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(5 November 2002)

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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 5 November 2002 commencing at 6.05pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP declared the meeting open at 6.05pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward
Cr Caroline Cohen	North Perth Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Basil Franchina	Mt Hawthorn Ward
Cr Kate Hall	North Perth Ward
Cr Ian Ker	North Perth Ward
Cr Marilyn Piper, JP	North Perth Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager Corporate Services
Debbie Winfield	Minute Secretary
Dion Spurgeon	Recreation Officer (until 6.35pm – recipient of Employee of the Month)
Kate Bennett	Safer Vincent Coordinator (until 6.35pm)
Jim MacLean	Manager Law and Order Services (until 6.35pm)
John McGee	Senior Ranger (until 6.35pm)
Kate Bennett, Jim MacLean and John McGee recipients of the Security Industry and Crime Prevention Award	
Ms Jenny D'Anger	Journalist - Voice News (until 9.27pm)
Ryan Emery	Journalist - Guardian Express (until 9.27pm)
Members of the Public	Approximately 16

(c) Members on Leave of Absence:

Nil

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

1. Lucia Dedear (Mt Hawthorn Precinct Group) of 98 Buxom Street, Mount Hawthorn – Items 11.3, 11.4 and 10.4.4, in particular IB06. Stated that she spoke on behalf of the Mount Hawthorn Precinct Group and expressed the comment that residents are concerned about infill in the Mount Hawthorn Ward. Requested that their group be advised of proposed development applications in order that they can have input into the proposed developments.
2. Jim Fitzpatrick of 8 Ethel Street, North Perth – Item 11.2. Stated that the Town need to be more proactive to upgrade the infrastructure relating to the undergrounding of power throughout the Town. Stated that more is needed, and referred in particular to Fitzgerald Street. He acknowledged that whilst there had been some attempt to upgrade the infrastructure, he believed that underground power should be given a higher priority.
3. Brendan Egan of 45 Anzac Road, Mount Hawthorn – Item 10.1.1. Stated that this application is inappropriate for the area as there is insufficient parking for the patrons. He requested that the Council reject the proposal.
4. Dudley Myer of 58 Chatsworth Road, Highgate. Spoke on two items that were not on the Agenda. The first item was in relation to the sale of the Bottle yard land. He advised that the offer had been signed on 16 September 2002 and that settlement is for 150 days. He disagreed with these conditions and stated that the extended period of settlement is costing the Town approximately \$2,000 per week in potential interest earnings. He asked the following questions:

(i) Why the extension was granted?

(ii) Why did it take so long to sign the contract?

The second item related to Item 10.1.1, and referred to the previous decision of rescinding the requirement for cash in lieu. He believed that Council should impose the condition of cash in lieu wherever appropriate.

Mayor Catania advised the questions would be taken on notice and a response sent.

5. Philip Sarich of 40 Anzac Road, Mount Hawthorn – Item 10.1.2. He thanked the Council for conducting the meeting with the residents last week relating to parking in Anzac Road. He stated that a long-term strategy for this part of Oxford Street must be prepared, and in particular address the matter of parking.

There being no further questions, Public Question Time closed at 6.17pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Cr Drewett, Seconded by Cr Doran-Wu.

That the Minutes of the Ordinary Meeting of Council held on 22 October 2002 be confirmed as a true and correct record, subject to inserting the following amendment wherever it appears at Item 10.2.4, 10.2.5, 10.4.8, 11.1, 11.2, 11.3, 11.4 and 12.1;

- *"That due to the lateness of the hour the meeting was ADJOURNED to the next Ordinary Meeting of Council on 5 November 2002 at 6pm."*

CARRIED (8-1)

For
Mayor Catania
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Ker
Cr Piper

Against
Cr Hall

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Awards for the Town of Vincent for November 2002

Mayor Catania advised that 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. Mayor Catania announced that for November 2002, the award is presented to Dion Spurgeon, Recreation Officer with the Town's Community Development Section. Dion was nominated by the Mayor for his excellent organisation of the recent Active Australia Day Mayoral Walk and "Pets in the Park" held at Beatty Park Reserve. This event has been growing each year and several hundred people attended this year. The positive feedback from the Town's residents reflected most positively on the organisation and credit must go to Dion.

7.2 Security Industry and Crime Prevention Awards 2002

Mayor Catania announced with pleasure that the Town of Vincent and the Police Service of WA were the joint winners in the Local Government Innovation Award Category of the Security Industry and Crime Prevention Awards 2002.

These awards were announced by the Minister for Police and Emergency Services, the Hon. Michelle Roberts MLA, on 31 October 2002 and the Town's Award was for the Creation of a Backpack Safe Kit. The Town competed against the cities of Melville, Gosnells, Bayswater, Stirling, Joondalup and Wanneroo. This innovative crime prevention strategy was described as "a little gem".

The Town of Vincent has 27 Backpacker premises within its boundaries and the "backpack Safe" is a great example of how two agencies can work together to achieve a shared goal and provide an effective and relevant service addressing local concerns.

Mayor Catania noted that congratulations must go to the Town's Law and Order Services Section and in particular, Safer Vincent Coordinator, Kate Bennett. Kate and Senior Constable Austin Colquhoun from the Central Metropolitan District, identified a number of incidents regarding Backpackers and jointly developed a relevant, simple and effective program to raise the awareness of young travellers to Perth of their safety.

Feedback was obtained from a number of Backpacker managers, all of whom said there was nothing on the market to address this issue and the final design is a customer friendly kit, that provides the traveller with easily accessible and portable information to which they can refer. Safer WA and the Town of Vincent funded the program.

After the launch of the Backpack Safe Kits on 2 July this year, the response was overwhelming. Requests came from the British and Japanese consulates, BBC London, a number of youth and travel papers, Queensland Police, Australian Tourism Commission, and a number of regional centres around WA. Enquiries have also come from three International Language Schools, Curtin University, and Claremont Art School.

The posters and cards have been placed in a number of licensed premises that cater for backpackers.

The positive response has been far beyond anything we first envisioned, and we look forward to producing 10,000 more of the wallet cards in the near future, as our original run of 3,000 has been completely exhausted.

Mayor Catania once again congratulated the Town's staff, Section Manager, Jim MacLean, Senior Ranger, John McGee and in particular, Safer Vincent Coordinator, Kate Bennett, for a job well done.

7.3 Order of business - adjourned items

At the Ordinary Meeting of Council held on 22 October 2002, due to the lateness of the hour, the meeting was adjourned and the following items will be considered first:

- Item 10.2.1 - Redevelopment of Oxford Street Reserve
- Item 10.2.2 - National Blackspport Programme 2002/2003
- Item 10.4.1 - Proposed amendments to the Local Government Act
- Item 10.4.5 - Confidential item

And the following notices of motion:

Item 11.1 - Expression of sympathy to those affected by the Bali disaster

Item 11.2 - Underground power

Item 11.3 - Scarborough Beach Road upgrade

Item 11.4 - Residential Design Codes - information sessions

And:

Item 12.1 - Representation on statutory authorities and public bodies

It is proposed that these items will be considered prior to those brought forward as a result of questions from members of the public.

7.2 Garden Awards

Mayor Catania advised that these Awards would be held tomorrow evening.

8. DECLARATION OF INTERESTS

Nil.

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

9.1 Cr Kate Hall

I would like to know when the Elected Members of Council will receive a response from the Mayor, Mr Nick Catania, regarding the CEO's appraisal. This has been previously discussed, but as yet no details have been given.

Response:

This question was referred to the Mayor and he advises that on 29 October 2002, the Mayor sent a memo to all Elected Members, together with the CEO's response and comments on the Appraisal Committee's report, advising them that a meeting of the Committee had been called for 5.30pm on Tuesday, 5 November 2002.

Mr Dion Spurgeon, Ms Kate Bennett, Mr Jim MacLean and Mr John McGee departed the Chamber at 6.35pm.

10. REPORTS

Presiding Member, Mayor Nick Catania, advised the meeting that the following items would be considered first as these were adjourned from the Ordinary Meeting of Council held on 22 October 2002;

Items 10.2.1, 10.2.2, 10.4.1, 10.4.5, 11.1, 11.2, 11.3, 11.4 and 12.1.

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

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

Items 10.4.4, 10.1.2 and 10.1.1.

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 10.1.4 and 10.3.1.

10.3 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

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

10.4 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:

Mayor Catania	Nil
Cr Drewett	Nil
Cr Cohen	10.1.6
Cr Franchina	Nil
Cr Piper	Nil
Cr Chester	Nil
Cr Hall	Nil
Cr Doran-Wu	Nil
Cr Ker	10.1.3

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

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

Items 10.1.5, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.4.2, and 10.4.3.

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

Item 10.4.5.

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

Items from the adjourned Ordinary Meeting of Council held on 22 October 2002:

Items 10.2.1, 10.2.2, 10.4.1, 10.4.5, 11.1, 11.2, 11.3, 11.4 and 12.1.

(a) Unopposed items moved en bloc;

Items 10.1.5, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.4.2, and 10.4.3.

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

Items Items 10.4.4, 10.1.2 and 10.1.1.

(c) Those requiring an Absolute Majority/Special Majority decision;

Items 10.1.4 and 10.3.1.

(d) 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

(e) Those which were identified by Elected Members for discussion;

Items 10.1.6 and 10.1.3

(f) Confidential Reports which will be considered behind closed doors and the following was advised.

Items 10.4.5

Moved by Cr Drewett, Seconded by Cr Ker

That the following unopposed items be moved en bloc;

Items 10.1.5, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.4.2, and 10.4.3.

CARRIED (9-0)

Cr Hall departed the Chamber at 6.37pm.

