the site has occurred throughout the construction period.

In response to a letter sent by the Town to the owners dated 1 August 2003, the owners responded in a letter dated 15 August 2003, confirming their intention to undertake a number of items that had not, at that stage, been completed by the builder. These items included timber decorative features to the facade; stucco bands to the brickwork, restoration of the hopper fan light and four panel front door and tuck pointing. A further letter was sent by the Town dated 14 October 2003 to the owners of the subject dwelling, requesting further confirmation of compliance with the conditional Planning Approval and Building Licence. To date no response has been received.

Non-Compliance Issues

The Town's Officers have undertaken a compliance assessment of the constructed development against the Planning Approval and Building Licence, in relation to the subject development to date. The development is only approximately 90 per cent completed at the time of preparation of this report.

The following Table, indicates the alleged non-compliance aspects of the subject development, in relation to the respective Planning Approval, approved on 26 February 2002 and issued on 13 March 2002, and the Building Licence issued on 16 December 2002, as inspected on 16 October 2003.

ITEM ON PLANNING APPROVAL	ITEM ON BUILDING LICENCE	STATUS ON SITE AS AT 16 OCTOBER 2003	COMMENTS/ RECOMMENDATION
(a) Reconstruction of the front facade to be in red brick, tuck-pointing and rendered two course stucco bands.	Reconstruction of the front facade to be in red brick, tuck-pointing and rendered two course stucco bands.	Constructed in modern red brick, tuck pointing currently not present, and rendered bands constructed as per approved plans.	Complies with Planning Approval and Building Licence, and in terms of current definition of red brick and stucco bands, however, the tuck-pointing has not been completed at time of inspection. Rendered stucco two course bands have been completed. Not considered to be non-compliance item at this time.
(b) Reconstruction of the front facade windows to be guided by the Brookman and Moir Design Guidelines (BMDG).	Reconstruction of the front facade windows to be guided by the Brookman and Moir Design Guidelines (BMDG).	Constructed with timber casement three (3) paned windows, as per approved plans.	Complies with Planning Approval and Building Licence, as the BMDG provided no essential or discretionary advice on the replacement of already altered windows, where such windows are to be completely removed. The constructed windows are in accordance with those shown on the approved plans submitted by the applicant.

ITEM ON PLANNING APPROVAL	ITEM ON BUILDING LICENCE	STATUS ON SITE AS AT 16 OCTOBER 2003	COMMENTS/ RECOMMENDATION
(c) Works to the existing building (excluding the proposed alterations to the rear of the dwelling) are to be supervised by a conservation architect	Not applied, as already listed as Planning condition of approval.	There is no "existing building" present as approval for demolition and reconstruction was granted. The original remaining elements include the chimney, dividing verandah wall and common wall, which were undergoing major works.	This condition was a carry-over from the previous Planning Approval issued for the subject dwelling, which proposed retention of a greater amount of original wall. It is considered that this condition is not applicable to the nature of the final approved development.
(d) Doorway to dining room from sitting room 820 millimetres wide.	Doorway to dining room from sitting room 820 millimetres wide.	Doorway to dining room from sitting room, constructed 1640 millimetres wide.	Acceptable, due to no undue impact on amenity of adjoining neighbours or heritage values of the place. Variation to Planning Approval and Building Licence required.

Considine and Griffiths Architects, who advised the owners of the subject property in the early stages of the proposals for the property, have confirmed the following in correspondence received 24 October 2003: *"Modern bricks have been used, hard mortars and cement render rather than stucco. In the context of the building achieved, tuck pointing is unnecessary. Windows very similar to those that were par of the house that was demolished and to the southern side of the pair. Varnish finish to front door is a little out of place."*

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies, the Residential Design Codes and the Building Code of Australia.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is considered that the only area of non-compliance relating to the physical structure currently presented at No.8 Brookman Street is in relation to the widening of the internal doorway from the main hallway to the living room. In light of the minor nature of this variation, it is considered that amended plans are not required.

Outstanding tuck pointing and timber decorative items, which have not yet been completed cannot be stated as being non-compliant, given the written advice from the owners of their intention to complete these items, and the current incomplete status of the overall development.

It is considered that the owners have undertaken consistent measures to inform the Town of their intentions and concerns relating to the proposed works over the past three years. The owners have sought the advice of a number of specialised consultants resulting from the dwelling's poor condition, location and heritage considerations. The reconstructed dwelling is generally considered to be of good standard workmanship.

In conclusion, it is the owners' responsibility to ensure that the development is undertaken in accordance with the relevant Planning Approval and Building Licence. Following completion of the development, if the Town identifies non-compliance with the approvals, the Town can at that time initiate legal action pursuant to the relevant Planning and Building legislation.

10.1.4 No.7 (Lots 1 and 3) Ruth Street, Perth – Retrospective Planning Application for Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	South	Date:	28 October 2003
Precinct:	Hyde Park, P12	File Ref:	PRO2441; 00/33/1734
Attachments:	001		
Reporting Officer(s):	B Tran		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the retrospective planning application submitted by the owners, A Eccleston and R Eccleston-Wirth for partial demolition of and alterations and additions to existing single house at No.7 (Lots 1 and 3) Ruth Street, Perth, and as shown on plans stamp-dated 17 July 2003, subject to;

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Ruth Street shall be a maximum height of 1.2 metres above the ground adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) subject to first obtaining the consent of the owners of No. 5 Ruth Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 5 Ruth Street in a good and clean condition;*
- (iv) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (v) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Doran-Wu

That the normal retrospective fee be charged to this approval.

Cr Chester departed the Chamber at 9.22pm.

AMENDMENT WITHDRAWN

MOTION CARRIED (6-0)

(Cr Chester was absent from the Chamber and did not vote. Crs Franchina and Torre were apologies for the Meeting.)

Cr Chester returned the Chamber at 9.23pm.

Debate ensued.

Moved Cr Chester, Seconded Cr Cohen

That the fees for retrospective approvals must be applied at all times.

CARRIED (6-1)

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

LANDOWNER:	A Eccleston and R Eccleston-Wirth
APPLICANT:	As above
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
EXISTING LAND USE:	Single House
COMPLIANCE:	

Use Class	Single house
Use Classification	"P"
Lot Area	205 square metres

SITE HISTORY:

The subject site has a dual street frontages and there is an existing single house that fronts Ruth Street and a garage at the rear (Amy Street).

In accordance with Structerre Consulting Engineers report the main dwelling is approximately 100 years old.

DETAILS:

The applicant is seeking a retrospective Planning Approval for partial demolition of and alterations and additions to existing single house and this matter is being referred to Council for consideration and determination.

CONSULTATION/ADVERTISING:

The application was advertised to the owners of the adjacent properties for comment and no objection was received during the consultation period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINACIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The applicants are seeking retrospective Planning Approval for works to the dwelling, which includes the reconstruction of existing external brick walls. No modifications were made to the dimensions or location of the walls. Works which have been undertaken include; partial demolition and reconstruction of the front and side walls due to structural foundation distortion and failure. An independent structural engineer report, prepared by Structerre Consulting Engineers dated 14 May 2001, recommended that remedial works are required to be carried out.

The Town was informed of the unauthorised works on 24 March 2003. Subsequently the Town, in its letter to the applicants/owners dated 13 May 2003, advised the property owners to submit architectural drawings and structural engineer certification of the building works.

The application is also for a number of new building works, which can be summarised as follows:

- the extension of the existing garage including a new boundary (parapet) wall to the south-eastern side corner of the property;
- the alteration of the existing solid brick front fence to a new composite fence consisting of new rendered brick wall and permeable iron railing/infill panel;
- the replacing of the existing brick-paved veranda floor with new timber decking/floor; and
- the installation of an underground fish pond to the front courtyard.

The applicants have submitted all relevant information including a structural building report to support their application.

A further structural engineering report prepared by Structerre Consulting Engineers dated 26 June 2003 states that "*it was determined that the rectification work to the foundations at the front section of the residence had been carried out in a structurally acceptable manner.... Furthermore, it is considered that the small section of limestone footing where the brickwork has been removed to construct the front gable, the limestone footing in its current condition is in a structurally acceptable condition to support the new brickwork over.*"

The works are not considered to have an impact on the neighbouring properties in terms of privacy, and has no adverse impact on the existing streetscape. The residence is bounded by existing boundary (parapet) walls on both sides for the entire length of the allotment boundaries.

The applicants have undertaken the works without a Building Licence and as such retrospective Planning Approval is sought. Under normal circumstances, this application would be approved via a Building Licence. Given the above, it is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.6 No. 68 (Pt Lot 26) Bourke Street, Corner Scott Street, Leederville - Proposed Two (2) Two-Storey Single Houses

Ward:	South	Date:	28 October 2003
Precinct:	Leederville, P3	File Ref:	PRO0740
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Architectural Expressions on behalf of the landowners J F Keet for the proposed of two (2) two-storey single houses at No.68 (Pt Lot 26) Bourke Street, corner of Scott Street, Leederville, and as shown on amended plans dated 22 October 2003, subject to:

- (i) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the upper floor bedroom 3 of Unit 1 shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (ii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, shall be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any proposed front fences and gates adjacent to Scott and Bourke Streets, shall be a maximum height of 1.2 metres above the adjacent foot path level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Bourke Street and Scott 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); and*
- (xiii) *subject to first obtaining the consent of the owners of No. 66 (Lot 27) Bourke Street, Leederville for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 66 (Lot 27) Bourke Street, Leederville in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted subject to new clauses (xiv) and (xv) being added as follows:

- "(xiv) no retaining walls or filling over 500 millimetres above the natural ground level is permitted without prior Planning Approval; and*

- (xv) *the applicant/owner is advised that under the requirements of the Dividing Fences Act, they are required to reach an agreement with the affected adjoining land owners should there be a need to remove the existing dividing fence prior to the construction of the parapet wall.*

The structural integrity of the safety pool fencing shall be maintained at all times as required under Section 245A of the Local Government Act and Part 10 of the Building Regulations 1989 as amended;"

CARRIED (6-1)

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

(Crs Franchina and Torre were apologies for the Meeting.)

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 Architectural Expressions on behalf of the landowners J F Keet for the proposed of two (2) two-storey single houses at No.68 (Pt Lot 26) Bourke Street, corner of Scott Street, Leederville, and as shown on amended plans dated 22 October 2003, subject to:

- (i) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the upper floor bedroom 3 of Unit 1 shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (ii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, shall be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any proposed front fences and gates adjacent to Scott and Bourke Streets, shall be a maximum height of 1.2 metres above the adjacent foot path level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*

- (iv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Bourke Street and Scott Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *subject to first obtaining the consent of the owners of No. 66 (Lot 27) Bourke Street, Leederville for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 66 (Lot 27) Bourke Street, Leederville in a good and clean condition;*
- (xiv) *no retaining walls or filling over 500 millimetres above the natural ground level is permitted without prior Planning Approval; and*

- (xv) *the applicant/owner is advised that under the requirements of the Dividing Fences Act, they are required to reach an agreement with the affected adjoining land owners should there be a need to remove the existing dividing fence prior to the construction of the parapet wall.*

The structural integrity of the safety pool fencing shall be maintained at all times as required under Section 245A of the Local Government Act and Part 10 of the Building Regulations 1989 as amended;

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The amended plans dated 22 October 2002 for the upper floor of Unit 2 were inadvertently not included in the Agenda. Copies of these plans are attached for consideration by the Elected Members.

LANDOWNER: J F Keet
APPLICANT: Architectural Expressions
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R40
EXISTING LAND USE: Vacant

COMPLIANCE:

Requirements	Required	Proposed
Setbacks <u>Unit 2</u>		
Ground Floor- Front	1.5 metres to porch and 2.5 metres to main dwelling	1.5 metres to main dwelling
Upper Floor- Front	6 metres	1.704 metres to 2.5 metres
Eastern Side	1.8 metres	1.56 metres
Cone of Vision Encroachments: Unit 1-Bedroom Three (eastern side)	4.5 metres	3.8 metres (depicted as obscure on amended drawings. Condition to be fixed, therefore, no privacy issues)
Front Walls and Fences	In the front setback area, walls should be solid to 1.2 metres, and visually permeable to 1.8 metres	Unit 2- solid wall to 1.8 metres in the front setback area.
Buildings on Boundary	In areas coded R30 or higher, <u>one</u> side boundary setback may be permitted to nil for 2/3 of the length of the boundary. Boundary walls not higher than 3 metres average, and 3.5 metres maximum.	<u>Unit 1</u> - Two-storey parapet wall on northern side boundary to 6.2 metres in height (internal wall, only affects proposed Unit 2). <u>Unit 2</u> - Parapet wall 3.193 metres average height on eastern side boundary.

Use Class	Single House
Use Classification	'P'
Lot Area	474 square metres

SITE HISTORY:

On 19 April 2003, the Western Australian Planning Commission (WAPC) conditionally approved the subdivision of the subject land into two green title lots of 230 square metres each (WAPC Ref: 118389).

The subject site is currently vacant land.

This application was scheduled to go to the Ordinary Meeting of Council (OMC) held on 21 October 2003. However, on 7 October 2003, the applicant was requested to amend the proposal to comply with the following variations, as it was not considered appropriate to condition the unsupportable variations:

- the ground floor of Unit 1 on the southern side being setback a minimum of 4 metres from the primary street, Bourke Street;
- the upper floor of Unit 1 on the southern side being setback a minimum of 6 metres from the primary street, Bourke Street;
- the ground floor setback of Unit 2 on the western side being setback 1.5 metres from the primary street, Scott Street;
- the width of the garage to Unit 1 being increased to 5.2 metres;
- Unit 2 garage being setback 6 metres from the opposite side of the right of way for manoeuvring; and
- the height of the parapet wall to the garage (Unit 2) on the eastern side complying with the acceptable development requirements of the Residential Design Codes, namely 3 metres in average height, and 3.5 metres maximum height.

The applicant lodged amended plans on 9 October 2003 addressing some of the above concerns. However, the applicant did not address all of the above requests, therefore, one of the Town's Planning Officer advised that the plans would need to be addressed further, which resulted in the proposal not being on the agenda for the OMC held on 21 October 2003.

On 22 October 2003, the applicant lodged the final set of amended drawings addressing the above-mentioned variations. Most of the above concerns have been addressed, thus the non-compliance table has been significantly reduced. However, the parapet wall on the eastern side is still slightly over the acceptable, average height requirements. This variation is addressed below.

DETAILS:

The applicant seeks approval to construct two (2), two-storey single houses with the above-mentioned variations to the Residential Design Codes (R-Codes) and the Town's Policies.

The subject land abuts a 3 metres wide, privately owned, unsealed right of way.

The applicant submitted the following justification, and attached photographs, in support of the proposed variations:

- *"Please be advised that the development has been designed with what has been approved across the road, attached are some photos. I do ask that we obtain some discretion to the setback to the front on the basis that we average quite considerably".*

CONSULTATION/ADVERTISING:

The application was advertised to the adjoining neighbours from 16 September 2003 to 30 September 2003.

One letter was received during the advertising period from the adjoining, eastern neighbour, raising the following summarised concerns (full submission attached):

- The adjoining neighbour raised concerns regarding the setbacks, retaining walls, cone of vision encroachment and the parapet wall. These concerns have been addressed in the relevant sections of the report below.
- The adjoining neighbour also raised concerns regarding the removal of the dividing fence and pool fence and advised that a written undertaking should be drawn up by the landowner so that the costs associated with any damage and loss of amenity to the adjoining property is borne by the landowners. Such concerns are not planning considerations and are civil matters between neighbours.

COMMENTS:

Setbacks

Unit 2

The Town's Street Setbacks Policy states: *"In the case of new dwellings at the rear of original corner lots, with frontage to the secondary street, setbacks which match the adjoining dwellings fronting the street (if any) otherwise a minimum of 1.5 metres to a verandah, porch, portico and the like, excluding balconies, and/ or 2.5 metres to the main building".*

A primary street setback variation is sought to the Town's Street Setbacks Policy to the ground floor of Unit 2 of 1.504 metres to 1.704 metres, in lieu of the required 2.5 metres.

Notwithstanding the above, the dwelling across the street at No. 13a Scott Street is setback approximately 1.5 metres from the primary street (see attached photographs). Also, proposed Unit 1 is setback 1.5 metres from the secondary street, thus Unit 2 runs in line with Unit 1's side setbacks.