10.1.5 No. 10 (Lots 277 and 411) Ebsworth Street, Mount Lawley - Alterations and Single Storey Additions to Existing Single House

Ward:	North Perth	Date:	29 October 2002
Precinct:	Banks, P15	File Ref:	PRO2163 00/33/1319
Reporting Officer(s):	V Lee		
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 owner T Ditoro for proposed alterations and single storey additions to the existing single house at No. 10 (Lots 277 and 411) Ebsworth Street, Mount Lawley, as shown on plans stamp dated 25 October 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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);*
- (iii) subject to first obtaining the consent of the owners of Nos. 8 and 12 Ebsworth 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. 8 and 12 Ebsworth Street in a good and clean condition;*
- (iv) 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 Ebsworth Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (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 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 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;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications; and*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved by Cr Drewett, Seconded by Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER:	T Ditoro
APPLICANT:	T Ditoro
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R20
EXISTING LAND USE:	Single Storey Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Side - east	1.5 metres	0.1 metre to alfresco room; 0.7 metre to rest of eastern wall
- Side - west	1.1 metres	0.05 metre to garage
Vehicle Manoeuvring	6 metres from garage to nearest impediment	4.83 metres to other side of right way
Use Class	Single House	
Use Classification	'P'	
Lot Area	552 square metres	

SITE HISTORY:

There is an existing single storey house, associated outbuildings and a swimming pool on the subject land.

DETAILS:

The proposal involves alterations and single storey additions at the rear of the existing single storey house, including a garage with access from a rear, privately owned unsealed right of way (ROW), which adjoins Pakenham Street.

CONSULTATION/ADVERTISING:

No submissions were received during the advertising period.

COMMENTS:

Setbacks

The majority of the eastern building boundary is in line with the existing building line and the portion of the single storey alfresco area wall, which has a 0.1 metre setback, adjoins the neighbours rear courtyard. The proposed garage with 0.05 metre setback to the western boundary abuts an existing garage on the adjoining property. The proposed variations to side setbacks are not considered to unreasonably affect the amenity of the adjoining residents, mainly as the additions are single storey, and no objections have been received from the adjoining residents. Accordingly, these variations are supported.

Vehicle Manoeuvring

The proposed garage is not setback in accordance with the requirements of the Residential Design Codes or the Town's Policy regarding Vehicular Access to Dwellings via a Right of Way. The applicant has advised that the location of the existing swimming pool prevents the garage from being setback further. It is noted that the subject property is located close to the intersection of the right of way and Pakenham Street, which will allow easier manoeuvring into the property. In addition, the applicant has provided a wider garage door to allow easier exit from the garage. The Town's Technical Services have advised that this proposal is acceptable and will generally allow adequate manoeuvring area. Accordingly, this variation is supported.

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

10.2.3 Waste 2002 Technical Tour of Secondary Waste Treatment Facilities and Conference update

Ward:	Both	Date:	28 October 2002
Precinct:	All	File Ref:	ADM0031
Reporting Officer(s):	R. Lotznicher		
Checked/Endorsed by:			
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the attendance of the Executive Manager Technical Services on the tour of Secondary Waste Treatment Facilities on the east coast of Australia, and the Waste 2002 Conference to be held from 16 to 18 October 2002 at the Novotel Opal Cove Resort, Coffs Harbour, New South Wales, Australia; and*
- (ii) *receives further reports on the progress of the Mindarie Regional Council's Secondary Waste Treatment Facility planning with the aim of developing a future Waste Management Strategy for the Town which may include some of the initiatives contained in this report.*

COUNCIL DECISION ITEM 10.2.3

Moved by Cr Drewett, Seconded by Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

Between 14 and 18 October 2002 the Executive Manager Technical Services (EMTS) attended the Waste 2002 Conference in New South Wales. The first two days, 14 and 15 October, comprised a technical tour of four (4) waste management facilities between Woolongong (to the south of Sydney) and Coffs Harbour (half way between Sydney and Brisbane).

On the remaining three days the EMTS attended the Waste 2002 Conference at Coffs Harbour hosted by the Coffs Harbour City Council.

DETAILS:

A total of 380 delegates attended the 3 day conference with 90 of those delegates also attending the two day technical tour.

Delegates in attendance at the conference were from local government and private enterprise from Australia and overseas. Several elected representatives from Australia and New Zealand were also in attendance.

Technical Tour (14 - 15 October 2002):

This consisted of a 800km two (2) day bus tour on 14 and 15 October 2002 with visits to the following facilities:

- Brightstar - Solid Waste to Energy Recycling Facility (SWERF) - Woolongong.
- Eastern Creek - Waste Management Centre - (West Sydney).
- Bedminster - Bioconversion facility in Port Stephens.
- Rethmann - Organic Resource Recovery Facility (ORRF) near Port Macquarie.

Brightstar (SWERF):

The first facility inspected on the Technical Tour (14 October 2002) was the Brightstar SWERF in Woolongong where Brightstar Environmental, in conjunction with Woolongong City Council, are in the process of developing a waste minimisation and electricity generation facility.

This facility is designed to convert household waste into "green" electricity and once fully operational the company claims that a 90% reduction in waste to landfill will be achieved.

The SWERF process involves the following: (refer attachment 10.2.3A)

- Waste Received and Autoclave
- Primary Gasification
- Electricity Generation
- Char gassifier

It must be noted that Woolongong City currently has a three (3) bin waste collection service provided by a private company which includes:

- Yellow Topped "split" recycling bin, collected fortnightly
- Green - waste bin collected fortnightly
- Red topped - general household bin, collected weekly.

Only the Green Waste bin and the Red Topped (general household garbage bin) will be taken to the Brightstar facility - when fully operational.

Waste Received and Autoclave:

Household waste received at the facility is pre-treated (sterilised) by pressure cooking the waste with steam in a rotating walled pressure vessel called an autoclave, where the paper, film plastic and food scraps are mixed to form a pulp like material.

Recyclable materials including steel, aluminium and glass are separated from the waste stream.

Brightstar advised that this process is currently capable of routine operation.

Primary Gasification:

From the autoclave the resultant pulp like material is fed into a high temperature (140°C) gasifier, where a synthesis gas (syngas) is produced under negative pressure. The "syngas" typically contains:

- 25% hydrogen
- 30% Methane
- 25% Carbon Monoxide (CO)
- 20% Carbon Dioxide (CO²)

The syngas is then cooled and cleaned for use in engine generators.

During this phase of the operation any metals, aluminium products and some plastic products, are sorted and gravel and sand washed out. However, due to the high temperatures, plastic bags and milk bottles breakdown to form part of the pulp.

A char residue is also a by product of this stage of the process.

Electricity Generation:

The "syngas" produced from the process is then intended to be used to fuel a high efficiency gas engine which will drive a generator to produce electricity.

Brightstar advised that the technology can also be tuned to maximise the production of BioOil.

Therefore, the resultant output of the SWERF process is syngas, char and bio-oil.

Char Gasifier:

The company advised they had recently added a Char Gasifier to the process which, when fully operational, will be able to process the char residue, produced by the primary gasification of the organic material. This addition will produce additional energy and an inert ash. The ash will be buried in the landfill.

The Company further advised that they had so far spent over \$150M developing the Woolongong plant, however, they believed that when the plant was finally in full production, i.e. once final trials had been completed, a plant capable of processing about 110,000 tonnes per annum plant could be built for around \$40M.

Comments:

The cost per tonne for landfill at the Council's nearby Whytes Gully landfill site is currently \$68.50/tonnes.

The Town of Vincent pays only \$22.50 per tonne to landfill its waste at Tamala Park.

During the site visit it appeared that the plant was not in full operation and delegates were only shown parts of the facility. Photographs were not permitted and all delegates were required to sign a confidentiality statement.

Some delegates expressed their disappointment at the lack of access and lack of detailed information provided during the site inspection.

It was also noted that Woolongong City currently provides a three (3) bin waste collection service for its residents and only the Green Waste and general household garbage will be taken to the Brightstar facility when fully operational. Currently, while trials at the SWERF are continuing, only a portion of this material is taken to the SWERF with the remaining waste being landfilled at the Council's nearby Whytes Gully landfill site

Eastern Creek Waste Management Centre:

This was the second facility inspected on the Technical Tour (Monday 14 October 2002).

The Eastern Creek Waste Management Centre comprises one of four "landfill" sites operated by the State Government Agency, Waste Services, NSW who is major waste manager in greater metropolitan Sydney. (refer attachment 10.2.3B)

The facility comprises 114 hectares of land (Stage 1) services 6 (six) Councils and is located 30km west of the Sydney CBD. The average distance travelled by contributing Councils to the site is 16km.

The facility is licensed to accept 1.2M tonnes of waste per annum and currently receives 16,500 tonnes per week (860,000 tonnes per annum). The facility is located on land owned by "Planning NSW" and Waste Services NSW has a 50 year lease. The nearest residential property is 2km away.

In December 2001, a private company EDL Ltd constructed a landfill gas extraction plant at the facility which currently inputs 1Mwatt of power into the local electricity grid.

Initial flaring of the landfill gas commenced in 1984.

The facility has a small vehicle area where all recycling is accepted free of charge and also comprises a green waste processing area.

As the facility is very close to a large uncovered water supply reservoir, to deter sea gulls from the site a random sample of sea gulls were fed with meat "laced" with a hallucinogen drug. The distress cries of the seagulls who eat the bated meat was recorded and this is now used to deter other gulls from inhabiting the site.

The cost to deposit landfill at the site is \$79.10 per tonne. This includes the recently introduced State Government levy of \$18/T.

Comments:

During the tour of the site, delegates were advised that a Secondary Waste Treatment facility was planned for the site in the future and a possible location was indicated.

On the next day, 15 October 2002, the NSW Environment Minister announced a public-private partnership between the State Government agency Waste Service NSW and Australian-owned Global Renewable Limited, for the construction of the world's first "Urban Resource – Reduction, Recovery and Recycling", or UR-3R, facility at the Eastern Creek Waste Management Centre in early 2003 to be fully operational by mid-2004.

The \$70 million Global Renewables system would comprise mechanical and manual recovery of recyclable materials and will also biologically treat organic material that would otherwise go into landfill to produce both compost and biogas for the production of electricity.

The system would be designed to initially process the equivalent of 17,500 garbage trucks of household waste per year and at full capacity the plant would divert 11 per cent of Sydney's total putrescible waste from landfill and reduce greenhouse gas emissions by up to 300,000 tonnes a year.

The plant would be designed to recover around 17,000 tonnes of plastic, glass, paper and metals each year for recycling, taking total amount of materials recovered for recycling at Waste Services NSW facilities to almost 280,000 tonnes a year.

The plant will also generate 17,000 megawatt hours of electricity – enough to provide 2,250 NSW households with green energy each year – using methane recovered from processing organic matter in the waste at the facility.

The remainder of the organic matter would be processed into more than 60,000 tonnes of compost products per year, with a small amount of residues going to landfill.

Bedminster - Bioconversion facility in Port Stephens:

This was the third facility inspected on the Technical Tour (Tuesday 15 October 2002). The Port Stephens facility is the first Bedminster Plant to be built in Australia and is located in sensitive wetlands. The plant was built to achieve sustainability objectives and to meet the NSW Government's new waste to landfill legislation. The Port Stephens Council has achieved an 80% reduction to landfill (state criteria 60% reduction).

The Port Stephens Council provides a weekly kerbside collection of municipal solid waste and recyclable materials in a split 240 litre MBG. If residents want an additional bin the Council will provide an additional bin and the cost will be added to the resident's rates bill.

The Bedminster process composts the organic element of the waste stream. The recyclables collected in the split bin are processed elsewhere and are not taken to the Bedminster facility.

The material is rough sorted on arrival to the facility and after separating the non-biodegradable and recyclable content, the waste and sewage sludge is fed into a revolving compartmentalised aerobic composting unit termed a "Eweson digester". This device allows continuous throughput of material and accelerates the natural process of biological decomposition in a ratio for optimum carbon/nitrogen balance. Temperature and moisture are controlled to encourage a dense microbial population.

The digester rotates slowly, has a slope of about 1% and the material in the digester is heated to between 45 and 60 degrees C and slowly moves along. Within three days the organic materials are broken down.

The resultant compost is screened in a primary trommel for removal of non-biodegradable material which is either recycled (ferrous metals) or used as sanitised landfill. The compost is then deposited in a large maturation room where over four (4) weeks it is matured before final screening and market distribution. Exhaust air from the process is filtered by using "bio filters" prior to being released into the atmosphere

The company indicated that the Bedminster System Offered the following Benefits:

- Reduction in landfill by around 80%
- Landfill waste is inert and sanitised with no leachate or methane produced.
- Ocean discharge of sewage sludge is reduced or even eliminated.
- The organic fraction of the waste stream is composted for reuse.
- Offensive odours are controlled within the unique biofilter system.
- No grinding or shredding is required
- Digester units are modular, allowing for incremental expansion.

Comments:

Delegates were advised that any metals in the waste received are fully recovered in the process whereas plastics are landfilled and any paper ends up in the compost and therefore the system relies on the provision of an effective kerbside recycling service.

Also this process includes the addition of about 10% sewerage sludge i.e. currently about 300kg of sludge per week is used at the Port Philips facility.

A close inspection of the compost produced showed a considerable quantity of fine glass particles. Delegates were advised that the new Bedminster plant in Perth will comprise an additional screening device which will remove most of the glass from the compost.

For information, the Southern Metropolitan Regional Council (SMRC) which caters for the waste management needs of over 340,000 residents in Perth's Southern Metropolitan Region provides waste management services for 7 Perth Local Governments including the Cities of Canning, Cockburn, Fremantle, Melville and Rockingham and the Towns of East Fremantle and Kwinana.

The SMRC has established a complete Waste Management Facility at Canningvale which includes Australia's largest Bedminster Plant.

Waste to the facility is "source separated" at the home using the two (2) 240L MGB method with recyclable materials transported to the Material Recycling Facility (MRF) at the Canningvale site while putrescible material will be taken to the Bedminster Plant for composting.

Rethmann - Organic Resource Recovery Facility (ORRF) and landfill near Port Macquarie:

This was the fourth and final facility inspected on the Technical Tour (Tuesday 15 October 2002).

The facility is located at Hastings Council's new Cairncross Waste Management Centre and landfill near Port Macquarie on the NSW mid north coast.

Hastings Council in its Waste Strategy identified organics as a priority due to their impact on landfill gas and leachate generation. Operating since November 2001, the above waste facility is the first of its kind in Australia and is made up of two components:

- A landfill site, managed by Hastings Council; and
- An Organics Resource Recovery Facility (ORRF), managed by Rethmann Australia.

Commercial waste operators and Cairncross residents take their waste to the ORRF. There is also a small transfer station for residents to drop off recyclables and separated loads.

The Rethmann Facility accepts two types of waste collected at the kerb side i.e. waste collected in the Council's general domestic waste bin (red lid) which is treated and landfilled and waste collected in the Council's organics bin (green lid) which is composted.

Treatment of general domestic waste at the Rethmann facility - Disposal to Landfill

The contents of the general waste bin (red lid) pass through a special mill, which selectively grinds up the material. A magnet removes ferrous materials for recycling, with the material then separated into organic and inert streams.

At the outset, the inert stream is disposed of to landfill while the remaining organic fraction is processed in an aerated static pile processing area for between 3 and 4 weeks. During this time, the air is drawn through the material via special aeration channels built into the floor.

This stabilization process results in a mass reduction of approximately 20% and an end product that is virtually free from odour and leachate and will not generate significant levels of gas.

This product is used as landfill cover material.

As with other process air from the ORRF, air from the aerated static pile is passed through a Biofilter to remove odours.

Processing of Organics - Compost

The material from the organic bins (green lids) collected from the kerb side along with other organics and mulched bulk greenwaste is shredded and mixed with bio-solids (sewage sludge) from the Council's Sewage Treatment Plant and placed in climate-controlled tunnels to hasten the decomposition process.

Process air and fresh air is then forced into the material at the base of the tunnel and recycled process water is added via sprays at the top of the tunnels when required.

All exhaust air from the composting tunnels is passed through a Biofilter to remove odours and particulates.

The compost is removed after about 3-4 weeks and placed in the open air to dry out. This end product is available for sale from the site.

Comments

The Hastings Council's waste management strategy was developed to specifically target each of the three main waste generators; namely the domestic sector, the commercial & industrial sector (restaurants, factories, offices etc) and the construction & demolition sector (the building industry).

The Domestic Sector

In 2000 the Hastings Council introduced a waste system with an emphasis on the separation of the waste streams from homes where each resident was provided with three (3) 120l MGB bins as standard to separate recyclables, organic waste and general household waste as follows

- Recycling bin (yellow-lid) collected from the kerbside and taken to a Materials Recovery Facility (MRF) where the materials are sorted, mechanically and manually, to be sent to recycling plants.
- Organics bin (green-lid) collected from the kerbside and taken to the Rethmann Organics Resource Recovery Facility (ORRF) for processing into compost.
- General waste bin (red-lid) collected from kerbside and taken out to the Rethmann facility where it undergoes a sterilization process to make it inert. It is then sent to landfill without odours or leachates. Delegates were advised that in the near future the Council may decide to bale the material for use as an alternative fuel source.

Note: Residents are provided with 3 x 120 litre MGB as standard at a cost of \$230 per annum however they can choose either 80 litre MGBs (\$198 per annum) or 240 litre MGBs (\$300 per annum).

The Commercial & Industrial Sector

This sector is mainly serviced by commercial skip bins where all waste is placed into the one bin and taken to landfill.

Some factories and offices recycle paper and cardboard.

There is a plan to target this sector to provide foodscraps to the Rethmann facility.

The Construction & Demolition Sector

This sector is also serviced primarily by commercial skip bins. Some separation of waste occurs but the Council is presently assessing a waste minimization strategy.

This is being approached by firstly increasing the difference in pricing of mixed and separated waste. A second method to minimize waste being considered is through regulation by introducing a Development Control Plan (DCP) for construction and demolition sites.

The Council's strategy relies predominantly on householders separating the waste. The "greens" and "bio solids" (green bin) are converted to high quality compost while the general waste (red lid) is stabilised and landfilled. Contents from the recycling bin (yellow lid) are sent to a MRF. The Council strategy also includes the provision of two (2) bulk waste and two (2) green waste verge pickup services each year and the sale of compost bins and compost/worm farms at a reduced rate.

Conference (16 - 18 October 2002)

The Conference was held at the Novotel Opal Cove Resort in Coffs Harbour from 16 to 18 October 2002.

The Conference was opened by the Acting General Manager of Coffs Harbour City Council, Pat Littler where he advised this was the 5th Annual Waste Management Conference held by the council and applauded the large turnout, (380 delegates).

He further advised that Coffs Harbour Council had a population of 75,000 and the Council was committed to caring for the environment. The session was followed by the Manager of Coffs Harbour Council, Cr Jenny Bonfield, who advised that the Council's goal was for zero waste to landfill by 2020 and that Coffs Harbour was voted one of the worlds most livable cities and that they wanted to retain that status.