Furthermore, the garage to the adjoining dwelling at the rear of the subject land, No. 14 Scott Street, is setback approximately 1 metre from the primary street. In light of this, the variation is not considered to create an undue impact on the amenity of the streetscape, or the adjacent neighbours.

A front setback variation of 1.704 metres to 2.504 metres, in lieu of 6 metres, is also proposed to the upper floor of Unit 2. Given that the upper floor of the dwelling across the street at No. 13a Scott Street is setback approximately 1.5 metres from the primary street (see attached photographs), and that the upper floor of proposed Unit 1 is setback 2 metres from the secondary street, the proposed variation is not considered to create an undue impact on the amenity of the streetscape, or the adjacent neighbours.

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

In this particular instance, it is considered that the individual merits of this application warrant a reduced setback to the upper floor, and this variation is not considered to set a precedence for setback variations to corner sites.

A setback variation of 1.56 metres in lieu of 1.8 metres is also proposed to the upper floor on the eastern side. However, although the eastern neighbour objects to this reduced setback, the proposal is considered to address the relevant Performance Criteria under Clause 3.3.1 of the R-Codes, as there is no overlooking or overshadowing onto the adjoining eastern neighbour's property. Given this, the variation is considered supportable.

Boundary Walls

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

The proposal represents a variation to the above acceptable development requirements, as the boundary wall to the garage of Unit 2 is 3.2 metres in average height, and the northern parapet wall to Unit 1 is 6.2 metres in height.

Given that the two-storey parapet wall to Unit 1 only affects proposed Unit 2, which is owned by the same landowner, and that there is no undue impact in terms of overshadowing or overlooking, the wall is therefore considered acceptable.

The applicant is also proposing a parapet wall on the eastern side of 3.2 metres in average height, in lieu of 3 metres. Although the neighbour has objected to the height of the wall, the applicant has significantly reduced the height of the wall from 3.7 metres, down to 3.2 metres. The parapet wall does not overshadow the adjoining property, and the wall abuts the neighbour's garage, which is of a similar length. Given this, the minor height exceedence is not considered to create an undue impact on the adjoining neighbour and approval is recommended.

It should also be noted that a standard condition has been recommended so that the parapet wall is finished to a good and clean standard.

Fences

Pursuant to the Town's Policy relating to Street Walls and Fences, front walls and fences within the primary street setback should be visually permeable 1.2 metres above natural ground level. The proposal represents a variation to this requirement, as a 1.8 metres high wall is proposed within the front setback area to Unit 2. Given that Scott Street is not a Primary Distributor or District Distributor road, the proposed fence is not considered acceptable. Accordingly, a condition has been recommended to ensure the front fences to Unit 1 and Unit 2 comply with the Town's Policy.

Privacy

A minor cone of vision encroachment was proposed on the previous plans from bedroom three (Unit 1), as mentioned in the above Compliance Table. However, the applicant has depicted this window as obscure on the amended plans. To ensure compliance with the appropriate screening measures, a standard condition has been recommended so that bedroom 3's window is appropriately screened and fixed to 1.6 metres in height.

The eastern neighbour raised concerns regarding the windows on the eastern side. However, it should be noted that the rest of the windows on the eastern side are all minor openings.

Retaining

The adjoining eastern neighbour raised concerns regarding the retaining wall between the two dwellings (Unit 1 and Unit 2), however, the plans clearly indicate that there is no retaining over 500 millimetres.

Conclusion

In light of the above, and given the nature of the surrounding developments and the sense of openness afforded by the two street frontages, the application is considered to represent a reasonable redevelopment of the subject land.

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

10.1.7 No. 474 (Lot 100) William Street, Corner Bulwer Street, Perth-Proposed Three (3)-Storey Mixed Use Development Comprising Offices, Eight (8) Grouped Dwellings and Associated Carparking and Stores

Ward:	South	Date:	28 October 2003
Precinct:	Hyde Park, P12	File Ref:	PRO0508; 00/33/1783
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Cameron Chisholm and Nicol (WA) Pty Ltd Architects on behalf of the owner KHH (AUS) Ventures Pty Ltd, for proposed three (3)-storey mixed use development comprising offices, eight (8) grouped dwellings, and associated carparking and stores at No. 474 (Lot 100) William Street, corner Bulwer Street , Perth, and as shown on plans stamp dated 15 October 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (ii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development \$8,000 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) subject to first obtaining the consent of the owners of Nos. 470-472 (Lot 9) William Street and No 155 (Lot 4) Bulwer 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 470-472 (Lot 9) William Street and No 155 (Lot 4) Bulwer Street in a good and clean condition;*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) additional fire exit from the first floor;*
 - (b) the corner component of the development incorporating design elements to define and accentuate the corner and create a landmark feature without increasing the height or plot ratio of the development;*

- (c) *a parapet wall being built to the first floor level along the driveway between the boundary piers on the eastern elevation of the development site;*
- (d) *stores being increased to 4 square metres, with a minimum dimension of 1.5 metres;*
- (e) *balconies being increased to a minimum 4 square metres with a minimum depth of 1.5 metres;*
- (f) *carbays 1 and 2 being designated for the use of grouped dwelling unit 8 only;*
- (g) *one of the stores below unit 8 being removed and relocated behind carbay 9; and*
- (h) *the proposed security roller screens along the William Street frontage being a minimum 50 percent visually permeable when viewed from the street.*

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

- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (viii) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (ix) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (x) *prior to the first occupation of the development, two (2) class- one or two bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

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

- (xiii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (xiv) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xv) *doors and windows and adjacent floor areas fronting William Street and Bulwer Street shall maintain an active and interactive relationship with the above streets ;*
- (xvi) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, including two (2) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xvii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xviii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (xix) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$14,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xx) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xxi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxii) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xxiii) *the proposed vehicular entry gates adjacent to Bulwer Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the Development;*

- (xxiv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xxv) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xxvi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony and window(s) to bedroom 2 of unit 7 on the first floor level, on the eastern and southern elevations, respectively, 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 obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject window(s) not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (xxvii) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geotechnical composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence;*
- (xxviii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Bulwer 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; and*
- (xxix) *the maximum gross floor area for the office use shall be limited to 291 square metres unless adequate carparking is provided for the changes in floor space area;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

LOST (0-7)

(Cr's Franchina and Torre were apologies for the Meeting.)

Reasons:

- 1. The development does not incorporate a corner component with design elements to define and accentuate the corner.**

2. **The proposed security roller screens along the William Street frontage limits an active and interactive relationship between the development and William Street.**
3. **The development is not consistent with the orderly and proper planning and preservation of the amenities of the area.**
4. **Non-compliance with the privacy, incidental development (store), balcony and access and car parking requirements of the Residential Design Codes.**
5. **Non-compliance with the Town's Policy relating to Parking and Access.**
6. **Consideration of the objection received.**

LANDOWNER: KHH (AUS) Ventures Pty Ltd
APPLICANT: Cameron Chisholm & Nicol (WA) Pty Ltd Architects
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Commercial
EXISTING LAND USE: Vacant Land

COMPLIANCE:

Requirements	Required	Proposed
Stores-length and area	1.5 metres and 4 square metres in area	1.3 metres and 2.99 squares metres in area
Balconies-dimension and area	1.5 metre and 4 square metres in area	1 metre and 3.4 square metres in area
Carparking-residential	16 carbays for units and 4 visitors bays=20 carbays	12 carbays for units and visitors.

Use Class	Office building and grouped dwelling
Use Classification	"P" and "AA"
Lot Area	1022 square metres.

SITE HISTORY:

The adjacent lots to the above property along William Street are also zoned commercial with the lots to the east being residential zoned lots. The lot is currently a vacant lot.

- 9 March 1998 The Council at its Ordinary Meeting referred an application for six shops and six grouped dwellings to the Minister for Planning seeking written authority to approve the application.
- 18 May 1998 The Minister for Planning gave written authority for the Council to approve the above application (which has now expired).
- 4 October 1999 A Building Licence was issued for the subject development proposal approved above.
- 6 December 1999 The Council at its Ordinary Meeting approved an application for a change of use from three approved shops to an eating house within an approved development.
- 7 November 2000: At its Ordinary Meeting, the Council approved a three (3) storey mixed use development comprising of three (3) shops, one (1) eating house and six (6) grouped dwellings:

DETAILS:

The applicant seeks approval for the three (3)-storey mixed use development comprising offices (291 square metres), eight (8)-grouped dwellings, associated carbays and stores.

The dwellings have been categorised as grouped dwellings as per the definition in the Residential Design Codes (R Codes) which is as follows:

“a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property”.

A dwelling in the R Codes is defined as follows:

"a building or a portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family".

It is considered that the bin store area below grouped dwelling unit 8 is not designated or intended to be used for the purpose of human habitation, and as such does not affect or compromise the definition of grouped dwelling.

CONSULTATION/ADVERTISING:

The proposal was advertised for a period of 14 days commencing from 28 August 2003. One submission was received (attached), which is summarised as follows:

- Issue of privacy, noise pollution from vehicles access proposed on east side of development site.
- Should damage occur during construction time, adjoining owners need to be compensated.
- The gap opening between the ground floor vehicle access and the upper floor on the eastern elevation is not supported and it is suggested that they be bricked in. The reason being is that if the wall height were to be increased, they will gain more privacy to adjoining landowners, added security and minimise noise and fumes, as they have a living room window facing the east boundary of development site.

The proposal was also referred to the Department for Planning and Infrastructure (DPI), as access is proposed onto Bulwer Street, which is classified as an Other Regional Road (Blue Road) under the Metropolitan Region Scheme. The DPI have supported the revised proposal.

Issues relating to damage to property during construction is a civil matter between the affected landowners.

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

LEGAL/POLICY:

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

COMMENTS:

The site falls within the Hyde Park Precinct, where multiple dwellings are not permitted. The building scale, character and site layout is to be compatible with the existing buildings in the Precinct.

Residential Car Parking Requirements

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped dwellings from the Residential Design Codes (R Codes). The residential component requires 16 carbays, and 4 visitor carbays. A total of 12 carbays have been allocated for the residential uses. If the above was a multiple unit development, then only 10 carbays would have been required.

The proposal represents a variation to the R-Code car parking requirements for grouped dwellings, as twelve (12) bays are proposed in lieu the required twenty (20) bays, resulting in at least one carbay being provided per grouped dwelling.

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

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

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

Given that the subject land is within 400 metres to a public carpark and a bus stop along William Street, the grouped dwellings are two bedroom units, availability of on-street parking along Bulwer Street, the proposal is considered to address the above mentioned performance criteria. Also, the Council on 7 November 2000 approved a shortfall of 17 carbays for the site, without the requirement for the provision of cash in lieu, which was a Draft Policy at that point in time.

It is considered appropriate that a minimum of 2 bays of the 12 carbays are made available for visitors use, which are to be marked and sign posted on-site accordingly, even though there would be the potential availability of after hours additional carbays set aside for the commercial tenancies. In light of the above, the provision of twelve (12) bays is considered to be sufficient in this instance for the residential component. The reduction in carparking for the residential component is supported on the above basis. Furthermore, carbays 1 and 2 should be designated for the use of grouped dwelling unit 8. This is required for the dwelling to comply with the grouped dwelling definition in the R Codes.

A total of 16 carbays have been provided for the entire development, therefore resulting in four (4) carbays available for the commercial component.

Commercial Car Parking Requirements:

Requirements as per Parking and Access Policy	Required No. of Carbays
Office: 1 carbay per 50 square metres gross floor area (proposed 291 square metres).	5.82 carbays
Total carparking required before adjustment factor (nearest whole number)	6 carbays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of an existing public carpark with in excess of 75 carbays) ▪ 0.85 (within 400 metres of a bus stop) 	(0.578) 3.468 carbays
Carparking provided on site for commercial component	4 carbays
Resultant surplus	0.532 carbay

Bicycle Parking Facilities:

Requirements	Required	Provided
Office 1 per 200 (proposed 291) square metres public area for employees (class 1 or 2).	1.45 spaces	No bicycle parking shown on plans
1 space per 750 square metres over 1000 square metres for visitors.	N/A	

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of two (2) class 1 or 2 bicycle parking bays rounded to the nearest whole number. As such, an appropriate condition should be applied accordingly.

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

Height

The Town's Policy relating to the Hyde Park Precinct for Building Height permits a maximum height of three-storeys, including a loft.

The proposed highest point is 9.303 metres on the southern and eastern elevations, 9.481 metres on the northern and 9.303 metres on the western elevations. The nearest part of the building facing the north, which is two storey, which abuts a residential property, is 6.803 metres in height and is located along the lot boundary.

The applicants have advised verbally that they are prepared to increase the wall height for the ground floor driveway along the eastern elevation as requested by the adjoining landowner to the east at No. 155 Bulwer Street, which is considered acceptable has been conditioned appropriately.

Privacy

The eastern side of the balcony and bedroom 2 of unit 7 should be adequately screened as per the privacy requirements of the R Codes, which is to be conditioned. Otherwise the proposal complies with the privacy requirements of the Residential Design Codes. All other major openings have the necessary setback in terms of privacy with respect to the requirements of the Residential Design Codes.

Stores

The proposed variation as per the Compliance Table above is not supported. It is recommended that the area of the stores be increased to 4 square metres, with a minimum internal dimension of 1.5 metres. Being a vacant site, this requirement can be achieved. One of the stores below unit 8 is to be removed and relocated behind carbay 9. This is required to comply with the grouped dwelling definition in the R Codes.

Balcony

Clause 4.2.1 of the R Codes allows balconies to be reduced to a minimum depth of 1.5 metres with an area of 4 square metres. It is recommended that the variation requested in the Compliance Table be not supported and an appropriate condition be imposed for the above requirement.

Roller Doors

The applicant has proposed roller security screens along the William Street frontage to facilitate rubbish removal. The roller doors are to be visually permeable as per the Town Policy relating to "*Security roller shutters, doors and grills on non-residential buildings*". The proposed security screens are 50 per cent visually permeable, when viewed from the street and have been designed as an integral part of the design of the proposed development.

Density and Plot Ratio

The residential density applying to the site, if developed for solely residential purposes, is R80. Being grouped dwellings, the potential under the R60 requirements is 5.67 units; proposed is 8 units. The above site is zoned Commercial. The Town may allow variations where acceptable levels of residential amenity can be maintained, especially in Commercial zoned land. In a mixed use developments, the Town in the past has considered development at a higher density provided that the whole project fits in with the surrounding development and the likely overall benefits to be achieved with such mixed use developments. In such situations, bulk and scale are also considered as part of the assessment criteria. The proposed development is two/three storeys and is stepped down towards the east side along Bulwer Street, adjacent to the residential lots.

The total plot ratio proposed for the development is 0.468, in lieu of 0.65 which excludes the ground floor commercial area.

Overshadowing

The proposal complies with the solar access requirements as indicated in the Residential Design Codes, as demonstrated in the attached plans.

Traffic and Access

The Town's Technical Services have advised that the access and carparking layout are considered acceptable.

The proposal also includes gates for the subject development. These gates should be either open at all times or suitable management measures require to be implemented for visitor access for both the commercial and residential tenancies, and a suitable conditions should be proposed to this effect.

The DPI have also supported the proposed access arrangements.

Health and Building

The Town's Health Services have advised that it is satisfied with the location of the residential and commercial bin storage area as shown on the submitted plans.

The Town's Building Services have advised that an additional exit is required to be provided from the first floor, provision of toilets for persons with disabilities, and compliance with the fire requirements of the Building Code of Australia. The applicants have advised that these would be addressed at Building Licence application stage.

Landmark Features

It is recommended that the corner component of this proposal should incorporate design features to define and accentuate the corner to create a landmark feature, without increasing the height and plot ratio of the development.

Summary

The proposal is supported as is not considered to unreasonably affect the amenity of the adjacent or surrounding properties. If the grouped dwellings proposed were to be categorised and considered as multiple dwellings, the above variations would not be an issue. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.