Cr. Peter Woods, OAM retiring President of the NSW Local Government Association, spoke next and he quoted on phrases from T S Elliot "When Governments Lose Touch" and continued on that topic.

Tim Rogers from Resource NSW, then spoke on waste avoidance and the opening session was concluded by Ian Coles from Ecorecycle, Victoria who spoke on developing a waste strategy for Victoria.

Ecorecycling Victoria, is the State agency responsible for minimising the creation of waste, promoting sustainable use of resources and better management of waste disposal.

Following the keynote introductory session, a total of 13 pages were presented throughout the day from Bio-insert kerbside greenwaste reduction, where an insert can be fitted to the inside of a MGB, to an innovative new waste service for Brisbane City Council who provides 500,000 services per week with the recycling contract alone worth \$3million per annum.

The second day of the conference included a thought provoking keynote address by Dr Kwesi Sagoe-Crentsil from the CSIRO. Some of the facts he presented are listed below.

- Fossil fuels currently account for 80% of the worlds energy needs.
- World energy consumption rose 42% between 1980 and 2000 and is projected to reach 150 to 230% by 2050.
- Developed nations consume 70% of all commercial energy.
- Australian emits 27 tonnes of Greenhouse gases per capita per annum.
- Worlds population is growing by a quarter of a million people per day (8 billion by 2030).
- For every 1 tonne of waste produced in the home, 5 tonnes have already been created at the manufacturing stage and 20 tonnes at the point where the raw materials were extracted.
- Australia is one of the top 10 waste generators in the OECD.

Dr Kwesi Sagoe-Crentsil concluded as follows:

The development of innovative technologies that minimise the throughput of energy and materials through significant improvements in household energy efficiency, energy-efficient automobiles right through to the development of industrial processes that carefully assess the implications for these technologies over their full cycles are essential. The development of new technologies should therefore be guided by policies that prevent serious undesirable downstream consequences, such as creating difficult problems for the recycling and disposal of materials.

Thus, there exists an imminent need not only for technologies for energy, material and process efficiencies, but also the development and diffusion of a new generation of 'green' technologies as well as those that already exists.

To conclude, the notion of self-governance involving all stakeholders would seek instruments that enable the environmentally sound and sustainable use of renewable resources, energy conservation, efficient reduction in energy and material intensities of production and consumption, pollution and waste through promoting increased waste recovery, reuse and recycling of products and materials, and technological dissemination, innovation and transfer. Thus, true self-governance towards sustainable consumption patterns would involve a comprehensive process of change, requiring full and complete integration of government policies with global, local, communal and individual agendas.

The remainder of the day comprised of papers on industry perspective's and various case solutions. Day three included field workshops and social activities.

CONSULTATION/ADVERTISING:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

N/A

STRATEGIC IMPLICATIONS:

In line with Strategic Plan 2000-2002 Key Result Areas

2.4 a) *"To facilitate the provision of services and programs which are relevant to the needs of our community" and*

3.4 *"Increased participation in recycling and waste minimisation by residents and business."*

COMMENTS:

Technical Tour

Since the creation of the first municipal dump in 500BC outside Ancient Athens, people have been dumping society's waste into a landfill.

Globally the results include poisoned water tables and long term toxicity problems from inadequately managed waste products. Locally, time has run out for traditional waste disposal methods, which threaten the delicate eco-systems, uses up valuable land, and wastes resources.

Recycling the waste stream is in most cases theoretically sound, but oftentimes is insufficient or has high production costs and results in a failure to return materials to the market in effective quantities.

The organic waste stream must be seen as a natural resource that must be returned to the soil and not lost in a landfill site. The facilities inspected on the technical tour have all been designed to capture and reuse the organic component of the waste stream via different methods.

In addition the various Councils have introduced different kerb side waste collection methods to maximise the reuse of materials generated by their communities with varying level of success in response to NSW legislation to reduce waste to landfill by 60% by the year 2000. This target was not achieved however it did set in place a higher priority for waste reduction and recycling activities in NSW communities.

Conference

The main theme of the conference was sustainability. With the worlds population increasing by 220,000 persons per day or 80 Million persons per annum it is imperative that the reuse of resources becomes a priority. In addition care of the environment is paramount.

Organics form the largest quantity of the waste stream and when placed in a landfill situation, as has been the trend over many years, pollution in the form of leachate and green house gasses such as methane is produced. The leachate pollutes ground and surface water and landfill gasses released into the atmosphere contribute to global warming.

Removing the organics from the waste stream and processing the organics for reuse as either compost or green energy should form a major part of any future waste management strategy. In addition the removal of recyclable materials be it at the source or at a material recovery facility including the promotion of home composting/worm farms must also form an integral part of any waste management strategy.

The manufacturing industry must also take ownership of the materials they produce in terms of ensuring that the materials can be reused and ensure that packaging is minimised. This is where governments must act to implement manufacturer responsibility requirements.

Summary

The Town is a member of the Mindarie Regional Council (MRC) who are committed to reducing the amount of waste to landfill in the long term and has resolved to participate in the development of a Secondary Waste Treatment Facility (SWTF) for the region and to reduce the size of any future landfill at MRC landfill site at Tamala Park.

The MRC plans to introduce secondary waste treatment in stages, commencing in 2005. The nature of the SWTF has yet to be determined, however expressions of interest have been called and once the community engagement program and site selection process has been finalised a suitable technology will be further explored.

Therefore until such time as the above matters have been determined the Council (Town of Vincent) has resolved to continue with its current kerbside recycling method i.e. a fortnightly kerbside collection utilising 50 litre crates, until the MRC has determined a future direction for Waste Management for the region.

The Executive Manager Technical Services is a member of the MRC Technical and Strategic Working Groups and these two groups meet on a regular basis and make recommendations to the Council (MRC).

It is considered the Waste 2002 Conference and the two (2) day tour of Waste facilities on the eastern seaboard has provided the Executive Manager Technical Services with valuable background information regarding this subject.

It is recommended that the Council receives the report and continues to receive further reports on the progress of the Mindarie Regional Council's Secondary Waste Treatment Facility planning to further assist with the development of a future Waste Management Strategy for the Town which may include some of the initiatives.

10.2.4 Naming of the Right of Way bounded by Woodstock Street and Fairfield Street, Scarborough Beach Road, and Edinboro Street, Mount Hawthorn

Ward:	Mt Hawthorn Ward	Date:	29 October 2002
Precinct:	Mt Hawthorn P1	File Ref:	TES0444
Reporting Officer(s):	Anne Munyard		
Checked/Endorsed by:	Rick Lotznicher		
Amended by:			

RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed application to apply the "Axford Lane" name to the right of way (ROW) bounded by Woodstock Street and Fairfield Street, Scarborough Beach Road and Edinboro Street, Mount Hawthorn, as illustrated on Plan 2112-RP-1 Axford Lane; and*
- (ii) *advises the applicant, the Department of Land Administration, the Geographic Names Committee and all adjoining property owners of its resolution.*

COUNCIL DECISION ITEM 10.2.4

Moved by Cr Drewett, Seconded by Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

A request has been received from the owners of a property in Edinboro Street, for the right of way (ROW) at the rear of their property to be allocated a name. They propose that the ROW be named "Axford Lane", and have given an undertaking to meet all costs of the installation of posts and street nameplates.

DETAILS:

The applicant is the proprietor of a business which operates from the Edinboro Street address. Goods are regularly delivered to the rear of the premises, via the un-named ROW. The applicants feel that naming the ROW, and it's subsequent inclusion in the "Streetsmart" guide, would assist delivery drivers in locating the premises.

The ROW, which is owned by the Town, is 385 metres long, and 5 metres wide. It is sealed, drained, and in good condition. A high percentage of adjacent properties also use the ROW for access to rear garaging, and also there are a number of dwellings with outdoor living areas oriented towards the ROW. Naming of this ROW would be advantageous to all adjacent residents, for delivery purposes, and also for the provision of emergency services should they ever be required.

The applicant has requested that the ROW be named "Axford Lane", as it terminates at "Axford Park". "Axford Park" was named to honour local resident, the late Thomas Leslie Axford, who achieved distinction during his service in the Australian Army during World War 1. The application of the name to the ROW would be an appropriate broadening of the Town's recognition of Mr Axford's contributions.

Although the Geographic Named Committee have requested that short names be applied to ROW's, the unusual length of this particular ROW means that it could easily be accommodated in the 'Streetsmart Guide'. It is anticipated that the Geographic Names Committee would have no objection to the application of the name.

CONSULTATION/ADVERTISING:

The naming of ROWs is a function of Local Government and does not require consultation. Thomas Leslie Axford has already been recognised by the Town as worthy of the community's recognition.

FINANCIAL/BUDGET IMPLICATIONS:

If the Council approves the naming, two additional street nameplates will need to be installed, at an approximate cost of \$350.00. The applicant is prepared to pay for the manufacture and installation of the signs.

STRATEGIC IMPLICATIONS:

N/A

COMMENTS:

The naming of this ROW will be of benefit to a large number of adjacent residents, particularly should emergency services ever be required. It would also make the ROW easier to locate for delivery drivers.

10.2.5 Tender for the Supply of One (1) 5 Gang Trailed Gang Mower

Ward:	Both	Date:	29 October 2002
Precinct:	All	File Ref:	TEN0254
Reporting Officer(s):	K Godfrey		
Checked/Endorsed by:	J van den Bok/R Lotznicher/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by CJD Equipment Pty Ltd as the most acceptable to the Town for the supply of one (1) five (5) Gang Trailed Gang Mower in accordance with the specifications as detailed in Tender No. 242/02.