ITEM WITHDRAWN AT THE REQUEST OF THE APPLICANT

10.1.12 No. 2 (Lot 2) Waugh Street, North Perth – Proposed Minor Renovations to the Existing Single House, Demolition of Outbuildings Including Garage and Pergola, and the Construction of an Additional Two-Storey with Loft Single House

Ward:	North	Date:	23 October 2003
Precinct:	North Perth, P8	File Ref:	PRO 1691; 00/33/1768
Attachments:	001		
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (a) the development is not consistent with the orderly and proper planning and preservation of the amenities of the locality;*
- (b) non-compliance with the Town's Knutsford Locality Plan Policy in terms of the upper level front setback; and*
- (c) the setback of the garage is not consistent with the Town's Street Setback Policy.*

the Council REFUSES the proposed minor renovations to the existing single house, demolition of the outbuildings including garage and pergola, and the construction of an additional two-storey with loft single house, as proposed in the application submitted by Birch Architecture and Design on behalf the owner T Dewberry at No. 2 (Lot 2) Waugh Street, North Perth, and as shown on plans stamp-dated 17 October 2003.

LANDOWNER: T Dewberry
APPLICANT: Birch Architecture & Design
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Proposed Lot 2		
Ground level - southern elevation	1.0 metre	Nil - internal to development
Ground level - front	2.5 metres	2.5 metres to main dwelling 1.52 metres to garage located forward of dwelling
Upper level - front	6.0 metres	Minimum 2.5 metres to main dwelling

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

SITE HISTORY:

The subject site has two street frontages. An existing single-storey house fronts onto Waugh Street, with an existing garage off Norham Street. The proposed two-storey house with loft has frontage to Norham Street. The total site is only 12.15 metres wide and 40.25 metres long. However, the proposed lot where the new dwelling is proposed is only 12.15 metres deep and 16.86 metres wide, to the Norham Street frontage.

The owner of the property has applied for subdivision of the property into two allotments. The Town on 22 September 2003 responded to Western Australian Planning Commission (WAPC) (reference number 122979) in relation to the proposed subdivision where it recommended conditional approval. The WAPC decision is pending the approval of this development application, as the WAPC requires development approval on properties that have a dual coding to ensure that the existing house is retained.

The dwelling is not listed on the Town's Municipal Heritage Inventory and there are no significant trees on site.

DETAILS:

The applicant seeks approval for the construction of a new two-storey with loft dwelling fronting onto Norham Street, minor renovations to the existing house and demolition of the existing outbuildings, garage and pergola. The proposal includes the provision of two parking bays for the existing dwelling accessed off Norham Street. The new two storey dwelling with loft includes the development of a double garage, two bedrooms, a study, kitchen, dining and living room, a rear courtyard area and a balcony off of the upper level master bedroom.

On 17 October 2003, the applicant lodged a final set of amended drawings addressing some of the requested variations. The variations sought included a reduction in the side and rear setbacks, as well as a minor variation to the open space requirement. The amended plans address some of the variations however, the following issues are required to be addressed being; a reduction of the upper level setback requirement from Norham Street from 6.0 metres to 2.5 metres, the reduction in the southern ground floor setback from 1.0 metres to nil. The other variation sought is the setback of the garage being reduced from the required setback of 2.5 metres to 1.52 metres.

The variations sought generally do not comply with the acceptable development standards of Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies.

CONSULTATION/ADVERTISING:

The proposal was advertised to neighbouring property owners for comment. Two submissions were received during the advertising period and are summarised as follows:

Submission one:

- The proposed parapet on the northern boundary should not be higher than the existing adjoining parapet wall.

- No objection to the reduced front setback.
- Concern with overlooking from the stairwell window facing north.
- Upper level north facing windows to be setback 4.5 metres or 1.6 metres sill height.
- Truncation to be provided in the proposed fence on Norham Street boundary adjacent to the neighbour's garage/driveway.

Submission two:

- Concern that a two storey development will eliminate natural light and invade privacy.
- The property value of the objector's property will decrease, as the property will be "boxed" in by two storey development on both sides.

The technical issues raised above have been addressed by the applicant in the form of amended plans submitted on 17 October 2003. Other issues raised above are addressed below within the comment section of the report.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Street Setbacks

The Town's Street Setbacks Policy states: *"In the case of new dwellings at the rear of original corner lots, with frontage to the secondary street, setbacks which match the adjoining dwellings fronting the street (if any) otherwise a minimum of 1.5 metres to a verandah, porch, portico and the like, excluding balconies, and/ or 2.5 metres to the main building"*.

The garage is proposed to be setback 1.5 metres in lieu of the required 2.5 metres setback. The Town's Street Setback Policy specifies which structures may be considered forward of the 2.5 metre setback line and a garage is not one of these acceptable structures. Garages are also required to be behind the main building setback. With this in mind, the proposed variation to the setback of the garage is not supported and a condition of approval requires this setback to be increased.

The Town's Knutsford Locality Plan Policy requires an upper level setback of 6.0 metres.

The streetscape of Norham Street tends to consist of side boundaries with some grouped dwelling sites with pedestrian access onto Norham Street. The street has a narrow feel and a reduced setback to the upper level would further exacerbate this situation.

The proposed reduction in the upper level setback from 6.0 metres to 2.5 metres to Norham Street is not supportable given that it is a significant variation to the required standard. The proposal also includes an upper level balcony, which is situated on top of the garage and is proposed to have a 1.5 metres setback to Norham Street. The reduced setback to the upper level balcony from 6.0 metres to 1.5 metres is not supported.

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

There are no other setback variations proposed as the proposal complies with acceptable development standards in relation to privacy setbacks and/or 1.6 metres sill heights to prevent unreasonable overlooking into adjoining properties. There is also no overshadowing onto any of the adjoining neighbouring properties.

The applicant submitted the following justification in support of the proposed variations:

- The Town of Vincent has exercised discretion to approve similar developments with reduced front setbacks previously.
- A reduction in the front setback ensures that the upper floor is setback effectively from adjoining boundaries to reduce the impact of the development on adjoining properties.
- The proposal complies with the performance criteria of the Street Setbacks Policy which states that *"the setting back of buildings which contributes to the desired character of the streetscape encourages social interaction and surveillance between dwellings and the street and vice versa; and provides adequate privacy for dwellings."*
- The setbacks proposed are staggered, create interest, encourage interaction of the dwelling and the street and provide adequate privacy.
- The configuration of the car parking spaces as proposed is optimum for the amenity of the streetscape. The proposed location and design of the car bays is such that it has minimal impact on the existing dwelling and ensures the best use of the site.
- The proposal has been designed in a manner that carefully considers the site configuration and is fully considerate of the adjoining neighbours and the general streetscape. The existing building has been maintained and upgraded to ensure its character continues to feature within the streetscape of Waugh Street and therefore meets the R40 requirement. The new dwelling brings a vibrant mix to Norham Street encouraging greater interaction in the street and meets the performance criteria set out within the R-Codes and the Town of Vincent Planning Scheme and associated Policies.
- The proposal enhances the streetscape of Waugh Street and Norham Streets, while sympathetically adding a new dimension and is an example of the successful way old and new styles bond within the Town of Vincent to give the Town its own identity.

Side Setbacks

The acceptable development standards of the Residential Design Codes allow for the construction of parapet walls to one side boundary. The proposal includes a parapet wall adjacent to the northern boundary which abuts an existing parapet wall, which meets acceptable development standards and a parapet wall to the new lot's southern boundary. The parapet walls are considered supportable as the southern parapet is an internal boundary to the development.

Property Devaluation

An issue raised within one of the submissions related to the concern that the new development will reduce property values. This is not considered to be a major planning consideration.

Fence

The design of the proposed fence along Norham Street has been amended to include a 1.5 metres by 1.5 metres visual truncation adjacent to the neighbouring property's garage and driveway. This modification to the design of the fence has addressed the concern raised in one of the submissions.

Conclusion

In this instance, the proposed major variation to the Town's Policy, that being the upper level setback is not considered supportable. Minor variations to the R-Codes and Town's Policies as noted above are considered supportable. Significant modifications to the design would be required to make the design comply with the upper level setback requirement, and it is therefore recommended that the application be refused, as it may negatively impact on the streetscape in terms of scale and bulk.

10.1.16 Robertson Park Old Bottle Yard Artefact Collection - Report on Analysis and Cataloguing

Ward:	South	Date:	27 October 2003
Precinct:	Hyde Park - P12	File Ref:	PRO 2476
Attachments:	-		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the "Analysis and Cataloguing of Old Bottle Yard Artefacts" by Rapley Archaeological Consultants dated July 2003;*
- (ii) *ADOPTS the recommendations as stated on page 66 of the report (and quoted below), namely to aim to keep the collection intact and to retain the collection in its current storage arrangement;*
- (iii) *ADVISE Oceanbird Holdings in writing that the report has been completed and is available for inspection;*
- (iv) *PROVIDES copies of the report and catalogue to the Town of Vincent Library and the State Library of Western Australia; and*
- (v) *ENDORSES that future decisions affecting the collection, whether in whole or part, should only be done so in association with the advice of an archaeologist or other such professional in order that the integrity and value of the collection is not compromised.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted subject to clause (iii) being deleted and the remaining clauses renumbered.

Moved Cr Lake, Seconded Cr Doran-Wu

That clause (iii) be reinstated.

AMENDMENT CARRIED (6-1)

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

(Crs Franchina and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

LANDOWNER: Town of Vincent and Oceanbird Holdings Pty Ltd.
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Parks and Recreation
and Residential R80
EXISTING LAND USE: Vacant

BACKGROUND:

In 2002 the Council approved funds of \$16,000 to commission a report on the artefacts recovered from the former Bottle Yard site (known as the Old Bottle Yard) located within Robertson Park, at the corner of Stuart and Palmerston Streets, Perth.

SITE HISTORY:

The Perth and Fremantle Bottle Exchange Company was established on this site in 1905.

In 2001, the Town undertook an artefact recovery program at the Old Bottle Yard site in Robertson Park, during archaeological investigations carried out in May 2001. The recovery program was undertaken in response to various acts of vandalism and looting that took place as artefacts were uncovered during earth moving works at the site.

Rapley Archaeological Consultants were commissioned in September 2002 to undertake an analysis and cataloguing of the artefact collection, to establish its value and provide an inventory.

In 2002, part of the Old Bottle Yard site was sold to Oceanbird Holdings Pty Ltd. Therefore, the subject site is zoned both Parks and Recreation and Residential R80.

DETAILS:

The subject report "*Analysis and Cataloguing of Old Bottle Yard Artefacts*" and associated Appendices 1 and 2 are "*Laid on the Table*".

The objectives of the commissioned report were as follows:

- Assess and analyse the artefacts in order to prepare them for cataloguing and storage;
- Catalogue and database the entire collection;
- Prepare a detailed and scholarly report detailing the methods used to analyse the artefacts as well as their significance, if any; and
- Provide recommendations relating to the maintenance and conservation of the collection.

The majority of the collection comprises approximately 3337 historic ceramic, glass and stoneware bottles and jars. Other artefacts consist of household items, such as vases and crockery and some metal objects.

The significance of the study and collection is summarised on page 8 of the report and reads as follows:

This collection of artefacts represents a unique and varied example of bottles and jars from the twentieth century in Western Australia. It has been possible to determine exact dates for a very few, however what has been possible to identify, in most cases, is their use, the manufacturing techniques used as well as who produced them. In some cases it has been possible to identify the individual bottle or jars contents. This collection provides us with a unique window into the day to day life of West Australians in the 1900s.

The academic study of historical bottle types [in] Australia is very limited. Apart from Dr James Boow's Early Australian Commercial Glass Manufacturing Processes, 1991, very few books or papers published on the subject provide a comprehensive record of this part of our history. It is intended that this report will add somewhat, even in a small way, to what is known about historical bottles in Western Australia and subsequently Australia.

A total of twenty one (21) manufacturers of glass and milk glass bottles and jars were identified in the process of the study. Five of these were Australian manufacturers.

The report provides a Summary of Findings and Recommendations on page 65 and reads as follows:

Results - Bottles and Jars

Analysis of the bottle and jar artefacts within the collection have produced a varied and unique study of commercial glass usage in Western Australia during a large portion of the twentieth century.

Many types of bottles such as those used to contain beer and food items, like Bovril, are still manufactured in almost the exact style today. Many others now cease to be produced, such as the stoneware ginger beer and ink bottles.

The techniques used to manufacture bottles have evolved greatly over the past century and this collection is a unique representation of this evolution. Many different manufacturing techniques are displayed here and thus present us with a rare and valuable overview of these procedures.

Whilst the manufacturing aspect is important the other highly valued aspect of this collection is the heritage one. A vast number of now defunct companies are represented here along with many that still exist today. These companies represent the history of manufacturing within Western Australia, Australia and in some cases other parts of the world. The bottles from, for example, England, Scotland and the United States of America provide us with a glimpse of what items were imported into the country during this early period.

The change over time from foreign manufactured and imported bottles to Australian produced bottles is also clearly displayed within this collection.

All of these points show us that this collection is an important piece of our heritage.

Other artefacts

There was not a great deal of analysis done on the other artefacts within the collection. This was done for one important reason. As there is no direct question to be answered regarding them at this time they have been left as they are, both clearly and correctly labelled.

Recommendations

Bottles and Jars

It is highly recommended that this collection be kept intact for both its heritage significance and for future research. This is a unique collection of such artefacts and much more information can be derived from them than is produced here in this analysis. The fact that the collection is predominately Western Australian in its context makes it a valuable part of our heritage. It is suggested that any questions regarding future research be directed to the Centre for Archaeology at the University of Western Australia.

At the present time the bottles and jars are stored in plastic crates at the Town of Vincent Works Depot. They are safely stacked in these crates and there is no need at the present time to place them into any other type of storage container.

Other Artefacts

It is also recommended that these artefacts be preserved for future research. The majority of these artefacts are the result of controlled excavations carried out to investigate the presence of a convict built drain within the Robertson Park Precinct. These artefacts have yet to be fully analysed due to there being no direct question requiring an answer at this stage. They may be useful as an addition to any future research that is the result of the further development of Robertson Park.

As stated previously the other artefacts within the collection have not been greatly disturbed. This has been done to assist future researchers who would prefer to have the samples in an undisturbed state.

All of these artefacts are clearly labelled and stored in boxes. At this present time this is a suitable way in which to store them and there is no pressing need to alter this arrangement.

CONSULTATION/ADVERTISING:

There is no consultation or advertising required for this item.

LEGAL/POLICY:

There are no specific legal or policy matters relating to this item. However, Australian ethical standards for the care and protection of culturally important movable heritage (artefacts) are outlined in the ICOMOS Burra Charter. The artefact recovery program and documentation of the collection as contained in Rapley's report are in accordance with these standards. Future management of the collection should also follow these standards.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$16,000 was allocated in the Town of Vincent 2002/2003 Budget. The commissioned study and report were completed within the allocated budget.

COMMENTS:

The report is considered to fulfil all the requirements of the project brief.

The database has been provided in two hard copy volumes and in an electronic form, which will allow an accurate record of the collection to be maintained. This has already proven useful in the case of identifying a number of appropriate objects that may be used in interpretive artwork for Robertson Park. Each artefact within the collection is now accounted for and documented.

The collection is currently securely stored and each object has been labelled and identified. The Executive Manager Technical Services advises that the current storage arrangements are satisfactory and there is no need to find alternative storage space at the present time.

As part of the Old Bottle Yard site has been sold by the Town to private ownership since the excavation of the site, it is recommended that the owners of the subject land, Oceanbird Holdings Pty Ltd., be advised in writing of the availability of the artefact collection report. Copies of the report and catalogue should also be provided to the relevant libraries.

Should future decisions need to be made regarding the collection, whether relating to individual artefacts or the collection as a whole, this process should be guided by the advice of an archaeologist or other relevant professional expertise. Such future decisions may include storage, display, interpretation and access for study. This is to assist the efforts to maintain the integrity and value of the collection.

Therefore, it is recommended that the Council receives and adopts the '*Analysis and Cataloguing of Old Bottle Yard Artefacts - A Report to the Town of Vincent by Rapley Archaeology Consultant July 2003*', and authorises the Town to write to Oceanbird Holdings to advise them of the report, provide copies of the report to the relevant libraries and that future management decisions affecting the collection be guided by suitable professional advice.

10.1.19 Planning Institute Australia, National Conference 2004

Ward:	-	Date:	27 October 2003
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	N Wellington		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

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

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted and Cr Ker be nominated to attend.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.1.19

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

BACKGROUND:

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

DETAILS:

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

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

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

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

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

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

Resource Management

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

Built Environment

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

Cultural Heritage

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

The Institute is especially interested in receiving papers from professional practitioners with an emphasis on:

- the structure, scope and content of leading edge 'plans;'
- innovative plan preparation processes and practice; and
- implementation: successes and impediments.

At the Ordinary Meeting of Council held on 12 August 2003, the Executive Manager Environmental and Development Services was authorised to attend the Australian Institute of Environmental Health National Conference to be held in Tasmania from 14 - 17 October 2003 at an approximate cost of \$2,565. Due to work commitments, the Executive Manager did not attend this conference. At this time, notice was received with regard to the National Planning Conference and it was considered that the theme and topics to be included in this year's conference would be particularly beneficial to the Town.

CONSULTATION/ADVERTISING:

Not applicable.

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Cost per person;

Conference registration (Non Member Early bird fee - to be paid before 16 January 2004)	\$ 875
Airfare/Taxi transfers	\$ 700
Accommodation and meals	\$ 1100
Total:	\$ 2675

LEGAL/POLICY IMPLICATIONS:

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

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

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

Contract Requirement

The Executive Managers Contract of Employment entitles the Officer to attend one interstate professional development conference each year. Mr Boardman has not previously attended a National Planning conference.

COMMENTS:

It is recommended that approval be granted for the Executive Manager Environmental and Development Services and one (1) Elected Member to attend the Conference.

10.3.1 Review of the 2003/2004 Annual Budget

Ward:	Both	Date:	27 October 2003
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	N Russell, M Rootsey		
Checked/Endorsed by:	M Rootsey, John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY ABSOLUTE MAJORITY the adjustments of the 2003/04 Annual Budget as detailed in this report.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

BACKGROUND:

The Town as part of its management procedures, reviews its Budget on a regular basis to make adjustments for any major variations or additional requirements to the adopted Budget.

DETAILS:

A review has been undertaken as at 30 September 2003 to adjust for any major variances or additional items required and the inclusion of previous decisions of the Council. A schedule of the adjustments is included at Appendix 10.3.1.

Emergency Services Levy - \$1,397,236

At the time of preparation of the Budget there was uncertainty as to the accounting treatment for this levy.

The auditors subsequently advised that as the levy was collected on behalf of the State Government and therefore not the Town's revenue. The levy is not to be accounted for in the Town's Operating Statement, but rather the entries should be accounted for in a Balance Sheet account.

Funding Implication:

No impact on the financial position as both income and expenditure entries effected.

Claisebrook Sewer Division – Multi-Purpose Stadium - \$256,590

The sewer was required to be diverted as part of the multi-purpose stadium work. This work was not included in the original specifications for the project as at the time it was not known that the sewer effected the stadium construction. The work was funded by a State Government CSRFF Grant and a contribution from the Water Corporation.

Funding Implication:

No impact on financial position as effect is on both expenditure and income.

Leederville Garden Surplus - \$251,354

The surplus for the 2002/03 financial year was considerably more than \$30,000 originally estimated. The surplus is generated through the number of units sold and this financial year due to the buoyant property market a large number of units were sold. It is difficult to estimate the surplus amount in any one year as it is difficult to assess the property on the market in advance. These funds are transferred to Aged Person Reserve.

Funding Implication:

No impact as this surplus is transferred to Aged Person Reserve.

Beatty Park – Bubble Machine - \$3,379; Equipment for Flying Fox - \$626

Both these amounts were originally anticipated to be accounted for in the previous financial year and were therefore not brought forward.

Funding Implication:

Amounts to be funded from Beatty Park Reserve Fund.

Photocopier - \$13,022

This item was included in 2002/03 Budget and it was advised that it was to be delivered prior to the end of the previous financial year. However, due to supply problems, the delivery did not materialise and the item was not carried forward in this year's Budget.

Funding Implication:

Increase budget expenditure.

Council Chamber IT Works - \$2,597

At the Ordinary Council meeting of 27 May 2003, Item 10.4.1 the Council resolved to fund the purchase of recording equipment for Council meetings.

Funding Implication:

Expenditure to be funded from the Information Technology Reserve.

Conversion of Administration Centre Toilets for Universal Access - \$20,510

At the Ordinary Council meeting of 22 July 2003 Item 10.1.1 it was resolved that the toilet outside the function room should be converted for universal access. The work is to be undertaken in early December 2003.

Funding Implication:

Expenditure to be funded from the Administration and Civic Centre Reserve.

Rates – Instalment Interest - \$7,500; Administration Charge - \$4,000

An increased number of ratepayers have chosen to use the instalment payment options for the payment of their rates. As a result there has been an increase from the projected budget revenue for the above items.

Funding Implication:

Increased budgeted revenue.

Street Directory Sales - \$2,000

The 2003/04 Fees - Charges included for the first time the sale of Street Directories now that they were able to be provided by the Town's Property System. There has been significant demand for the directories, resulting in the sales exceeding budgeted expectations.

Funding Implication:

Increased budgeted revenue.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008

Key Result Area 4 – Governance and Management

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

d) Ensure that processes comply with relevant legislation.

FINANCIAL/BUDGET IMPLICATIONS:

At the end of the first quarter of the financial year, with the inclusion of the reported adjustments there is an estimated surplus on the 2003/04 Budget of \$498.00.

COMMENTS:

The Town reviews the budget at the end of each quarter, therefore the next review will be conducted at the end of December 2003.

10.4.1 Delegations for the Period 1 July 2003 to 30 September 2003

Ward:	Both	Date:	28 October 2003
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	Various		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 July 2003 to 30 September 2003 as shown in Appendix 10.4.1; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices to the value of \$15,470 for the reasons detailed in this report.*

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Executive Managers and Managers exercise the delegated authority in accordance with the Council's policies.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.1. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's auditors recommend that infringement notices be reported to Council for a decision to write-off the value of the infringement notice. In these cases it is the opinion of the Manager Law and Order Services that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice. The details of the infringement notices are as follows:

Description	Amount \$
Residential parking restrictions – Perth Oval – valid reason provided #	7,660
Ranger/Clerical Error/Training	2,700
Vehicle registered to interstate or overseas owner	1,140
Proof of vehicle breakdown or theft	750
Proof that ticket was purchased and produced	390
Vehicle ownership cannot be located	660
Insufficient or incorrect signage	80
Faulty ticket machines	-
Modified Penalties	1,605
Litter Act	-
Dog Act	200
Pound Fees Modified	285
TOTAL	\$15,470

The majority of reasons are that the resident or a resident's visitor failed to display the required residential parking permit – proof was provided

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

10.3.2 Capital Works Program 2003/2004 Progress Report No 1 as at 30 September 2003

Ward:	Both	Date:	8 October 2003
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicher, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No 1 for the Capital Works Program 2003/2004, as detailed in Appendix 10.3.2.

Cr Cohen departed the Chamber at 9.36pm.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Cohen was absent from the Chamber and did not vote. Crs Franchina and Torre were apologies for the Meeting.)

BACKGROUND:

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 23 July 2003. Quarterly reports are presented to Council to advise of the schedule and progress of the Capital Works Program. This is the first Progress Report for this financial year covering the period ending 30 September 2003.

DETAILS:

The report focuses on the work that was due to be completed in the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 30 September 2003.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 – Key Result Area

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

FINANCIAL/BUDGET IMPLICATIONS:

The progress is proceeding according to funding in the Annual Budget 2003/2004.

COMMENTS:

The Capital Works Program is progressing according to schedule.

10.4.2 Review of Policies - Adoption

Ward:	-	Date:	29 October 2003
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	Various, A Smith, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

1. APPROVES of the following;

(i) *Policies to be amended as shown in Appendix 10.4.2;*

- (a) *2.2.4 - Footpaths - Upgrading of*
- (b) *2.2.8 - Crossovers*
- (c) *2.2.11 - Waste Management*
- (d) *3.9.8 - Residential and Visitors Parking Permits*

(ii) *new policies being adopted as shown in Appendix 10.4.2;*

- (a) *3.8.10 - Prohibition of Smoking Inside Designated Council Owned Playgrounds;*
- (b) *4.1.3 - Anonymous Complaints;*
- (c) *4.1.14 - Official Photograph - Council, Mayor, Councillors and Senior Officers;*
- (d) *4.1.13 - Conferences and Training - Attendance, Representation, Travel and Accommodation Expenses and Related Matters (replacing current policies 4.1.13 and 4.1.14);*
- (e) *4.1.17 - Corporate Logo;*
- (f) *4.1.24 - Use of Common Seal; and*
- (g) *4.1.25 - Primary and Annual Returns;*

2. AUTHORISES the Chief Executive Officer to:

- (i) *advertise the proposed new policies for a period of twenty one (21) days, seeking public comment;*
- (ii) *report back to the Council with any public comments received; and*
- (iii) *include the policies in the Policy Manual if no public submissions are received.*

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted subject to Clause 1(i)(a) - Policy 2.2.8 - Crossovers and Clause (ii)(d) - Policy 4.1.13 - Conferences, be amended as follows;

Policy 2.2.8 - Crossovers - Amend Clause (1) under Council and Private Construction, by deleting the word "~~Council~~" and replacing it with the words "the Town".

Add a new Clause (10) under Specification, as follows;

"All new crossovers must indicate a visual continuity of the footpath as outlined in the Town's Standard Specification for the Installation of Brick Paved Crossovers and the Installation of Cast Insitu Concrete Crossovers."

Amend Clause (1) under Specification to add the word "insitu" before the word "concrete".

Policy 4.1.13 - Conferences, etc - add the words "at the Council's expense" at the end of 1.1.

Debate ensued.

Cr Cohen returned to the Chamber at 9.39pm.

Moved Cr Chester, Seconded Cr Farrell

That Policy 2.2.4 - Footpaths - Upgrading of should be approved subject to further review.

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.4.2

That the recommendation be adopted subject to Clause 1(i)(a) - Policy 2.2.8 - Crossovers and Clause (ii)(d) - Policy 4.1.13 - Conferences, be amended as follows;

"Policy 2.2.8 - Crossovers - Amend Clause (1) under Council and Private Construction, by deleting the word "Council" and replacing it with the words "the Town".

Add a new Clause (10) under Specification, as follows;

"All new crossovers must indicate a visual continuity of the footpath as outlined in the Town's Standard Specification for the Installation of Brick Paved Crossovers and the Installation of Cast Insitu Concrete Crossovers."

Amend Clause (1) under Specification to add the word "insitu" before the word "concrete".

Policy 4.1.13 - Conferences, etc - add the words "at the Council's expense" at the end of 1.1."

That the Council;

1. *APPROVES of the following;*

(i) *Policies to be amended as shown in Appendix 10.4.2;*

(a) *2.2.4 - Footpaths - Upgrading of*

(b) *2.2.8 - Crossovers and being further amended as follows:*

"Amend Clause (1) under Council and Private Construction, by deleting the word "~~Council~~" and replacing it with the words "the Town".

Add a new Clause (10) under Specification, as follows;

"All new crossovers must indicate a visual continuity of the footpath as outlined in the Town's Standard Specification for the Installation of Brick Paved Crossovers and the Installation of Cast Insitu Concrete Crossovers."

Amend Clause (1) under Specification to add the word "insitu" before the word "concrete".

(c) *2.2.11 - Waste Management*

(d) *3.9.8 - Residential and Visitors Parking Permits*

(ii) *new policies being adopted as shown in Appendix 10.4.2;*

(a) *3.8.10 - Prohibition of Smoking Inside Designated Council Owned Playgrounds;*

(b) *4.1.3 - Anonymous Complaints;*

(c) *4.1.14 - Official Photograph - Council, Mayor, Councillors and Senior Officers;*

(d) *4.1.13 - Conferences and Training - Attendance, Representation, Travel and Accommodation Expenses and Related Matters (replacing current policies 4.1.13 and 4.1.14), subject to the following amendment:*

"add the words "at the Council's expense" at the end of 1.1.";

(e) *4.1.17 - Corporate Logo;*

(f) *4.1.24 - Use of Common Seal; and*

(g) *4.1.25 - Primary and Annual Returns;*

2. *AUTHORISES the Chief Executive Officer to:*

(i) *advertise the proposed new policies for a period of twenty one (21) days, seeking public comment;*

(ii) *report back to the Council with any public comments received; and*

(iii) *include the policies in the Policy Manual if no public submissions are received.*

BACKGROUND:

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

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. As the policy manual contains a large number of policies a program of review has been prepared for the matter to be considered between July and December 2003. The Town's Administration has commenced the process and has provided the comments as outlined in this report.

Policies 2.2.4, 2.2.8, 2.2.11 were considered at the Ordinary Meeting of Council held on 26 August 2003 and Policy 3.9.8 was considered at the Ordinary Meeting of Council held on 7 October 2003. Copies of the policies to be amended, deleted or recommended for re-adoption were advertised for public comment and sent to all community and precinct groups. The following submissions were received:

1. Dudley Maier of Chatsworth Road, Highgate

Mr Maier comments pertaining to the following policies:

(i) Policy 2.2.4 – Footpaths – Upgrading of

- This policy seems to be a mixture of three policies, minimum standards; Footpath Replacement Program; and financial responsibility for commercial properties, without clearly separating them.
- Clause 2 refers to the Town's Footpath Replacement Program without spelling out how this program is developed.
- Clause 4 refers to "all footpaths fronting proposed developments". The procedures which follow refer only to commercial developments.
- Also, the Town currently has a practice of replacing residential footpaths with insitu concrete and commercial footpaths with red brick pavers. The proposed policy does not clearly reflect this practice.
- Additionally, there is reference to Condition 1 and 2, and Condition 3, 4 and 5 paths without defining these 'conditions' or making reference to where the definitions may be found.
- I therefore believe that this policy should be replaced with three separate policies:
 - Footpaths – Design Standards
 - Footpaths – Replacement Program
 - Footpaths – Cost of Upgrades for Commercial Properties

Design Standards

- A new policy should be developed dealing with the standards of footpaths in residential and commercial areas. This policy should deal with issues such as aesthetics and universal access. Outside assistance from a design professional should be sought in developing this policy.

My personal preferences in this area include:

I find the current insitu paths to be hot and extremely glary in summer. I would like to see consideration given to different coloured concrete – possibly something with a softer earthy tone.

Where a small section of insitu path has been damaged the whole section between expansion joints should be replaced.

I also prefer the smaller grey paving slabs used in the City of Perth and EPRA area to the red brick pavers used throughout the Town. I believe that the Town should develop better landscaping guidelines for all public space in commercial areas and that this be developed with outside help.

I dislike the current practice of completely paving all 'entry statements'/nibs in residential areas. While this is a cheap alternative, the pavers are laid over the existing road surface, it makes the corners look hot and dull. I would prefer to see these areas developed to enable low plants to be grown.

Replacement Program

This policy should clearly define the policy for developing the replacement program. It should describe the criteria used, the mechanism for (re)assessing the criteria, and the mechanism for assigning priorities.

Cost of Upgrades for Commercial Properties

This should be based on clause 4 from the proposed policy.

CEO's Comment

The splitting this policy into three separate policies is not supported however the policy has been amended to reflect some of the suggestions made.

Officers are currently preparing a policy which will deal with universal access.

With regards using coloured concrete in lieu of plain concrete(due to glare) it is considered that this idea would create problems when reinstating sections of path i.e matching the colour, service authorities would not reinstate in colour, the additional cost is not justified and concrete paths soon weather in appearance hence reducing 'glare'.

The use of Clay pavers in lieu of concrete pavers has proved very successful in the Town's streetscape upgrade projects. The Town has an annual tender for the supply of brick pavers and an annual tender for the laying of brick pavers. The use of Red, Pilbara Iron with both cream and charcoal headers have been successfully used in combination with pattern paved concrete of differing colours and patterns at strategic locations on streetscape projects.

The grey 'urban stone' concrete pavers extensively used by the City of Perth are more than double the cost of clay pavers and it is considered will result in same inherent long term safety issues currently being experienced with the existing concrete slab pavers which are currently being progressively removed from the Towns road reserves.