COUNCIL DECISION ITEM 10.2.5

Moved by Cr Drewett, Seconded by Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Town recently called tenders for the replacement of one (1) Detached Ransom Seven (7) Gang Tractor Mountable Mower, in accordance with the Council's Plant Replacement Program. Tenders closed on Wednesday 16 October 2002 for the Supply and Delivery of one (1) Five (5) Gang Trailed Gang Mower, and four (4) tenders were received.

DETAILS

Details of all submissions received for Tender No.242/02 are as follows.

	Company	Make/Model	Total Trade In \$	Total Tendered Cost \$
1	CJD Equipment	John Deere 365 5 Gang Mower	1,650.00	48,674.56
2	Mc Intosh & Son	Ransome TG 3400 5 Gang Mower	5,500.00	54,890.00
3	E & MJ Roshier	Hayter TM539 5 Gang Mower	1,475.00	51,425.00
4	Alroh Turf Machinery	Nayjon Trailing 5 Gang Mower	3,045.64	30,456.41

An evaluation panel consisting of the Technical Officer Parks Services, Supervisor Parks Services and Leading Hand of Mowing Operations, assessed the conforming tenders using the selection criteria in accordance with the tender documentation as follows -

Selection Criteria	Raw Score	Weighting
• Delivery	100	20%
• Product features	100	20%
• Warranty	100	10%
• Service/Parts	100	15%
• Operator Ergonomics	100	15%
• Life Cycle Costs	100	20%
		100%

The results of the selection criteria assessment is outlined below

	CJD Equipment Pty Ltd	Mc Intosh & Son	Alroh Turf Machinery	E & MJ Roshier
Delivery	16	10	16	20
Product Features	20	14	8	18
Warranty	10	5	10	10
Service/Parts	9	10	9	8
Operator Ergonomics	13	12	7	9
Life Cycle Costs	20	12	20	12
Total	88	63	70	77
Ranking	1st	4 th	3 rd	2 nd

Following the evaluation process, the tender submitted by CJD Equipment Pty Ltd for the Supply of one (1) Five Gang Trailed Gang mower represents the best overall value. Whilst it was second in terms of price submitted it is still within the budget. This proposed Gang Mower has superior features for ease of operation from within the Tractor Cab whilst working, and is more robust in its overall construction.

The tender from Alroh Turf Machinery Services was very competitively priced, however discussion with other Government bodies operating a similar product indicated there were issues regarding maintenance and down time.

CONSULTATION/ADVERTISING:

Tender Number 242/02 was advertised for minimum of fourteen (14) days in accordance with the Local Government (Function & General) Regulations 1996.

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$50,000 has been included in the 2002/2003 budget for the replacement of this plant item.

The total cost for replacement of the Ransome Seven Gang Trailed Gang Mower inclusive of goods and service tax (GST) by the preferred tender is \$48,674.56. These funds are to be sourced from the Plant and Equipment Reserve Fund.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by CJD Equipment Pty Ltd for the supply of One (1) Five Gang Trailed Gang Mower in accordance with the specifications as detailed in Tender No. 242/02.

10.2.6 Tender for the Supply of Two (2) Only Single Cab Tractors

Ward:	Both	Date:	28 October 2002
Precinct:	All	File Ref:	TEN0255
Reporting Officer(s):	K Godfrey		
Checked/Endorsed by:	J van den Bok/R Lotznicher/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Wattleup Tractors as the most acceptable to the Town for the Supply of two (2) Single Cab Tractors in accordance with the specifications as detailed in Tender No. 243/02.

COUNCIL DECISION ITEM 10.2.6

Moved by Cr Drewett, Seconded by Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Town recently called tenders for the replacement of two (2) tractors, in accordance with the Council's Plant Replacement Program. Tenders closed on Wednesday 9 October 2002 for the Supply and Delivery of two (2) Single Cab Tractors, and five (5) tenders received.

DETAILS:

Details of all submissions received for Tender No. 243/02 are as follows.

	Company	Make/Model	Total Trade In \$	Total Tendered Cost \$
1	Wattleup Tractors	Massey Fergussen - MF 4225.2C	35,090	98,274.00
2	Wanneroo Agricultural Machinery	Case IH JX75 2WD Cab Tractor	30,800	75,636.00
3	E & MJ Rosher	Kubota M6800 - FCX 2WD	32,000	102,080.00
4	Mc Intosh & Son	New Holland - TL 70 2WD	24,000	104,896.00
5	CJD Equipment	John Deere - 5420 2WD Single Cab Tractors	25,960	109,154.40

An evaluation panel consisting of the Technical Officer Parks Services, Supervisor Parks Services and Leading Hand of Mowing Operations, assessed the conforming tenders using the selection criteria in accordance with the tender documentation as follows –

Selection Criteria	Raw Score	Weighting
• Delivery	100	20%
• Product features	100	20%
• Warranty	100	10%
• Service/Parts	100	15%
• Operator Ergonomics	100	15%
• Life Cycle Costs	100	20%
		100%

The results of the selection criteria assessment is outlined below:

	Wattleup Tractors	Wanneroo Agricultural Machinery	E & MJ Roshier	Mc Intosh & Son,	CJD Equipment
Delivery	20	10	18	18	18
Product Features	20	14	8	16	14
Warranty	10	6	6	6	8
Service/Parts	10	8	9	9	10
Operator Ergonomics	13	9	7	9	12
Life Cycle Costs	25	0	15	17	17
Total	98	47	63	75	79
Ranking	1st	5 th	4 th	3 rd	2 nd

Following the evaluation process, the tender submitted by Wattleup Tractors for the Supply of two Single Cab Massey Ferguson Tractors represents the best overall value. The existing tractors currently in use are the same type which Parks Services have been operating in the field for the past seven (7) years. During this period the tractors have had an excellent working track record in terms of the minimal down time in terms of breakdown/repairs.

The tender from Wanneroo Agricultural Machinery was very competitively priced, however scored poorly in the vital areas such as delivery time, spare parts availability and did not include life cycle costs as requested in the tender specifications. It could therefore be classified as a non-conforming tender.

CONSULTATION/ADVERTISING:

Tender Number 243/02 was advertised for minimum of fourteen (14) days in accordance with the Local Government (Function & General) Regulations 1996.

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$150,000 has been included in the 2002/2003 budget for the replacement of these plant items. The funds are to be provided from the Plant and Equipment Reserve Fund.

The total cost for replacement of two (2) tractors inclusive of goods and service tax (GST) by the preferred tenderer is \$98,274.

COMMENTS:

As previously mentioned in the report, the existing tractors are the same make and model, and have performed well through out their working life.

It is therefore recommended that the Council accepts the tender submitted by Wattleup Tractors for the supply of Two (2) Single Cab Tractors in accordance with the specifications as detailed in Tender No. 243/02.

10.2.7 Waste Management - Worm Farms

Ward:	Both	Date:	28 October 2002
Precinct:	All	File Ref:	ENS0008
Reporting Officer(s):	N. Piner, R. Lotznicher		
Checked/Endorsed by:	R. Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the benefits of Worm Farms for home composting to the Town's residents;*
- (ii) *encourages the Town's residents to use Worm Farms and promotes the advantages of the proposal, as outlined in the report and shown on the attachment, in the local newspaper and the Town's newsletter; and*
- (ii) *includes the use of Worm Farms in its future Waste Management Strategy due to the positive environmental benefits derived from such a practice .*

COUNCIL DECISION ITEM 10.2.7

Moved by Cr Drewett, Seconded by Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

As the Council is aware the development of a comprehensive Waste Management Strategy for the Town has been placed on hold pending the outcome of the Mindarie Regional Council's (MRC) Secondary Waste Facility plans for the region. Once this has been determined the method of collection and disposal of waste in the Town will be determined.

However other initiatives which would form part of the strategy would include the promotion of home composting such as "worm farms" and the use of home composting bins.

Therefore while as yet not formally developed as a strategy the report introduces the "worm farms" concept and proposes that this concept be communicated and promoted for use by the Town's residents.

DETAILS:

A worm farm is a "cold composting" process and is an alternative to "hot" composting which is carried out using compost bins. Both forms of composting are good for garden waste, fruit, vegetables and scraps from the kitchen.

The worm castings produced in worm farms are nature's best forms of composts and fertilisers. The nutrient from worm castings helps to break down organic matter, which makes it more useful for flora to use, rather than using chemicals that leach through sandy soils into ground water.

Worm farms can be made from old refrigerators, foam esky boxes or build from polystyrene fruit cartons, wooden crates or old tyres.

Alternatively they can be purchased ready-made from recycled plastic or timber. To prevent infestation by vermin, worm farms should either be raised off the ground on legs, or have a layer of wire mesh secured at the base.

Who is best suited to have a Worm Farm?

Everyone is an ideal customer for a worm farm, where the size of the farm can vary to suit the situation. The only requirement is that the worm farm be placed in a cool shady place.

With the correct education and workshops a worm farm once implemented will keep on working for an indefinite period.

Benefits of Having a Worm Farm

The following benefits can be derived from owning a worm farm

- Less waste to landfill.
- Compost worms have no known diseases.
- Worms can eat up to two thirds of the average household's waste.
- Provides's free liquid fertiliser and compost (castings or vermi-compost) for the garden.

Worm Castings

Worm castings have the following benefits: -

- They are pH neutral and therefore will not burn plants.
- They are non-toxic to all living organisms.
- They will not cause pollution to waterways.
- They do not attract pests eg. flies and are safe to handle.
- They can be diluted up to 90% with only a small decrease in effectiveness and have little or not smell.
- They contain significantly higher proportions of nitrogen, phosphorous, potassium, magnesium, carbon and calcium than would be found in the very best topsoils.

What Should and Should Not be Placed in a Worm Farm?