The landscaping of small entry nibs in lieu of paving has inherent problems in terms of water supply/maintenance. Officers have previously examined this and where this can be accommodated in future streetscape upgrades i.e. availability of water etc this will be considered.

The Slab Footpath Replacement program is an on going program initially developed in 1996 with the basis of the development of the program reported to the Council at its Ordinary Meeting held on 12 August 1996. Each year a revised 5 year program is presented to the Council and the Council is requested to adopt year 1 of the revised program. This enables the program to remain dynamic and include residents requests, liability issue etc.

(ii) Policy 2.2.8 – Crossovers

Minor Typo in clause 2.

CEO's Comment

Policy has been amended to reflect the comments received.

(iii) Policy 2.2.11 Waste Management

- There is no mention of the 'tip passes' that the Town has purchased. This service must be listed.
- The Town should provide a mechanism for the disposal of small quantities of 'toxic' substances such as paints, oils, chemicals, asbestos etc. In the past an annual disposal day was arranged whereby residents took the toxics to a central location/tip which was located outside the Town. It would be a good idea if the Town reintroduced such a service on an annual basis and had a number of local delivery sites within the Town such as a public carparks.
- Slight typo in clause 3.2, 3.5, 4, and 4.2.

CEO's Comment

With regards tip passes the Town has NOT purchased any tip passes as yet. The Towns officers are currently in discussion with officers of the City of Stirling. When these discussions are completed the matter will be considered by the Council prior to any formal arrangement with regards tip passes being progressed. The disposal of hazardous chemicals is also being discussed with Stirling.

Also in relation to hazardous chemical products, the Town's Environmental Health Officers are currently investigating collective alternatives to the previous annual collection day in cooperation with the Western Suburbs Environmental Health Officer Group. A report in this regard will be submitted to the Council as soon as practicable.

The policy has been amended.

2. Andrew Main of Alfonso Street, North Perth

Mr Main made comments pertaining to the following policies:

(i) Policy 2.2.4 Footpaths - Upgrading of

I have a personal dislike for the red and cream brick paving that is used on main roads and in commercial areas of the Town. The cream pavers especially get very dirty. I note that the City of Perth is replacing the red pavers in Northbridge with the grey 400mm square grey pavers used elsewhere in the City. My personal preference would be for the 400mm grey pavers to be used instead of the red pavers.

I have also noticed that the red and cream pavers have been used in residential areas where new development has taken place, (eg Alma Rd North Perth). I think this results in a less than satisfactory outcome as there are two different materials being used for footpaths in the same street. I would suggest that red pavers are not used in residential areas.

Verge Paving

The Town itself has carried out a number of projects which involve paving the entire verge. For example, verge paving on Oxford Street Leederville (up toward Britannia Rd). I am not sure whether there is a policy which determines when the whole verge can be paved and when it can not. However, property owners, even in residential areas, can seek permission from the Town to pave the entire verge outside their property. As such, I would assume that full verge paving can happen throughout the Town.

In my opinion, paving the whole verge can detract from the amenity of an area and have other negative consequences such as storing heat, reducing rainwater permeation into the ground (increasing runoff) and impacting on the health of verge trees. My personal preference is that full verge paving should only occur in commercial areas. Where it does happen, adequate space should be left around the base of trees. On many occasions, paving right up to the trunk of the tree takes place - this surely has an impact on the health and lifespan of the tree.

It is worthwhile pointing out that grassed and/or vegetated verges have been reinstated into Northbridge by EPRA. This has really softened previously harsh and bleak environments. I recently spoke with a member of the urban design team contracted by EPRA to carry out the street upgrades in Northbridge. This person informed me that it is becoming more prevalent, even in densely populated inner city areas of European cities, to reintroduce vegetated verges.

CEO's Comments

Clay pavers in lieu of concrete pavers have been adopted as a standard and have proved very successful in the Town's streetscape upgrade projects. The Town has an annual tender for the supply of brick pavers and an annual tender for the laying of brick pavers. We have used a combination of Red Brick, Pilbara Iron with both cream and charcoal headers and have also used pattern paved concrete of differing colours and patterns at strategic locations on streetscape projects.

The grey 'urban stone' pavers extensively used by the City of Perth are more than double the cost of clay pavers and will result in same inherent long term safety issues currently being experienced with the existing slab footpaths

The Town has guidelines for verge planting and beautification available from Technical Services whereby authorisation is required to be obtained from the Town prior to these works proceeding. In addition Technical Services gives approval for paving of verges, where appropriate, to facilitate the parking of residents vehicles or those of another person duly authorised by the resident, fronting the property, subject to the following:

- Maximum width of paved area including the crossover must not exceed 7.50m in width.*
- Existing verge length to be greater than 4.0m*
- Minimum distance from the outside edge of a tree trunk to be 0.5m*
- Minimum footpath width to be 1.50m*

An owner of a property wishing to apply to pave a portion of the verge is to apply in writing stating specific requirements relating to the proposal.

Following receipt of an application the site is to be inspected to determine the conditions which should apply to the approval.

Technical Services has a draft policy with regards this matter which is currently being further refined and will soon be presented to the Council. The draft policy specifies the type of material to be used and the method of construction etc.

While I agree that vegetated verges have many advantages residents increasingly are not prepared to maintain/water verges and are taking it upon them selves to pave the verge area. Many verges have been paved without the Town's approval and many were also paved prior to the creation of the Town.

(ii) Policy 2.2.8 Crossovers

At present, having received permission from the Town, property owners are able to construct a driveway from their property to the street in the material they choose. In my opinion this has created a 'hotch potch' of different paving materials and styles in many streets in the Town which detracts from the amenity of the area. In my opinion, the Town should be responsible for footpaths and crossovers and that in residential areas these should be constructed in the standard concrete.

CEO's comments

Residents / developers must construct crossovers to the Town's standard specifications which outline types of materials to be used i.e. clay pavers or concrete. The Town is responsible for footpaths and has an interest in the crossover (Local Government Act 1995 requires Local Governments to contribute 50% towards the cost of a standard crossover) The ongoing maintenance of the crossover is the responsibility of the property owner.

The "Hotch potch" of crossover material mentioned by Mr Main is a result of crossovers being privately installed without the Town's direct involvement and where a subsidy has often not been claimed.

3. Cr Sally Lake

Cr Lake made comments pertaining to the following policies

(i) 3.9.8 - Residential and Visitors Parking Permits

"Happy with the suggested wording apart from the following minor suggestion and one typo.

1.3 Where the number of parking bays provided in a Unit Development do not form part of the strata title but the number of bays *is greater than or equal to* ~~equals~~ the number of residential units the Town shall not issue any Residential Parking Permits."

CEO's comments

The policy has been amended to incorporate the above comments.

(ii) 4.1.13 - Conferences and Training - Attendance, Representation, Travel and Accommodation Expenses and Related Matters (replacing current policies 4.1.13 and 4.1.14);

This was issued to Elected Members for comment. Cr Farrell indicated that he was satisfied with the proposed policy.

Cr Lake submitted the following comments;

"Definitions – I think there should be a comma after meetings to separate it from deputations (ie they are separate items in a list).

1.2 "A list is to be maintained ~~on~~ *of* the Elected ..."

1.3 If a conference is free, is it necessary for the representative to be approved by Council?

Would suggest the following additional words; "If Council funding is sought the representatives are to be ...".

- 1.4 Is this clause necessary? It seems to be covered by 1.3. Suggest deletion.
- 3.4(iv) add words that costs will be reimbursed by the Council "on production of receipts".
- 3.4(vii) add "... expended had arrangements been made to travel by the cheapest form of air travel".
- 5.1 "Following attendance at ~~interstate or overseas~~ conferences, the ~~Elected Member and Officer~~ attendees shall submit a report to the Council within thirty days of their return to Perth, ~~the event's proceedings and the major findings~~ for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest to the Town, and recommendations as to whether attendance at similar future conferences is warranted."

CEO's comments

The above comments have been included. Clause 5.1 has been discussed with Cr Lake and the policy amended to require a report for state, inter-state and overseas conferences and specified conferences of two days or more.

The following policies are still being reviewed and will be reported to Council in November/December 2003:

- 1.2.10 - Percent for Art Scheme (Officers currently reviewing)
- 2.2.27 - Street Parties (Legislation being checked with Main Roads WA and WA Police Service)
- 4.1.11 - Purchase of Fax Machines and Mobile Phones by Retiring Elected Members (being reviewed)

New Policies:

1. 3.8.10 - Prohibition of Smoking Inside Designated Council Owned Playgrounds

This is a new policy proposed following information from the Western Australian Local Government Association (WALGA). WALGA announced in the newsletter, Local Government News Issue No. 29.03, dated 18 July 2003, that the Australian Council on Smoking and Health (ACOSH) is currently promoting a ban on smoking around children's playgrounds. Small children are particularly susceptible to the ill effects of tobacco smoke and statistics would suggest that several hundred small children are admitted to hospital each year with respiratory complications due to exposure to tobacco smoke. ACOSH is recommending that Councils develop policies to enforce a ban through the prominent display of signage that would prohibit smoking at children's playgrounds.

ACOSH was formed in 1967 in New South Wales by Dr Cotter Harvey, President of the Medical Board of New South Wales, and also President of the National Tuberculosis and Chest Association. ACOSH was modelled on the Interagency Council on Smoking and Health established in the United States in 1964 to bring together Government agencies and health interest groups to sponsor conferences, facilitate co-operation, and educate the medical profession and the public about health and smoking. Branches of ACOSH were established in other States including, in 1971, Western Australia. In 1978, the Sydney branch of ACOSH ceased to exist, and national direction of the organisation passed to Western Australia.

The Health (Smoking in Enclosed Public Places) Regulations 1999, restrict smoking in enclosed public places since 29 March 1999, however due to no external restrictions, a Council Policy in this regard would be required for the Town's 36 designated playgrounds.

2. 4.1.3 - Anonymous Complaints

This is a new policy which reflects and formalises the administration's current practice.

3. 4.1.13 - Conferences and Training - Attendance, Representation, Travel and Accommodation and Related Matters

This policy has been re-written and replaces current policies 4.1.13 and 4.1.14.

4. 4.1.14 - Official Photograph - Council, Mayor, Councillors and Senior Officers

This is a new policy which reflects the administration's current practice. Currently, there is no policy relating to a Mayoral photograph or portrait. At the Ordinary Meeting of Council held on 22 November 1999 the Council considered the matter of a Mayoral portrait and resolved not to approve of a proposed policy for this matter, as follows:

"That the Council;

- (i) adopts the attached proposed Policy No. 1.2.11 on the "Painting of the Mayoral Portrait and advertises the proposed policy for public comment for a period of twenty one (21) days; and*
- (ii) authorises the Chief Executive Officer to include the policy in the policy manual in the event no submissions are received.*

POLICY NO. 1.2.11

POLICY ON THE PAINTING OF THE MAYORAL PORTRAIT

OBJECTIVE

To provide specifications for the commissioning and production of official Mayoral Portraits.

POLICY STATEMENT

Commissioning of the Artist

A portrait will be commissioned for each Mayor who has been elected to office. There will be only one portrait per Mayor, commissioned in the first year of office.

The artist will be selected by the Mayor and Chief Executive Officer. It is desirable that some sitting be from life.

The framed Mayoral Portrait will be no larger than 1 metre by 1.5 metre.

Production of the Portrait

Upon the portrait being commissioned, the Town will contract the artist to produce the work within a specified time frame.

The finished work will be displayed within the Town of Vincent Administration and Civic Centre.

That the recommendation be adopted.

MOTION WAS PUT AND LOST

Reasons:

- *That mural paintings are not consistent with the vision and ethos of Town of Vincent*
- *That photographs are considered to be acceptable*
- *That technology exists today for visual portraits combining art and photography*
- *The Council can consider the matter on an individual basis as the need arises."*

At present there is no official photograph or portrait of the Town's former Mayors and current Mayor. There is a portrait of the inaugural Mayor, the late Jack Marks. This was donated by him to the Town. A large photograph (which was used at the public ceremony following his death) is also displayed in the Council Chamber. This photograph is approximately 1.8m x 1.2m. In view of the Council's previous decision on the Mayor's portrait, it is appropriate for a photograph to be used.

5. 4.1.17 - Corporate Logo

This is a new policy which reflects the administration's current practice of the use of the Corporate Logo. As the Council's Corporate Logo is being used on a more frequent basis, it is appropriate for a policy to be adopted. The policy also contains the background information relating to the Corporate Logo.

6. 4.1.24 - Use of Common Seal

This is a new policy which reflects and formalises the administration's current practice.

7. 4.1.25 - Primary and Annual Returns

This is a new policy which reflects and formalises the administration's current practice and prescribes those persons (Elected Members and staff) who are required to complete Primary and Annual Returns in accordance with the Local Government Act requirements.

CONSULTATION/ADVERTISING:

It is appropriate that the new policies be advertised in accordance with the Town's Community Consultation Policy for a period of twenty-one (21) days.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policy Manual Review is well advanced with only several current policies yet to be reviewed and finalised. This task is well on target to be completed by December 2003.

10.4.3 Annual General Meeting of Electors 2003 and Adoption of Annual Report 2002/2003

Ward:	Both	Date:	24 October 2003
Precinct:	All	File Ref:	ADM0009
Attachments:	001 ; 002		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That:

- (i) *the 2002 Annual General Meeting of Electors be held in the Administration and Civic Centre on Tuesday, 16 December 2003, commencing at 5.30pm; and*
- (ii) *the draft Annual Report, as "Laid on the Table" and shown in Appendix 10.4.3, be accepted by the Council.*

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Lake, Seconded Cr Ker

That the date and time in clause (i) be amended to read "9 December 2003" and 6.00pm respectively.

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

COUNCIL DECISION ITEM 10.4.3

That:

- (i) *the 2002 Annual General Meeting of Electors be held in the Administration and Civic Centre on Tuesday, 9 December 2003, commencing at 6.00pm; and*
- (ii) *the draft Annual Report, as "Laid on the Table" and shown in Appendix 10.4.3, be accepted by the Council.*

BACKGROUND:

The Local Government Act 1995 under Section 5.27(1) requires every local government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report for 2002-2003;
- (c) General Business.

LEGAL:

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an annual report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

DETAILS:

As the Audit Report for 2002/2003 is finalised, it is now possible to finalise the Annual Report of the Town for that year for presentation to Electors. There are a number of statutory requirements to be met prior to the General Meeting, including formal adoption of the Annual Financial Statements by the Council and local advertising of the Meeting at least 14 days prior to the Meeting.

It is recommended that the Meeting be scheduled for Tuesday 16 December 2003, commencing at 5.30pm.

10.4.5 Loan Funding for the Office Building to accommodate the Department of Sport and Recreation - Leederville Oval, 246 Vincent Street, Leederville

Ward:	Both	Date:	30 October 2003
Precinct:	All	File Ref:	RES0052/RES0064
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the loan of up to \$6,500,000 from the Western Australian Treasury Corporation, at a fixed interest rate for a period of twenty-five (25) years;*
- (ii) *AUTHORISES the Chief Executive Officer to accept the most suitable loan rate and loan period available, finalise the loan documentation and affix the Common Seal; and*
- (iii) *OBTAINS the approval for the loan of the State Treasurer in accordance with Section 6.21 of the Local Government Act.*

COUNCIL DECISION ITEM 10.4.5

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

BACKGROUND:

At the Ordinary Meeting of Council held on 13 May 2003 Item 10.4.6, the Council adopted (inter-alia) the following resolution.

"...(4) APPROVES BY AN ABSOLUTE MAJORITY;

- (i) *to construct an office building for the Department of Sport and Recreation (DSR) at 246 Vincent Street, Leederville at an estimated cost of \$6.5 million;*
- (ii) *the Major Land Transaction Proposal and Business Plan as shown in Appendix 10.4.7 and for this to be advertised state-wide for a period of not less than six (6) weeks and inviting written submissions on the proposed undertakings and for the Council to consider any submissions received at the conclusion of this period;*
- (iii) *APPROVES the borrowing of \$6,500,000 and AUTHORISES the Chief Executive Officer to;*
 - (a) *give one (1) month's notice of the Council's intention in accordance with Section 6.20 of Subdivision 3, Part 6 of the Local Government Act 1995 and subject to prior approval by the State Treasurer (under the Local Government Act, Section 6.21); and*

- (b) *call a tender/quotation for the loan funding; and*
- (iv) *APPROVES the creation of an "Office Building Reserve Fund" and this fund to be used for the following purpose;*

"for major building upgrade/maintenance/repairs/renovation and replacement of fixtures and fittings associated with the new Office Building and land"; and

...

(6) *AUTHORISES;*

- (i) *the Chief Executive Officer to negotiate with the Department of Sport and Recreation and Department of Housing and Works and report back to the Council concerning the plans, tender documents, proposed lease documents, and to make minor variations to the plans, if necessary;*
- (ii) *the Project Architect to proceed with the preparation of the necessary documentation and working drawings;*
- (iii) *the Chief Executive Officer to prepare the necessary documentation and advertise tenders for the construction of the proposed office building and for this to be carried out after the Council has considered submissions to its Major Land Transaction; and*
- (iv) *the Chief Executive Officer to review and obtain legal advice (if required) for the necessary Agreement to Lease and Lease documents, which are part of the tender process;..."*

DETAILS:

Quotations were sought from the following financial institutions:

- Western Australian Treasury Corporation
- Commonwealth Bank of Australia
- National Bank of Australia
- Westpac Banking Corporation

The specifications were as follows:

Loan - Principal and interest : \$6.5 million

- interest rate fixed for three (3) years
- interest rate fixed for four (4) years
- interest rate fixed for five (5) years
- interest rate fixed for duration of the loan and the total repayment for the loan

Period : Approximately 20 years

Repayments : Repayments of \$394,000/per annum increasing at 3% per annum until the loan is repaid

Repayments to commence on the 1 January 2005

The following submissions were to be received by 11.00am on 29 October 2003.

- Western Australian Treasury Corporation :

<i>Term</i>	<i>Interest Rate</i>
3 years	5.98%
4 years	6.00%
5 years	6.02%
Full loan duration – 25 years	6.21%

- National Bank of Australia :

<i>Term</i>	<i>Interest Rate</i>
3 years	6.525%
4 years	6.602%
5 years	6.664%
Full loan duration – 20 years	7.050%

- Commonwealth Bank (received on 30 October 2003)

<i>Term</i>	<i>Interest Rate</i>
3 years	6.13%
4 years	6.16%
5 years	6.19%
Full loan duration – 20 years	6.31%

- Westpac Banking Corporation – no submission received

CONSULTATION/ADVERTISING:

The intention to borrow was advertised in The West Australian newspaper for one (1) month from 15 May 2003. No submissions were received.

LEGAL/POLICY:

The Local Government Act (1995) requires that the Local Government give one (1) month's notice of the Council's intention in accordance with Section 6.20 of Subdivision 3, Part 6 of the Local Government Act 1995 and subject to prior approval by the State Treasurer (under the Local Government Act, Section 6.21).

STRATEGIC IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

Financial institutions generally hold their quoted rates for a maximum of twenty-four hours due to the dynamics of the money markets. The rate for the loan will be confirmed prior to the Council meeting. However, as the rate fluctuates on a daily basis, it is recommended that the Chief Executive Officer be authorised to accept the most suitable loan rate available (after the Council decision has been made).

COMMENTS:

The rate offered by the Western Australian Treasury Corporation is competitive. The Western Australian Treasury Corporation are able to provide this level of lending and their rating is second only to Federal borrowing. It is recommended that the Town accept the loan quote from the Western Australian Treasury Corporation and authorises the Chief Executive Officer to finalise this loan.

10.4.6 Approval of New Position - Compliance Officer

Ward:	-	Date:	27 October 2003
Precinct:	-	File Ref:	ADM0038
Attachments:	-		
Reporting Officer(s):	R Boardman, R Lotznicher, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) APPROVES BY AN ABSOLUTE MAJORITY the creation of a new position of Compliance Officer, as detailed in this report; and*
- (ii) REQUESTS the Chief Executive Officer to identify a source of funds for the new position.*

Moved Cr Doran-Wu, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

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

"(iii) includes in the key duties/responsibilities of the Compliance Officer that they assess the compliance of building works with the resolutions of Council and undertakes actions to achieve compliance."

AMENDMENT CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (7-0)**

Council requested that it be placed on record that the Compliance Officer is a Compliance Officer primarily.

COUNCIL DECISION ITEM 10.4.6

That the Council;

- (i) APPROVES BY AN ABSOLUTE MAJORITY the creation of a new position of Compliance Officer, as detailed in this report;*
- (ii) REQUESTS the Chief Executive Officer to identify a source of funds for the new position; and*
- (iii) includes in the key duties/responsibilities of the Compliance Officer that they assess the compliance of building works with the resolutions of Council and undertakes actions to achieve compliance.*

BACKGROUND:

The Town has been reviewing the implementation of the Independent Organisational Review (IOR) Recommendations since May 2003. The review made 52 recommendations and a number relate to the Town's organisational structure, processes, procedures and delivery of services. Objective 8 of the Terms of Reference relates to a review of Process and Procedures. This Term of Reference was specifically to analyse and assess the efficiency and effectiveness of the organisation in servicing the community. Particular attention was given to a review of the development approval process.

In the "Report of the Independent Organisational Review" Recommendation 45 states as follows;

"The appointment of an additional Town Planning Officer be reviewed after Council determines the recommendation for additional delegation of approval for Development Applications".

This Recommendation has been considered by the CEO and the Town's Senior Officers and has also been discussed with the IOR consultants. It is considered that an additional Town Planning Officer is not required, however a gap has been identified in the area of "compliance". A Compliance Officer would be able to undertake the compliance duties for the whole organisation, but primarily in the Environmental and Development Services and Technical Services Divisions.

Current Compliance Inspection Procedures

Currently the follow-up of compliance matters is the responsibility of each of the Town's Sections.

The Planning and Building Services currently carry out site inspections to confirm whether a development or use complies with a Planning Approval and/or Building Licence, mostly in the following cases;

1. Application for Certificate of Classification, where required;
2. Application for strata subdivision;
3. Receipt of formal (written) complaint regarding an alleged non-compliant/unauthorised development or use; and
4. Formal Council resolution or receipt of Elected Member Request regarding an alleged non-compliant/unauthorised development or use.

The Planning and Building Services undertook a 4 week survey for the period from 13 May 2002 to 7 June 2002, inclusive; to determine the time which was being allocated to "compliance" matters.

This revealed that an average of 20 hours per week was spent in relation to "compliance matters". This data mainly reflects the undertaking of action in response to complaints received in relation to alleged unauthorised uses and developments.

The 20 hours represents approximately 50 per cent of the Officer's hours (38 hours) per week. It is proposed that the remainder of the Compliance Officer's hours will be used to ensure that completed approved developments and "uses" comply with the relevant planning and building conditions and requirements.

It is considered that the Town needs to be more proactive rather than reactive in dealing with these matters, and this will resolve such matters in the shorter term rather than the longer term; therefore minimising the long term multiplier negative impact, including growing community discontent, compromising standards, and significant legal expenses and staff resources and costs.

The high number of unauthorised brothels and the like being established within the Town, also requires the Town to investigate and undertake appropriate legal action in terms of the Town's planning and health requirements. This task is particularly time consuming.

The employment of a Compliance Officer will release the Town's professional Officers to undertake other core services, resulting in a substantially more efficient, effective and sustainable delivery, with best practice and total quality management, of its programs, functions, products, services and outputs.

Main Duties and Responsibilities of Compliance Officer

In order to satisfy the competing needs of the organisation, it is considered appropriate for the Compliance Officer to report directly to the Executive Manager Environmental and Development Services however, on a day to day operational/functional basis to receive direction from the Manager Planning and Building Services.

The Compliance Officer will undertake the following main duties and responsibilities:

Key Duties/Responsibilities

OUTCOME 1: To ensure that the Town adequately investigates alleged breaches of the Acts, Regulations, Local Laws and Policies which the Town is required to enforce.

1. Undertake necessary enforcement action in relation to Planning and Building Approval conditions as required, including inspections and reporting.
2. Gather evidence on breaches, complaints, and non-compliance with Planning and Building Approval conditions.
3. Investigate, report on and resolve zoning breaches/complaints and where possible, negotiate solutions in accordance with Planning and Building legislation and Council policies/procedures.
4. Prepare relevant correspondence and reports for Council when required.
5. Prepare and provide all relevant written documentation to the Council's solicitors and represent the Town in Court, Tribunal and/or Mediation.
6. Identify unauthorised signage and ensure compliance with the Town's relevant Local Laws, Town Planning Scheme No. 1, Council Policy and approved signage concept plans.
7. Gather evidence on breaches and complaints relating to unauthorised signage including the issue of infringement notices where warranted.
8. Undertake general inspections to prevent or locate illegal/unauthorised development/building activities.
9. Identify land containing unauthorised fill with the potential of being problematic for developments and subdivision purpose, ensuring that these matters are documented and updated.

10. Identify land which has been cleared of trees or vegetation without the appropriate approvals and ensure that these matters are documented and updated.
11. Undertake inspections of swimming pool safety barriers to ensure compliance with the relevant standards and act as a liaison for Council's contract inspection service for swimming pools.

OUTCOME 2: To undertake inspections and assess applications in accordance with the Town's operational requirements.

1. When appropriate, undertake follow up, after final inspections of Class 2 to 9 buildings to ensure compliance with planning and building conditions and for the issue of Certificate of Classifications.
2. Liaise with other Sections within the Town on matters of a planning/building nature.
3. Assist in the development of the Town's policies and procedures in respect to development control.
4. Provide relief for Planning and Building Services staff during periods of leave and at peak times (subject to qualifications and experience in accordance with the relevant position description for the position).
5. Advise on matters pertaining to the Dividing Fences Act, providing technical support and mediation on dividing fences disputes between neighbours.
6. Resolve retaining wall disputes between adjoining property owners.
7. When appropriate assess applications for Strata Title (building and planning components) including inspections and responses to relevant authorities.
8. Assess, monitor and report on signage, home occupation and minor residential applications, and prepare and update records associated with these activities.

OUTCOME 3: Support and Co-operation.

1. Contribute to the development of work practices and procedures within the Environmental and Development Services Division.
2. Offer advice and information at the Customer Service Centre on all matters that pertain to the Compliance Officer functions.
3. Contribute to the principles of Sustainability as outlined in the Town's Strategic Plan by assisting Environmental and Development Services achieve outcomes with the result being a balance between economic, social and environmental considerations.

Note: The officer may also be required to assist with inspectorial duties with regards Technical Services matters however the extent of this is yet to be determined

FINANCIAL/BUDGET IMPLICATIONS:

It will be necessary to purchase an additional motor vehicle for use by the Compliance Officer, including commuting use to enable after hours inspections and call-out investigations to be undertaken.

In consideration of similar Compliance Officer positions being advertised recently by other local governments, the position should be remunerated at Level 4/6. The employment of a Compliance Officer on a permanent full-time basis will involve the following funds allocation in the 2003/2004 Budget:

Financial Factors	Minimum (Level 4A)	Maximum (Level 6D)
Salary - Level 4/6 (<i>approx 6 months only</i>)	\$17,500	\$21,800
Superannuation, leave, etc. - <i>approx</i>	\$5,000	\$8,000
Motor Vehicle	\$20,000	\$20,000
Motor Vehicle Operating Costs (<i>6 months only</i>)	\$2,500	\$2,500
Computer, Desk and Equipment	\$4,000	\$4,000
Total	\$49,000	\$56,300

As this position was the result of the IOR, it was unforeseen prior to the adoption of the 2003/04 Budget. As a result, no funds are specified in the Budget. It is therefore necessary for the CEO to identify a source of funds.

LEGAL/POLICY IMPLICATIONS:

As this matter was not budgeted for in the 2003/04 Budget, an "Absolute Majority" decision of the Council is required.

The Local Government Act 1995 at Section 5.41, states that one of the CEO's functions is *"to be responsible for the employment, management, supervision, direction and dismissal of employees."*

The Act prescribes the role of the Council at Section 2.7 to be;

- "(a) directs and controls the local government's affairs"; and*
- "(b) is responsible for the performance of the local government's function."*

Without limiting the above, to also be responsible to;

- "(a) oversee the allocation of the local government's finances and resources"; and*
- "(b) determination of the local government's policies."*

STRATEGIC IMPLICATIONS:

This is in accordance with the Town's Strategic Plan 2003-2008 - Key Result Area 4.2 *"Deliver services in ways that accord with the expectations of the community whilst maintaining statutory compliance"*.

COMMENT:

The employment of a Compliance Officer will ensure that statutory compliance of development applications and other matters will be treated as a priority and be dealt with in a uniform and expeditious manner.

10.4.9 LATE REPORT - Tender No 280A/03 - Supply, Delivery and Installation of Tiered Modular Steel Grandstand Seating (Southern Stand) at the Multi Purpose Sports Stadium, Pier Street, Perth

Ward:	South	Date:	3 November 2003
Precinct:	-	File Ref:	TEN0287
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender as submitted by AKA Seating Systems Pty Ltd (Option 3) as being the most acceptable to the Town for the provision of supply, delivery, installation and hire of tiered modular steel grandstand seating at the Southern Stand at the Multi Purpose Sports Stadium, Pier Street, for a price of \$448,215 (plus installation and removal costs of approximately \$22,000) (excluding Goods and Services Tax);*
- (ii) *AUTHORISES the signing and affixing of the Council Common Seal to the contract between the Town and AKA Seating Systems Pty Ltd; and*
- (iii) *AUTHORISES the Chief Executive Officer to make a payment of;*
 - (a) *\$46,607.50 in Year 2007 (to be funded from the Project Contingency Budget);*
 - (b) *\$46,607.50 in Year 2008 (to be funded from the Multi Purpose Sports Stadium (Perth Oval) Reserve Fund); and*
 - (c) *\$35,000 for each year from Year 2009 to Year 2013 for the continued hire of the Southern Stand (if required) (to be funded from the Multi Purpose Sports Stadium (Perth Oval) Reserve Fund);*

subject to the monies from the sale of the transportable toilets being returned to the Multi Purpose Sports Stadium Reserve Fund when the sale of these items occurs.

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted subject to clause (iii) being amended and new clauses (iv) and (v) be added, as follows;

- "(iii) AUTHORISES the Chief Executive Officer to make a payment of;*
 - (a) *\$46,607.50 in Year 2007 (to be funded from the Project Contingency Budget);*
 - (b) *\$46,607.50 in Year 2008 ~~(to be funded from the Multi Purpose Sports Stadium (Perth Oval) Reserve Fund); and~~*
 - (c) *\$35,000 for each year from Year 2009 to Year 2013 for the continued hire of the Southern Stand (if required) ~~(to be funded from the Multi Purpose Sports Stadium (Perth Oval) Reserve Fund);~~*

subject to the monies from the sale of the transportable toilets being returned to the Multi Purpose Sports Stadium Reserve Fund when the sale of these items occurs;

- (iv) REQUESTS the Chief Executive Officer to investigate a source of funds for items detailed in Clause (iii)(b) and (c), including the obtaining of grants and a further report be submitted to the Council; and
- (v) NOTES that;
- (a) the Multi Purpose Sports Stadium (Perth Oval) Reserve Fund was established on 30 October 2001 and is to be used for the following purposes, "works associated with the maintenance, repairs, upgrade and replacement of Perth Oval buildings, fixtures, fittings and associated land"; and
- (b) it is considered paramount that the sole use of these funds, in accordance with the approved purpose, is to ensure that the facility does not become a financial burden or impost on the Town in the future."

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the meeting.)