There are a few golden rules to remember

Worms do like: -

- Vegetables (including cooked potato), fruit peelings, tea bags, bread and egg shells, scraps of paper (in small quantities), dog faeces

NOTE: The more and more worms the more and more food can be placed in the worm farm, and when worms reach their population limit they will stop reproducing.

Worms do not like: -

- Too much food waste at once
- Meat, bones, fatty or dairy products, or acidic foods
- Raw potato

Proposal

As part of the implementation of the worm farms for sale by the Town it is important to ensure that worm farms will keep on working and not be a "fun thing to do for a while".

It is therefore proposed that the Town's Officers in conjunction with the Town's preferred supplier will provide advice to residents.

It is also proposed that worm farms be made available for purchase to the Town's residents at a slightly subsidised cost and while there are many sources of information for worm farms it is considered the Town's Technical Services still should be the first point of call for residents wishing to establish a worm farm.

The worm farm containers to be provided to the Town's residents by the Town will comprise of a rectangular plastic container, (700mm x 400mm approximately) made from recycled plastic which will have a maximum of four levels.

The residents will be advised where they can purchase the worms to place into the worm farm container however should a number of residents require "the worm farm to be established" set-up workshops will be arranged by the Town's officers. Worms will be available to the Town's residents for an approximate cost of \$35.00 for 500 grams of worms including approximately 15 litres of castings. For larger worm farms eg old refrigerators 2 kilograms of worms and two (2) 30 litre bags of castings will be required for a cost of about \$80.00.

CONSULTATION/ADVERTISING:

It is proposed that this initiative be advertised in local papers, the Town of Vincent Newsletter and to schools in the Town.

STRATEGIC IMPLICATIONS:

In line with Strategic Plan 2000-2002 Key Result Areas

2.4 a) *"To facilitate the provision of services and programs which are relevant to the needs of our community" and*

3.4 *"Increased participation in recycling and waste minimisation by residents and business."*

FINANCIAL/BUDGET IMPLICATIONS:

The Council has allocated \$5000 in the 2002/2003 Budget for compost bins and worm farms.

Home composting bins are currently available to the Town's residents for \$40.00 per bin.

It is envisaged that the worm farm containers will be provided to the Town's residents at a subsidised cost of no more than \$70.00 for the four level container. Residents will then be required to purchase the worms for the worm farm from a nominated supplier for about \$35.00

COMMENTS:

It is therefore recommended that the Council receives the report on the use of worm farms by the Town's residents, encourages the Town's residents to use worm farms for home composting, promotes the advantages this practice in the local newspaper and the Town's newsletter; and includes the use of worm farms in its future Waste Management Strategy due to the positive environmental benefits derived from such a practice as outlined in the report.

10.2.8 Restricted Parking Permits - Beehive Industries of Western Australia (Inc.)

Ward:	North Perth	Date:	22 October 2002
Precinct:	Beaufort Precinct P13	File Ref:	PKG0004
Reporting Officer(s):	Jim MacLean		
Checked/Endorsed by:	Rob Boardman		
Amended by:			

OFFICER RECOMMENDATION:

That the Council APPROVES the issue of twelve (12) Temporary Parking Permits to Beehive Industries of Western Australia (Inc), 69 - 73 Brewer Street, Perth, to enable their workers, who are all elderly or disabled, to park in Brewer Street, Perth, without the need to comply with the parking time restrictions, applicable in the street.

COUNCIL DECISION ITEM 10.2.8

Moved by Cr Drewett, Seconded by Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

A letter has been received from Beehive Industries of Western Australia (Inc), seeking the assistance of the Council, in providing parking permits for their workers to make all-day use of kerbside parking facilities in Brewer Street, Perth. The people who volunteer to work at Beehive Industries are predominantly pensioners, whose sole source of income is an aged or disability pension. Most are unable to walk a distance, which is greater than about 200 metres and, unless they can park within that distance from the premises, they are unable to volunteer their time.

In 2000, the Council approved the introduction of three (3) ACROD parking bays in Brewer Street, to enable those people, with ACROD Permits to park close to Beehive Industries. Remaining volunteers had, for a number of years, been purchasing parking space from a private organisation, however this arrangement was recently terminated. This has presented difficulties for the organisation, as the closest car park to Beehive Industries, is Brisbane Street Car Park. This facility is a substantial distance from Brewer Street and it is therefore impossible for most to use it.

DETAILS:

The Town of Vincent Parking Facilities Local Law does not have a provision to issue parking permits to vehicles, unless they are belong to residents, or they have paid a pre-paid monthly parking fee for a specific car park. The Town receives numerous requests to issue parking permits to staff of local businesses but, since there is no provision in the legislation to do so, do not issue permits. However, it is considered inappropriate to amend the Parking Facilities Local Law to enable parking permits, other than those already specified, to be issued, since this would create an unwarranted precedent and would increase the congestion on the streets, with serious difficulties in enforcement.

However, it is also apparent that Beehive Industries is a "special case" and that the organisation would benefit from a degree of flexibility by the Town. By issuing 12 Temporary Parking Permits to Beehive Industries, for all-day parking in Stirling Street, the current problems would be resolved, in the short term.

The Town recently introduced "angle-parking" bays in the centre of Stirling Street, between Parry Street and Brisbane Street, Perth and the 2002/2003 Budget has a provision for the purchase of ticket issuing machines for the Pier Street/ Brewer Street/Stirling Street area.

The introduction of paid parking, will facilitate the sale of pre-paid parking permits, which would resolve the current parking problems for volunteers at Beehive Industries, by enabling them to park all-day for a set fee. The introduction of ticket issuing machines in this area is currently under investigation and a report will be made to the Council in due course.

CONSULTATION/ADVERTISING:

There is no need to undertake consultation or advertising in this case, since approval would be unlikely to impact on any person or business in the area.

LEGAL/POLICY:

Under clause 26 of the Town of Vincent Parking Facilities Local Law, the Council may issue temporary parking permission to allow a specific vehicle to park in contravention of a time restriction. To enable Rangers to identify permitted vehicles, they would be required to display a valid, current permit on the dashboard.

STRATEGIC IMPLICATIONS:

The above proposal is in keeping with the Strategic Plan, Key Result Area 1, The Physical Environment, at Item 1.2(a) which deals with the development of an on-road parking plan. It is also in keeping with Item 1.7, "*Implement an access policy*".

FINANCIAL/BUDGET IMPLICATIONS:

The only cost associated with the above recommendation would be in the printing of Temporary Parking Permits.

COMMENTS:

The above proposal will have minimal effect on the availability of parking facilities and will provide the volunteers from Beehive Industries, many of whom are aged or have disabilities, with the ability to park close to their workplace. It is therefore recommended for approval.

10.4.2 Use of Common Seal

Ward:	-	Date:	29 October 2002
Precinct:	-	File Ref:	ADM0042
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.2

Moved by Cr Drewett, Seconded by Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

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

Date	Document	No of copies	Details
04/10/02	Lease	3	Town of Vincent and Vincent Community Recreation Association (Inc), PO Box 142, Leederville 6902 re: Loftus Recreation Centre
11/10/02	Section 70A Notification	3	Town of Vincent and Mr D. and Mrs A. Traverso of Lincoln Street, Highgate re: No. 162 (Lots 308 and 309) Lincoln Street, Highgate – Proposed Amalgamation
22/10/02	Section 70A Notification	3	Town of Vincent and Mr P. Colangelo of Alma Road, North Perth re: Nos. 113-115 (Lots 4 and 5) Alma Road, North Perth – Proposed Subdivision

10.4.3 Council Meeting Dates and Times for 2003

Ward:	-	Date:	28 October 2002
Precinct:	-	File Ref:	ADM0016
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Council;

- (i) *meet on the second and fourth Tuesday of each month (except November and December) in 2003, as detailed in Appendix 10.4.3 attached to this report;*
- (ii) *not meet in January 2003; and*
- (iii) *meetings be held at 6.00pm on the dates as detailed in Appendix 10.4.3.*

COUNCIL DECISION ITEM 10.4.3

Moved by Cr Drewett, Seconded by Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Local Government Act 1995 (Section 5.3) and the Local Government (Administration) Regulations 1996, Regulation 12, requires the Council to determine meeting dates and times and for these to be published on a local basis throughout the Town.

The Council did not meet in January 2002 and the CEO was given delegated authority for the period late December 2001 to the first meeting in February 2002 to deal with matters of urgency. A report summarising the urgent items of business dealt with, including the reason for urgency, under delegated authority was submitted for information to the Council at its meeting held on 26 February 2002. However, matters requiring an "Absolute Majority" cannot be approved under delegated authority. This procedure worked satisfactorily.

A number of Elected Members have indicated that they will not be available to meet in January 2003 and accordingly have requested that no meeting be schedule for this month.

COMMENTS:

It is recommended that the Council continue to meet on the second and fourth Tuesday of each month in 2003 with the exception of November and December and that no meeting be held in January 2003.

10.2.1 Redevelopment of Oxford Street Reserve

Ward:	North Perth	Date:	14 October 2002
Precinct:	Oxford Centre, P4	File Ref:	RES0059
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed redevelopment of Oxford Street Reserve, located on the corner of Oxford Street and Leederville Parade, Leederville;*
- (ii) *APPROVES the proposal, as outlined on attached Plan No. 2082-CP-1B, however, defers the works until the proposal to install a roundabout at the intersection of Leederville Parade and Oxford Street has been further determined;*
- (iii) *receives a further report on the proposal for reasons outlined in clause (ii), should the proposed future roundabout significantly impact on the reserve redevelopment proposal; and*
- (iv) *expresses its appreciation to all respondents for their input regarding the redevelopment works and advises them of its resolution.*

Moved by Cr Drewett, Seconded by Cr Ker

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

“(v) liaises with the Water Corporation of Western Australia regarding the joint establishment of a waterwise garden in the Reserve.”