COUNCIL DECISION ITEM 10.4.9

That the Council;

- (i) *ACCEPTS the tender as submitted by AKA Seating Systems Pty Ltd (Option 3) as being the most acceptable to the Town for the provision of supply, delivery, installation and hire of tiered modular steel grandstand seating at the Southern Stand at the Multi Purpose Sports Stadium, Pier Street, for a price of \$448,215 (plus installation and removal costs of approximately \$22,000) (excluding Goods and Services Tax);*
- (ii) *AUTHORISES the signing and affixing of the Council Common Seal to the contract between the Town and AKA Seating Systems Pty Ltd; and*
- (iii) *AUTHORISES the Chief Executive Officer to make a payment of;*
- (a) *\$46,607.50 in Year 2007 (to be funded from the Project Contingency Budget);*
- (b) *\$46,607.50 in Year 2008; and*
- (c) *\$35,000 for each year from Year 2009 to Year 2013 for the continued hire of the Southern Stand (if required);*
- (v) *REQUESTS the Chief Executive Officer to investigate a source of funds for items detailed in Clause (iii)(b) and (c), including the obtaining of grants and a further report be submitted to the Council; and*
- (v) *NOTES that;*
- (a) *the Multi Purpose Sports Stadium (Perth Oval) Reserve Fund was established on 30 October 2001 and is to be used for the following purposes, "works associated with the maintenance, repairs, upgrade and replacement of Perth Oval buildings, fixtures, fittings and associated land"; and*

- (b) *it is considered paramount that the sole use of these funds, in accordance with the approved purpose, is to ensure that the facility does not become a financial burden or impost on the Town in the future.*
-

BACKGROUND:

At the Ordinary Meeting of Council held on 21 October 2003, the Council considered tenders relating to temporary tiered grandstand seating at the Multi-Purpose Sports Stadium on Perth Oval and the Council resolved as follows;

"That the Council;

- (i) *NOTES that none of the submitted tenders are acceptable to the Town and pursuant to Regulation 18(5) of the Local Government (Functions and General) Regulations 1996 it DECLINES TO ACCEPT any of the tenders submitted for the provision of supply, delivery and installation of tiered modular steel grandstand seating at the Southern Stand at the Multi Purpose Sports Stadium, Pier Street, Perth; and*
- (ii) *NOTES that;*
- (a) *the Chief Executive Officer has re-advertised a tender for the provision of supply, delivery and installation and/or hire, with a "buy-back" provision (or any combination of this), of tiered modular steel grandstand seating at the Southern Stand at the Multi Purpose Sports Stadium, Pier Street, Perth;*
- (b) *a further report relating to the tender will be submitted to the Ordinary Meeting of Council to be held on 4 November 2003; and*
- (c) *the action taken to re-advertise the tender will ensure that the building project will not be delayed and remains on target for completion on or prior to 24 December 2003."*

Details

At the Ordinary Meeting of Council held on 13 May 2003, the Council resolved to approve of the redevelopment of Perth Oval at an estimated cost of \$10,548,000.

On 21 October 2003, tenders were advertised calling for the supply, delivery and installation of tiered modular steel seating (southern stand) at the Multi Purpose Sports Stadium.

At 2pm on 3 November 2003, four (4) tenders were received. Present at the opening were David Paull (Purchasing/Contracts Officer) and the Chief Executive Officer, John Giorgi. Two representatives of one of the supply companies were also present.

TENDER EVALUATION

Four (4) tenders were received.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of John Giorgi - Chief Executive Officer, and Project Architect, Con Lampropoulos of Peter Hunt Architect.

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;

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

(Scoring was calculated using the criterion weighting)

Selection Criteria

The following weighted criteria were used for the selection of the contractor for this tender;

Criteria	%
Price: Include in the lump sum price all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)	85
Adequate resources available to carry out the works	5
Overall compliance with the tender specifications	5
References	5
TOTAL	100%

Tender Assessment

Tenderer	Price 85%	Adequate Resources to complete the Tender 5%	Overall Tender Compliance 5%	References 5%	Total	Ranking
AKA Seating Systems	85.00	5	5	5	100	1
Roam P/L	42.50	5	5	5	57.50	3
John Holland Group	21.25	5	5	5	36.25	4
Construction Sales & Hire P/L	63.75	5	5	5	78.75	2

Tender Summary

Price	AKA Seating Systems	Roam P/L	Construction Sales & Hire	John Holland
Option 1:	\$	\$	\$	\$
Hire Costs - 5 Years				
Supply	384,874	450,000	275,000	<i>Did not submit offer</i>
Installation	<u>24,000</u>	<u>180,000</u>	<u>89,689</u>	-
Total	<u>408,874</u>	<u>630,000</u>	<u>364,969</u>	-
Removal Costs	Nil	Not specified	69,000	-
Annual Hire Costs - Year 6 onwards	76,974.80	Nil	55,000	-

Option 2:				
Outright Purchase				
Supply	448,215	529,000	471,416	478,122
Installation	<u>11,000</u>	Incl.	<u>89,969</u>	-
Sub-Total	<u>459,215</u>	<u>529,000</u>	<u>561,385</u>	-
Buy-Back - Year 1	170,000	-	Nil	-
Buy-Back - Year 3	278,215	-	114,000	-
Buy-Back - Year 5	208,000	-	95,000	-
Buy-Back - Year 7	138,000	-	57,000	-

Option 3:				
Hire and/or Purchase Combination				
Purchase Price	448,215	<i>Did not submit offer</i>	428,560	<i>Did not submit offer</i>
Installation*	11,000	-	81,790	-
Buy-Back applied at Purchase	<u>170,000</u>	-	0	-
Balance	<u>278,215</u>	-	<u>510,350</u>	-
Initial Payment to cover first three years	185,000	-	180,000	=
Balance	93,215	-	330,350#	-
Year 4 Payment (2007)	46,607.50	-		-
Year 5 Payment (2008)	46,607.50	-		-
Usage Costs per annum from Year 6 (2009) to Year 10 (2013)	35,000	-		-
Buy-back end of Year 6	-	-	76,000	-
Buy-back end of Year 7	-	-	57,000	-
Removal Costs*	11,000 <i>plus CPI</i>	-	69,000	-

* Costs are not included in calculations - to be confirmed with Tenderer.

Balance to be paid by monthly repayments, commencing in month 13 to month 60.

The recommended tenderer, AKA Seating Systems Pty Ltd, is a long established Western Australian company and supply grandstand seating systems throughout Australia. They have previously provided temporary grandstand seating to the Sydney Olympic Games, Telstra Rally Australia and numerous one-off sporting events.

The most suitable tender to the Town is that submitted by AKA Seating Systems Pty Ltd - Option 3. This option applies the "buy-back" discount of \$170,000 up front which leaves a net balance of \$278,215, plus \$11,000 for installation. An amount of \$185,000 is to be paid in December 2003 from the Project Budget and this would leave a net amount of \$93,215. The tender allows for this amount to be split in two payments of \$46,607.50 in each of Years 4 (2007) and 5 (2008). The removal costs will be \$11,000, plus CPI (to be agreed). The installation and removal costs do not appear in the calculations and these will be confirmed with the tenderer.

An amount of \$46,607.50 can be funded from the Project Contingency Fund Budget. This can be achieved by paying for the tiered seating from the Project Contingency Fund Budget and the cost of the roof replacements (Function Room 2 - \$36,547 and Function Room 1 - \$9,609 - Total = \$46,156) being funded from the Stadium Reserve Fund. Payment for the roof replacement is in keeping with the Reserve Fund requirements.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for the Multi Purpose Sports Stadium is \$10.548 million. The budget contains an amount of \$185,000 for the tiered southern stand.

(This amount was for the hire costs for a two year period - as the eastern stand was originally to be constructed within 2 years.)

Grandstand Seating

When the Stage 2 eastern stand is built, the current temporary eastern stand is proposed to be relocated and used as the southern stand. The current eastern stand is owned by the Town and has an approximate value of \$500,000. When the permanent southern stand is constructed, the temporary southern stand can be removed.

Stadium Reserve Fund

The Heads of Agreement require an amount of \$100,000 to be paid into the Stadium Reserve Fund - (\$80,000 by Allia Holdings P/L and \$20,000 Town). This money is paid on 1 January and 1 July of each year.

This Reserve Fund would contain the following funds;

	Opening Balance	Annual Amount Increased by CPI (Estimated @ 3%)	Opening Balance and Annual Payment (Invested @ 4%)	Closing Balance
Year 1 (2004)		100,000	104,000	104,000
Year 2 (2005)	104,000	103,000	211,120	211,120
Year 3 (2006)	211,120	106,090	321,454	321,454
Year 4 (2007)	321,454	109,273	435,097	435,097
Year 5 (2008)	435,097	112,551	552,150	552,150
Year 6 (2009)	552,150	115,927	672,715	672,715
Year 7 (2010)	672,715	119,405	796,896	796,896
Year 8 (2011)	796,896	122,987	924,803	924,803
Year 9 (2012)	924,803	126,677	1,056,547	1,056,547
Year 10 (2013)	1,056,547	130,477	1,192,243	1,192,243
Year 11 (2014)	1,192,243	134,392	1,332,011	1,332,011
Year 12 (2015)	1,332,011	138,423	1,475,971	1,475,971
Year 13 (2016)	1,475,971	142,576	1,624,250	1,624,250
Year 14 (2017)	1,624,250	146,853	1,776,978	1,776,978
Year 15 (2018)	1,776,978	151,259	1,934,287	1,934,287
Year 16 (2019)	1,934,287	155,797	2,096,316	2,096,316
Year 17 (2020)	2,096,316	160,471	2,263,205	2,263,205
Year 18 (2021)	2,263,205	165,285	2,435,101	2,435,101
Year 19 (2022)	2,435,101	170,243	2,612,154	2,612,154
Year 20 (2023)	2,612,154	175,351	2,794,519	2,794,519

At the Ordinary Meeting of Council held on 9 September 2003, the Council approved of an Asset Management Plan (Capital Works and Maintenance Program) for the Stadium.

The Capital Works and Maintenance Program indicates that funds will be required in the first six years as follows;

Year	Cost	Item
2004-05	\$ 40,000	Replace Function Room 2

CEO Comment:

Due to the poor condition of the roof (due to air conditioning chemical corrosion and damage by previous workers maintenance) Function Room No. 2 has been replaced as part of the current works at a cost of \$36,547. Function Room No. 1 has also been replaced at a cost of \$9,609. These works were proposed to be carried out in 2004/05, however due to the cost efficiencies, these works were carried out whilst the builder was on site and scaffolding in place. However, as these funds were not included in the original budget, it is proposed that these costs be made from the Stadium Reserve Fund and paid in January 2004.

2009	\$ 60,000	Replace Grandstand roof
	\$ 11,000	Redecorate Outbuilding interiors
	\$ 6,000	Service Bore Pump
Total	<u>\$77,000</u>	

At the end of 2008, it is projected that the Reserve Fund would contain \$505,994. Assuming that \$77,000 is used for planned asset works, an amount of \$428,994 would be available. Therefore, it is proposed that the remaining balance of \$46,607.50 be paid in 2008 from this Reserve Fund. After these costs have been paid, the Reserve Fund would still contain approximately \$382,387 at the end of 2008.

The hire costs for the grandstand from Year 6 (2009) to Year 10 (2013) will be \$35,000 per year. There are no funds provided for hire of these facilities from Year 6 onwards, as it is an unknown factor when the permanent eastern grandstand will be constructed. Therefore, as there is five year lead up time until a decision needs to be made about the funding source, in the interim period (or until a decision is made) it is appropriate to pay for these hire costs from the Reserve Fund. Any Reserve Funds expended for hire costs will be repaid into the Fund when the sale of the transportable toilets occurs.

Transportable Toilets

At the Ordinary Meeting of Council held on 7 October 2003, approval was granted for purchase of transportable toilets at a cost of \$163,000. When the eastern stand is constructed, the toilet facilities will be located within the new stand and the transportable facilities will no longer be required and therefore can be sold. It is estimated that after a five year period, the transportable toilets will be sold for approximately 60-70% of their current value, i.e. \$97,800 to \$114,000. There is a strong demand for these types of facilities from mining companies and the like.

When the sale of these facilities occurs, these funds are recommended to be placed into the Stadium Reserve Fund.

LEGAL/POLICY IMPLICATIONS:

The tenders were called in accordance with the Local Government (Functions and General) Regulations 1996, Part 4.

If the Council proposes to borrow funds, it is a requirement to give one month's notice of the Council's intention (Section 6.20 of the Local Government Act).

Heads of Agreement

The Town has a contractual arrangement under the Heads of Agreement to provide a stadium capacity of 17,850. The southern stand has a capacity of 2,420 seats and it is therefore essential to ensure that the capacity remains at 17,850 persons.

There is a requirement for the Town and State Government to carry out a feasibility study for the construction of the eastern stand, within 5 years.

PRINCIPAL ACTIVITIES PLAN:

The upgrade of Perth Oval is listed in the Town's Principal Activities Plan.

STRATEGIC IMPLICATIONS:

The upgrade and redevelopment of Perth Oval is in accordance with the Town's previous Strategic Plan 2000-2002 Key Result Area 3.6 *"Develop and Implement Strategies to improve the Town's Parks and Reserves"*, in particular, Key Result Area 3.6(a) - *"Investigate and Develop the future of Perth Oval"*.

This is in keeping with the Town's Strategic Plan 2003-2008 - Key Result Area *"Economic Development"*.

COMMENT:

The option for hire provided by AKA Seating Systems Pty Ltd is most acceptable and would have the least impact on the Town's budget and programs. The Council's approval of this recommendation is therefore requested.

10.4.10 Approval of Naming Rights for the Multi Purpose Sports Stadium, 310 Pier Street, Perth

Ward:	South	Date:	27 October 2003
Precinct:	Beaufort, P13	File Ref:	RES0051/TEN0266
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVISES Allia Holdings Pty Ltd (Allia) and Perth Glory Soccer Club Pty Ltd (PGSC) that in accordance with Clause 8.2 of the Heads of Agreement, that it APPROVES of the new name for the Town's Multi Purpose Sports Stadium, 310 Pier Street, Perth to be "Members Equity Stadium", subject to the following conditions;*
 - (a) *the Heads of Agreement being finalised to ensure that the Town's mortgage is effected in accordance with Clause 2(e);*
 - (b) *complimentary use of the stadium function rooms being "subject to availability and receipt by Members Equity of prior written approval from the Town for those dates on which Allia does not enjoy priority rights under the Heads of Agreement";*
 - (c) *Members Equity being required to ensure that any seating in the Stadium, including differentiation in seating colour to describe the Stadium's name being in compliance of the "clean stadium" requirements for Significant Events, in accordance with Heads of Agreement, Clauses 8.5 and 8.4(d);*
 - (d) *Members Equity being required to ensure the sticker to be placed at the back of each seat in the Stadium depicting the Sponsor's name being in compliance of the "clean stadium" requirements for Significant Events, in accordance with Heads of Agreement, Clauses 8.5 and 8.4(d); and*
 - (e) *signage being prohibited on the Heritage Gates (Gate 1) as specified in the Heads of Agreement, Clause 1.1 - Permanent Sites - definition;*
- (ii) *AUTHORISES the Chief Executive Officer to finalise the above conditions included in the Naming Rights Agreement, in accordance with the terms of the Heads of Agreement between the Town and Allia Holdings Pty Ltd; and*
- (iii) *ADVISES Allia Holdings Pty Ltd that it is required to submit a separate Planning Approval and Sign Licence application demonstrating the details, including the form, size and siting, of any proposed signage, and the Planning Application shall be submitted to and approved by the Western Australian Planning Commission (and Heritage Council of Western Australia, if required), prior to the erection of such signage.*

COUNCIL DECISION ITEM 10.4.10

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

BACKGROUND:

At the Special Meeting of Council held on 1 July 2003, the Council considered the matter of the tenders relating to provision of Catering Services, Operational Management Services, and selling of Naming Rights for the proposed Multi Purpose Sports Stadium, 310 Pier Street, Perth and approved of the Heads of Agreement between the Town and Allia Holdings Pty Ltd (and Nick Tana and David Rodwell as guarantors).

The Heads of Agreement prescribe the principles and form the basis of a Legal Contract between the Town and Allia Holdings Pty Ltd. The Heads of Agreement do not specify in detail each of the requirements and in some cases, specific contract details will be included in the Key Performance Indicators (KPIs).

Allia Holdings Pty Ltd has now secured a naming rights sponsor and have requested the Town's approval for the proposed name, as required by the Heads of Agreement. The new proposed name is "Members Equity Stadium".