Cr Hall returned to the Chamber at 6.38pm.

CARRIED AS AMENDED CARRIED (9-0)

COUNCIL DECISION 10.2.1

That the Council;

- (i) *receives the report on the proposed redevelopment of Oxford Street Reserve, located on the corner of Oxford Street and Leederville Parade, Leederville;*
- (ii) *APPROVES the proposal, as outlined on attached Plan No. 2082-CP-1B, however, defers the works until the proposal to install a roundabout at the intersection of Leederville Parade and Oxford Street has been further determined;*

- (iii) *receives a further report on the proposal for reasons outlined in clause (ii), should the proposed future roundabout significantly impact on the reserve redevelopment proposal;*
- (iv) *expresses its appreciation to all respondents for their input regarding the redevelopment works and advises them of its resolution; and*
- (v) *liaises with the Water Corporation of Western Australia regarding the joint establishment of a waterwise garden in the Reserve.*

BACKGROUND:

“COUNCIL DECISION ITEM 10.2.4 (at the Ordinary Meeting of Council held on 22 October 2002)

Moved by Cr Drewett, Seconded by Cr Hall

That due to the lateness of the hour the remaining items, (Item 10.2.4, 10.2.5, 10.4.8, 11.1, 11.2, 11.3, 11.4, 12.1) be DEFERRED to the next Ordinary Meeting of Council on 5 November 2002 at 6.00pm

CARRIED (6-3)

<u>For</u>	<u>Against</u>
Cr Cohen	Mayor Catania
Cr Drewett	Cr Chester
Cr Doran-Wu	Cr Ker
Cr Franchina	
Cr Hall	
Cr Piper”	

At the Ordinary Meeting of Council held on 10 September 2002, it was resolved: -

“That the Council;

- (i) *receives the report on the proposed Redevelopment of Oxford Street Reserve located on the corner of Oxford Street and Leederville Parade, Leederville;*
- (ii) *adopts the landscape concept plan for the Redevelopment of Oxford Street Reserve as shown on attached plan No. 2082-CP-1A; and*
- (iii) *in accordance with its policy No. 4.1.21, Community Consultation, advertises the proposal as outlined on concept plan No. 2082-CP-1A to all owners and occupiers of Oxford Street, Leederville Parade and Frame Court, Leederville, including local businesses and community groups for a period of twenty-one (21) days inviting written submissions on the proposal and consider any submissions received at the conclusion of the period.”*

On 16 September 2002, a letter and concept plan outlining the proposal were sent to local businesses and residents in the vicinity of the Reserve. A notice was also placed in the Community papers and the Plan displayed at the Administration and Civic Centre.

DETAILS:

The landscape concept plan was advertised for public comment for a period of twenty-one (21) days, closing on 11 October 2002. Of the sixty two (62) letters distributed, only four (4) responses were received where the following comments were made: -

- (1) Delighted by new plan – would like to take opportunity to suggest erection of “Education Stands” reminding the Community about littering and provide dog “droppings” bags.

Officer’s Comments

- ❖ Appropriate signage will be installed and dog “poo” bags provided if necessary in this location.

- (2) Cluttering up a small park with lots of hard-surfaces and unrelated elements. Pathways create small narrow lawn areas which would cost a lot to reticulate, mow and trim the edges.

Embankment is a good idea, but it needs to be covered in a shrubby groundcover – preferably native (*Banksia sp*) or grasses.

Drinking fountain would be better nearer the playground – possibly between the playground and the carpark.

Playground needs some form of barrier between carpark to stop kids running on the road.

Uplighting or bollard lighting would look better, especially to showcase trees like the *Croymbia citriodora*.

Brick pathway is not thought out properly. It connects nothing with nothing and runs right through the middle of the park.

Artwork is a great idea. Use local artists please. (I like the Smith’s Lake Sculpture).

Plant selection is poor because it is not Western Australian, is not necessarily waterwise, and has no design narrative.

Officer's Comments

- ❖ Proposed pathways provide a link from the footbridge across the park to the carpark and allow disabled access to the playground. The path from the central palm feature around to the entrance of the Skate Park was included following consultation with the local youth.
- ❖ Plant selection has been reviewed following the consultation period and native trees/shrubs will now be used predominantly throughout the reserve.
- ❖ A playground barrier was initially considered, however deleted due to cost. This will be reviewed and included in a future budget if required.

- (3) As a business owner in Leederville, we do experience parking problems for clients at certain times of the day. I understand there is a proposal to redevelop the Avenue carpark, but as yet I am not aware of a formal proposal and would suggest this deserves a higher priority than the park redevelopment.

Western Australia has a vast range of magnificent plants. It puzzles me why Councils are not using native plant species and varieties exclusively, particularly in light of the current concerns over our water resources. The current 'trend' for using Plane Trees, which are so regularly planted in the most inappropriate places is an example of inappropriate selection for many situations. In the plan I find the Phoenix *canariensis* interspersed with the Eucalyptus *leucoxlyn rosea* a very strange selection, aesthetically. Therefore, I would prefer to see the non-endemic species in the plant list replace with WA native species.

Officer's Comments

- ❖ The Avenue Carpark is to be redeveloped in 2002/03 and works are programmed to commence in the new year.
- ❖ As indicated above, the plant selection has been reviewed and will now consist of predominantly native species. The central palm feature, however, will be retained.

Recommendations:

- (4) That the proposed artwork "seating" be rotated 180 degrees so that it opens outwards towards the park, as illustrated in the design approved by the Town of Vincent.

That the proposed artwork "seating be swapped with the seat immediately to its east, so that it lines up with the low middle section of the skateboard park.

That a large overhead shade tree to be planted against the back of the middle section of the proposed metal artwork "seating" in order to provide summer and not winter shade.

That the Town of Vincent staff ensure that it complies with artist's moral rights and copyright legislation by formally consulting with the professional artists who were employed to design the seat and drinking fountain, to ensure that they are in agreement with the location and final design of the seat and drinking fountain.

Officer's Comments

Following discussions with Community Development staff, it is considered that the artworks designs should be further discussed with the artists, prior to the works being commenced.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council's resolution.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 Key Result Area 3.6 "Develop and Implement Strategies to Improve the Town's Parks and Reserves".

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported (10 September 2002), the estimated total cost of the redevelopment works of Oxford Street Reserve is \$52,500.

The total budget allocation including a carried forward amount for the playground upgrade is \$52,500.

COMMENTS:

The proposed artworks will not impact on the other redevelopment works planned within the reserve. It was originally programmed to commence this project in October 2002, however, for the following reasons it would be prudent to commence construction early in the new year.

- Artwork design issues will be resolved and project can be finalised.
- Works will not impact on the “Arty Farty” street festival being held in December 2002.
- The Town has recently received funding to construct a roundabout at the corner of Oxford Street and Leederville Parade and it would be ideal to complete both projects in unison. (A separate report on this matter is included in this agenda).

10.2.2 2002/03 National Black Spot Program

Ward:	Both	Date:	15 October 2002
Precinct:	All	File Ref:	TES0173
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the favourable outcome of the Town's 2002/2003 National Black Spot Program submissions;*
- (ii) *APPROVES in principle the proposed roundabout at the intersection of Oxford Street and Leederville Parade, Leederville, estimated to cost \$100,000, as shown on attached plan 2113-CP-1;*
- (iii) *advertises the proposal for public comment for a period of twenty one (21) days, inviting written submissions; and*
- (iv) *receives a further report at the conclusion of the consultation period.*

COUNCIL DECISION ITEM 10.2.2

Moved by Ker Cr, Seconded by Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

"COUNCIL DECISION ITEM 10.2.5 (at the Ordinary Meeting of Council held on 22 October 2002)

Moved by Cr Drewett, Seconded by Cr Hall

That due to the lateness of the hour the remaining items, (Item 10.2.4, 10.2.5, 10.4.8, 11.1, 11.2, 11.3, 11.4, 12.1) be DEFERRED to the next Ordinary Meeting of Council on 5 November 2002 at 6.00pm

CARRIED (6-3)

<i>For</i>	<i>Against</i>
<i>Cr Cohen</i>	<i>Mayor Catania</i>
<i>Cr Drewett</i>	<i>Cr Chester</i>
<i>Cr Doran-Wu</i>	<i>Cr Ker</i>
<i>Cr Franchina</i>	
<i>Cr Hall</i>	
<i>Cr Piper</i>	

The Federal Black Spot Program, under which a number of safety improvements were previously implemented throughout the Town, concluded as of 30 June 2002. The success of the program over its (six) 6 year life span prompted The Department of Transport and Regional Services (DOTARS) to introduce a new scheme, the 'National Black Spot Program'.

In January 2002 DOTARS wrote to all Local Governments introducing the new program and calling for project submissions. The criteria for the new program was essentially the same as its predecessor, with submissions closing 15 March 2002.

DETAILS:

'Black Spots' are locations that have a high accident recurrence rate resulting in significant personal and property damage. Locations designated 'Black Spots' are prioritised in descending order of severity. In order to achieve an equitable funding arrangement, Main Roads WA (MRWA), who manage the new program on behalf of DOTARS, endeavours to spread the funds as evenly as possible throughout the State and amongst Local Governments.

MRWA provided every Local Government with a list of eligible locations, inviting them to submit a funding application. Some thirty-three (33) metropolitan submissions were successful with a total value of \$3.026 million.

The Town nominated four (4) locations for consideration.

In a letter dated 8 October 2002, DOTARS advised, via MRWA's 'Black Spot' Coordinator, that the Town was successful in one (1) of its submissions.