Proposed Naming Rights Agreement

The Chief Executive Officer has obtained details of Members Equity Pty Ltd, who have provided the following information;

Who is Members Equity

"Members Equity (ME) is the best-kept secret in the Australian financial services industry. With over 100,000 customers, \$9 billion in funds under management and growing at a rate of around 40% per annum, it is fast becoming a leading provider of retail banking services. The philosophy that is paramount to ME's success is that it offers low cost banking and excellent customer service. To date, ME has achieved all of this with a relatively low public profile, this is about to change with the sponsorship of the Perth stadium and a TV campaign that will commence in early 2004.

Background

Members Equity is supported by around 100 superannuation funds and the Australian Council of Trade Unions (ACTU). These organisations promote ME to their members, of which there are approximately 5 million. Many of these superannuation funds are also ME's shareholders.

ME has evolved from offering simply a low cost home loan that was established in 1994. In July 2001, ME obtained its banking licence and since then has launched other low cost banking products including Credit Cards, Savings Accounts and Personal Loans with Phone and Internet banking services.

Purpose

ME is the bank that provides exceptional customer service and competitive rates, primarily to industry super fund and union members.

ME Values

- *Treat people with respect.*
- *Perform with integrity.*
- *Be innovative.*
- *Act with discipline.*
- *Deliver service quality.*
- *Celebrate success.*

Members Equity in Western Australia

Operating in WA since 1994, Members Equity's state sales office recently exceeded \$1 billion in home loans under management for the Super Members Home Loans ("SMHL") program.

Members Equity has not undertaken any mainstream advertising to-date, as all marketing has traditionally been done through the Super Funds participating in the SMHL program or investing in ME.

Western Australia is one of the hardest markets in which to promote and achieve home loans sales due to the high penetration level of the broker sales channel (reportedly 55% broker initiated). By entering the Naming Rights Sponsorship, ME is seeking to raise its profile and brand awareness amongst its target audience in WA. This initiative offers ME an ideal launching pad to help spread the message that over 5 million eligible superannuation fund and union members can access a range of fantastic, low-cost banking products. The timing of the Naming Rights Sponsorship aligns well with ME's upcoming TV branding campaign and together these activities will increase the awareness of ME and drive product sales within the region.

In terms of community benefits, ME hopes that over the ensuing period and in cooperation with the Town of Vincent and the State Government it can help rejuvenate soccer at a local and State level and other community based sporting events, to enable them to take their place in the local populace's hearts. Members Equity looks forward to working closely with the Town of Vincent and Perth Glory to help make the stadium a place where people love to go to watch their sport.

ME's success to date has come from offering value for money banking services together with close community ties. Members Equity has enjoyed tremendous success to-date exceeding market growth rates with its' home loan product. ME is confident that the WA stadium will also achieve resounding success given the commitment of the State Government, Town of Vincent and Perth Glory."

The Head Office is at 23/360 Collins Street, Melbourne, Victoria 3000, with offices in all States of Australia.

FINANCIAL/BUDGET IMPLICATIONS:

The Heads of Agreement prescribe that any income derived from sponsorship or Naming Rights is to be paid to Allia Holdings Pty Ltd. Allia Holdings Pty Ltd are required to pay the Town \$400,000 per year and \$50,000 into the Reserve Fund for the next 20 years. They are also responsible for the Stadium operating and maintenance costs. There are no financial costs to the Town with this proposal.

The Naming Rights Agreement is for a period of 3.5 years from 1 November 2003.

Sponsorship Fees

Members Equity will pay Allia the following;

- an amount of \$150,000.00 plus GST, on 1 November 2003;
- an amount of \$150,000.00 plus GST, on 1 November 2004;
- an amount of \$150,000.00 plus GST, on 1 November 2005; and
- an amount of \$75,000.00 plus GST, on 1 November 2006.

Condition

Payment of the Sponsorship Fee is subject to all necessary council and government approvals being obtained by Allia, to the use of the Stadium Name.

Additional Benefits

Allia and/or Perth Glory (as the case may be) will provide the following to Members Equity during the Term;

Entertainment and Car Bays:

- 1 x 12 seat Executive Suite for all events (including non NSL Events) held at the Stadium, (exclusive of catering);
- 3 complimentary car parking bays at the Stadium; and
- Complimentary use of all function rooms at the Stadium, (subject to availability).

CEO's Comment:

This is in accordance with Heads of Agreement, Clause 4(a)(i). The use of the stadium function rooms is "subject to availability and receipt by Members Equity of prior written approval from the Town for those dates on which Allia does not enjoy priority rights under the Heads of Agreement."

Signage

Members Equity will be provided the following signage rights (subject to the Council's and Western Australian Planning Commission (WAPC) approval);

- 1 x 30 metre x 8 metre Stadium Name sign to be painted on the roof of the Stadium Grandstand;
- 1 x 40 metre x 1 metre Stadium Name sign to be positioned on the top front fascia of the Stadium Grandstand;

- Members Equity Stadium Name sign of such dimensions as may be mutually agreed between the Parties to be positioned in a prominent position (to be mutually agreed between the Parties) at 5 entry/exit gates to the Stadium;
- Members Equity Stadium Name sign of such dimensions as may be mutually agreed between the Parties to be positioned at the entrance to the Stadium's management offices;
- 1 x 100 metre x 1 metre Stadium Name sign to be positioned on the reverse of the Eastern Stand; and
- 1 x 6 metre priority ground sign promoting Members Equity to be positioned on the western perimeter of the Pitch in a prime position in the television arc at every Perth Glory qualifying home game held at the Stadium during a Season.

The cost of the production and writing of the signage together with the supply, installation and removal costs, will be paid by Members Equity.

- Signage which needs to be replaced during the Term due to wear and tear will be borne by Members Equity.
- On each day when a Significant Event (as defined by the Heads of Agreement) is held at the Stadium (if directed by Allia that Signage is to be so removed or covered at Members Equity expense).
- Allia will use its best endeavours to ensure that the Town provides directional street signs to the Stadium in the precinct surrounding the Stadium describing the Stadium by the Stadium Name.
- Allia will use reasonable endeavours to ensure that any broadcaster given access to the Stadium, does not substitute "virtual advertising" for the Signage and that the broadcaster refers to the Stadium by the Stadium Name.
- Members Equity will, at the cost of Allia, be entitled to either place the Logo on the eastern side of the bowl seating through a differentiation in seating colour or place a sticker with the Stadium Name, at the back of every seat of the Stadium.

CEO's Comment:

Allia will be required to submit a separate application showing the form, size and proposed sites of any signage. The Heads of Agreement require all signage to be approved by the Town, WAPC and Heritage Council of Western Australia. Signage is not permitted on Gate No. 1 (Heritage Gates) and this is included in the Heads of Agreement.

Logo Recognition

All catering, ticketing and bar staff employed to work at the Stadium shall be required to wear clothing bearing the Logo and the Stadium Name (the size of the Logo not being greater than as may be agreed to by Allia acting reasonably). The Logo to be worn by those staff shall be supplied by Allia.

All advertising and promotions conducted by Allia or Perth Glory for events held at the Stadium, will refer to the Stadium by the Stadium Name.

The Logo and/or the Stadium Name will be used in all printed material relating to the Stadium and generated by Allia and Perth Glory, including but not limited to, on tickets issued for entry to the Stadium, Allia stationery when used in relation to the Stadium, correspondence and any other promotional material relating to the Stadium.

Members Equity will have the exclusive right to have the Logo and the Stadium Name on the media board used for all Allia or Perth Glory media conferences relating to the Stadium.

Subject to FIFA, NSL and the Governing Body's rules and regulations, the Logo will be positioned exclusively on all four corner Pitch flags for all Perth Glory qualifying home games played at the Stadium.

The Logo will appear in the Perth Glory Year Book, all qualifying home match programs of Perth Glory and on every quarterly newsletter mailed to members of Perth Glory.

CEO's Comment:

The Heads of Agreement do not specify what additional benefits can be granted by Allia. This is a matter between Allia and Members Equity and does not involve the Town.

Advertising

Members Equity will be given 12 x 7 centimetre x 7 column advertisements in The West Australian Newspaper Super Soccer Liftout throughout the 2003/2004 Season.

CEO's Comment:

This is a matter between Allia and Members Equity and does not involve the Town.

Promotion

Members Equity will be entitled to distribute flyers at every Perth Glory qualifying home game played at the Stadium to promote Members Equity's products and services.

Members Equity will be given access to the Perth Glory web-site list of Perth Glory members solely through 2 promotions on the Perth Glory web-site in every Season.

CEO's Comment:

This is a matter between Allia and Members Equity and does not involve the Town.

Direct Mail

Members Equity will be given access to the Perth Glory mailing list of Perth Glory members through a Perth Glory mail out of two Perth Glory club newsletters per Season.

CEO's Comment:

This is a matter between Allia and Members Equity and does not involve the Town.

Perth Glory Players

Members Equity will have access to Perth Glory players for promotional purposes for not less than 6 hours per month at such times and on such dates as may be designated by Perth Glory.

CEO's Comment:

This is a matter between Allia and Members Equity and does not involve the Town.

LEGAL/POLICY IMPLICATIONS:

The Draft Naming Rights Agreement has been referred to the Town's Solicitors and they advise as follows;

For the most part, the proposed Naming Rights Agreement adheres faithfully to the requirements of the Heads of Agreement (HOA). However, the following points should be noted;

- A1. The Agreement recites the fact that the Town and Allia Holdings Pty Ltd have entered into the Heads of Agreement. The Town's mortgage has not yet been perfected pursuant to the HOA and so the HOA is not yet operative (HOA, clause 2(e)).

CEO's Comment:

Approval of the Naming Rights Agreement should be subject to the Heads of Agreement being finalised to ensure that the Town's mortgage is effected in accordance with Clause 2(e).

- A2. The proposed name of the stadium is "*Members Equity Stadium*" (Clause 2.1). There is nothing to suggest that this name will not be acceptable to the Town. A company search of Members Equity Pty Limited has been carried out.

CEO's Comment:

This company search did not reveal any adverse conditions.

- A3. Clause 4(a)(iii) of the proposed Agreement entitles the licensee to the "complimentary" use of all Function Rooms "(subject to availability)". This provision is worded somewhat broadly and could be interpreted as licensing the licensee to use the Function Rooms at all times when another party is not entitled to use them. Allia, in fact, is only entitled to 'preferential use' of the Function Rooms during National Soccer League competition fixtures and finals which involve the on-field participation of PGSC's soccer players at the Stadium (HOA, Clause 1.1).

CEO's Comment:

Approval of the Naming Rights Agreement should be conditional on the complimentary use of the stadium function rooms being "subject to availability and receipt by Members Equity of prior written approval from the Town for those dates on which Allia does not enjoy priority rights under the Heads of Agreement".

- A4. There is nothing in the HOA that confers the power on Allia to licence the use of the Function Rooms at any other times. Allia is simply a manager. The correct procedure under the HOA is for the Town, as the owner of the land, to be the licensor for Events with fees being payable to Allia as the manager. (Clause 6.3(f) of the HOA). The KPI's determine the acceptable fee range. The Town should ask Allia to add the following words to Clause 4(a)(iii) after the word "availability" - "*and receipt by Members Equity of prior written approval from the Town for those dates on which Allia does not enjoy priority rights under the Heads of Agreement*".

CEO's Comment:

Approval of the Naming Rights Agreement should be conditional on the complimentary use of the stadium function rooms being "subject to availability and receipt by Members Equity of prior written approval from the Town for those dates on which Allia does not enjoy priority rights under the Heads of Agreement.

- A5. Under clause 4(b)(v) the licensee is entitled to *either* place the licensee's logo "on the eastern side of the bowl seating through differentiation in seating colour", or place a sticker with the Stadium name on it at the "back of every seat of the Stadium". It would be very difficult to provide a clean stadium for Significant Events or if the Minister required a clean stadium for an Event. See clauses 8.5 and 8.4(d) of the HOA.

CEO's Comment:

Approval of the Naming Rights Agreement should be conditional upon Members Equity being required to ensure that any seating in the Stadium, including differentiation in seating colour to describe the Stadium's name or sticker affixed to the back of each seat, being in compliance of the "clean stadium" requirements for Significant Events, in accordance with Heads of Agreement, Clauses 8.5 and 8.4(d).

- A6. Under the HOA, Allia is required to ensure that the Agreement "nominates with precision" the sites where it is proposes to erect signage naming the Stadium and any Permanent Sites: clause 8.1(c)(ii). The Town would be within its rights under the HOA to know exactly where the signs are proposed to be placed on the Stadium and the Permanent Sites.

CEO's Comment:

Approval of the Naming Rights Agreement should be conditional on Allia Holdings Pty Ltd being required to submit a separate application demonstrating the form, size and siting of any proposed signage.

- A7. The placement of signs on the heritage-listed gate (Gate 1) is excepted from the definition of Permanent Sites in clause 1.1 of the HOA. For that reason, the Town has good grounds to contend that it is entitled to enforce a prohibition on the placement of Naming Signage on that gate.

CEO's Comment:

Approval of the Naming Rights Agreement should be conditional upon no signage being permitted on Gate No. 1 (Heritage Gates) in accordance with Clause 1.1 of the Heads of Agreement.

- A8. In the Agreement, the licensee is licensed to place a sign on the Eastern Stand (Clause 4(b)(i)(E)). Allia is entitled to do this because the definition of "Stadium" in Clause 1.1 of the HOA refers to a "sports stadium" located within the Stadium Fences.

CEO's Comment:

This is acceptable in accordance with the Heads of Agreement.

Heads of Agreement - Salient Clauses

8. Naming Rights Services

8.1 Allia's rights

This entitles Allia to sell the naming rights of the Stadium and any permanent sites within the Stadium, e.g. grandstand, scoreboard. The Heritage Gates are excluded from Naming Rights provisions.

8.2 Allia's obligations

Allia must obtain the maximum value from the Naming Rights and any proposed name is subject to the approval of the State Government and the Town.

8.4 Clean Stadium

This is a State Government condition which requires the Stadium to be free of all advertising and naming rights for the various users and for significant events.

8.5 Significant Events

This is a State Government condition requiring a Stadium free of advertising for a significant event and is prescribed in the Financial Assistance Agreement.

8.8 Cost of Signs

Allia is required to pay for all costs of signs, including;

- (a) cost of materials;*
- (b) cost of maintaining the signs;*
- (c) installation and/or removal of signs; and*
- (d) lighting and electricity for signs, if required.*

8.9 Replacement of Signage

Allia is required to replace all signs at their own cost if they become damaged or worn out.

8.10 Western Australian Planning Commission

This prescribes that Western Australian Planning Commission approval is also required prior to installation of signage.

8.11 Property of Signage

This prescribes that the signage becomes the property of the Town at the end of any Agreement.

8.13 Regulation of Signage

This Clause restricts the types of signage which involves tobacco, unlawful or illicit drugs, political parties or any other matters prescribed by law, without first obtaining the approval of the Town and State Government.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable.

STRATEGIC IMPLICATIONS:

Not applicable.

COMMENT:

The obtaining of a Naming Rights sponsor by Allia Holdings Pty Ltd will ensure that they receive income, which will be used as part of the \$400,000 per annum being paid to the Town. The proposed name is considered acceptable and complies with the Heads of Agreement. Accordingly, it is recommended that the Council approves of the recommendation.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Municipal Building Surveyors Qualifications Committee, State Emergency Management Committee - Recovery Services Group, State Emergency Management Committee - Emergency Services Group (Re-advertised)

Ward:	-	Date:	20 October 2003
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *..be nominated as WALGA Member –Municipal Building Surveyors Qualifications Committee (Panel of 3 Names) - (Approval by Governor);*
- (ii) _____ *..be nominated as WALGA Deputy Member –Municipal Building Surveyors Qualifications Committee (Panel of 3 Names) - (Approval by Governor);*
- (iii) _____ *..be nominated as WALGA Member – State Emergency Management Committee - Recovery Services Group; and*
- (iv) _____ *..be nominated as WALGA Deputy Member – State Emergency Management Committee - Emergency Services Group - (Re-advertised).*

COUNCIL DECISION ITEM 12.1

Moved Cr Ker, Seconded Cr Lake

That nil nominations be made

CARRIED (7-0)

(Crs Franchina and Torre were apologies for the Meeting.)

BACKGROUND:

Please see Appendix 12.1 for further details.

NOMINATIONS CLOSE COB WEDNESDAY 12 NOVEMBER 2003.