The following table provides a brief description of each location submitted, the proposed modification and estimated project cost:

Location	Proposal	Estimated Cost	Status
<i>Intersection of Charles St & Ellesmere St, North Perth.</i>	<i>Install traffic islands on approaches.</i>	<i>\$17,000</i>	<i>Unsuccessful</i>
Intersection of Leederville Pde & Oxford St, Leederville.	Construct roundabout.	\$100,000	Successful
<i>Intersection of Charles St & Mabel St, North Perth.</i>	<i>Install traffic islands on approaches.</i>	<i>\$12,000</i>	<i>Unsuccessful</i>
<i>Intersection of Fitzgerald St & Alma Rd, North Perth.</i>	<i>Install 'half seagull' traffic island in Alma Rd preventing right turn movement into Fitzgerald Street.</i>	<i>\$17,000</i>	<i>Unsuccessful</i>

FINANCIAL/BUDGET IMPLICATIONS:

The project will be fully funded by Federal grant monies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 1.5(c) "*Evaluate traffic on major access roads and local area traffic management.*"

COMMENTS:

As outlined in the report, the Town has been advised that it has been successful in attaining National Black Spot funding to construct a roundabout at the intersection of Oxford Street and Leederville Parade, Leederville.

In an unrelated agenda item before Council (refer item 10.2.4), the Manager Parks Services has reported on the proposed redevelopment of Oxford Street Reserve. The report seeks, for various reasons, to defer the works.

The Town was only advised of the success of its Black Spot funding submission, after the Oxford Street Reserve redevelopment proposal had been adopted in principal by Council at its Ordinary Meeting of 10 September 2002.

In light of the proposed deferment of the park redevelopment, an opportunity now exists to link the two (2) projects to create superior and integrated development.

A roundabout at this location would have numerous benefits for the Oxford Centre Precinct.

The obvious benefit would be improved road safety and traffic management. A roundabout would significantly reduce the predominate right angled through and rear end accidents that occur at this location. It would also eliminate the unsafe 'U' turn manoeuvre at the southern end of Oxford Street which many motorists currently undertake. While Leederville Parade is classified as a district distributor A road, it is line marked as a single lane in either direction and therefore a roundabout at this location does not effect nor reduce the capacity of the road. Further, a roundabout will lower the speed of traffic using Leederville Parade as a link between the Vincent Street and the Mitchell Freeway on/off ramps with Loftus Street and Graham Farmer Freeway access.

A roundabout also provides an opportunity to create a focal entry/exit point to the Oxford Centre Precinct. The roundabouts central landscaping can be integrated into that of the park redevelopment to create a common theme effectively linking the two (2) projects.

While a roundabout does not specifically address the adopted Oxford Centre Study objectives, concept plan and recommendations, an opportunity exists to implement an immediate and tangible improvement in the Oxford Centre Precinct. It may be necessary to modify the roundabout in the future, to accommodate the Town Square one-way vehicular circulation system, as proposed in the adopted Oxford Centre Study Plan. A skillfully landscaped roundabout would provide a focal point, such as the planting of a date palm within the centre of the roundabout, lessen the visual and physical impact of vehicles and soften the streetscape.

10.4.1 Proposed Amendments to the Local Government Act 1995

Ward:	Both Wards	Date:	28 October 2002
Precinct:	All Precincts	File Ref:	LEG0010
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Proposed Amendments to the Local Government Act 1995 as shown in Appendix 10.4.1;*
- (ii) *advises the Western Australian Local Government Association (WALGA) that:*
 - (a) *it supports the proposed amendments to the Local Government Act 1995;*
 - (b) *it does not support No 8. - Proposed Amendment to the Number of Meetings a Member can be absent from without being disqualified - Section 2.25;*
 - (c) *it supports, in principle, No 59 - Establishing a Disciplinary Tribunal for Council Members - New Provision Part 8, subject to further details being provided and WALGA being fully consulted in this matter; and*
 - (d) *it supports:*
 - (1) *No 37 Relating to the rejection of a nominee of a company, subject to it being amended to include that when the nominee of a company is the sole and only shareholder of that company, that the nominee has the right to nominate for Council and satisfies the Elected Member eligibility criteria; and*
 - (2) *No 74 Relating to local government powers to order the repair of a fence, subject to this being amended to also give power to a Council to order the removal of overhanging branches between different lots, if the aggrieved landowner requests this.*

Moved by Cr Doran-Wu, Seconded by Cr Ker

That the recommendation be adopted.

Moved by Cr Ker, Seconded by Cr Piper

That clause (ii)(d)(2) be amended by deleting the words “, subject to this being amended to also give power to a Council to order the removal of overhanging branches between different lots, if the aggrieved land owner requests this”.

AMENDMENT CARRIED (7-2)

For
Cr Chester
Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Hall
Cr Ker
Cr Piper

Against
Mayor Catania
Cr Cohen

Moved by Cr Chester, **Seconded** by Cr Ker

That a new clause (ii)(d)(3) be added as follows:

“(ii (d (3) *No 3 Relating to the election of Mayor/President when elected at large, subject to this being amended to include the wording of any proposed referendum to be contained in Model Text.*”

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION 10.4.1

That the Council;

- (i) *receives the report on the Proposed Amendments to the Local Government Act 1995 as shown in Appendix 10.4.4;*
- (ii) *advises the Western Australian Local Government Association (WALGA) that:*
 - (a) *it supports the proposed amendments to the Local Government Act 1995;*
 - (b) *it does not support No 8. - Proposed Amendment to the Number of Meetings a Member can be absent from without being disqualified - Section 2.25;*
 - (c) *it supports, in principle, No 59 - Establishing a Disciplinary Tribunal for Council Members - New Provision Part 8, subject to further details being provided and WALGA being fully consulted in this matter; and*
 - (d) *it supports:*
 - (1) *No 37 Relating to the rejection of a nominee of a company, subject to it being amended to include that when the nominee of a company is the sole and only shareholder of that company, that the nominee has the right to nominate for Council and satisfies the Elected Member eligibility criteria;*
 - (2) *No 74 Relating to local government powers to order the repair of a fence; and*
 - (3) *No 3 Relating to the election of a Mayor/President when elected at large, subject to this being amended to include the wording of any proposed referendum to be contained in Model Text.*

FURTHER REPORT:

At the Ordinary Meeting of Council held on 22 October 2002 this matter was deferred due to the lateness of the hour and to allow for Councillors to further consider the item. It was also requested that the Town contact the Western Australian Local Government Association (WALGA) and request an extension of time to submit comments.

WALGA was contacted and they advised that they look forward to receiving the Town's comments as soon as possible. Furthermore, they suggested that the Town may wish to send their comments direct to the Minister for Local Government and Regional Development.

The CEO of WALGA has also written to the Minister for Local Government and Regional Development urging him to grant an extension of time on the consultation process.

BACKGROUND:

WALGA recently wrote to the Town advising that the Department of Local Government and Regional Development has recently released to the Association and other parties a document outlining the proposed amendments to the Local Government Act. It is understood the details have also been provided at other forums around the State in the past several weeks.

In order to effectively respond to the proposals the WALGA is reviewing responses received in the original consultation process. It is however desirable to receive updated views wherever possible (and practical) on the whole document and particularly those issues that are on the list for the first time.

Comments have been requested by the end of October 2002.

DETAILS:

Many of these proposed amendments are as a result of the consultation in 1999 and 2000 with some additional ones that have been included by the Government and for which there has been no consultation.

Many of the proposed amendments will provide for a refined Local Government Act. Some of the more salient amendments include the following:

3. Changing the method of electing a mayor/president when elected at large – Section 2.13

Concerns have been raised about a loss of elector entitlements if a council moves to change the method of electing a mayor/president from one elected by the people to one elected by council.

Consequently, a new process is proposed which is to be followed when such a change is sought. This process will involve the following:

- If council agrees to progress such a change, it must seek feedback from the community on the proposal for a period of 6 weeks.
- The council is then to reconsider the proposal in light of the feedback received.
- If council resolves to proceed, a referendum is to be held.
- The Local Government Advisory Board is to set the question for the referendum and identify the arguments for change or retention of the status quo.
- The Western Australian Electoral Commission is to conduct the referendum.
- The result of the referendum will bind council.

- Should the referendum support change, implementation of the new method shall take place at the next election for the mayor/president (unless preparation for an election for the mayor/president has already commenced, in which case the election should occur and the appointed person should serve their term).
- Referendums on this matter cannot be held more than once every 4 years.

Chief Executive Officer's Comments

This change will ensure that ratepayers are fully consulted prior to a Council making any change. The proposed process will ensure that a community can provide feedback during a statutory consultation period.

8. Amendment to the number of meetings a member can be absent from without being disqualified - Section 2.25

An amendment is to be made to the number of meetings that an elected member, without leave of absence, can fail to attend without being disqualified.

It is intended to amend section 2.25 (4) so that a member is disqualified if they are absent throughout 4 consecutive ordinary meetings.

Chief Executive Officer's Comments

It is considered that three consecutive ordinary meetings as currently prescribed in the Act is considered satisfactory.

10. Introduction of an alternative oath or affirmation of allegiance and declaration – Section 2.29

It is proposed that newly elected members be given an alternative oath or affirmation of allegiance and declaration that removes reference to the reigning sovereign. This would be to the Commonwealth and people of Australia.

This will require an amendment to section 2.29 to indicate that an alternative oath or affirmation of allegiance and an alternative declaration is possible. In addition, it would need to be made clear that such an oath is not in contravention of the Criminal Code.

Chief Executive Officer's Comments

This matter has arisen on a number of occasions by many local governments and will address the concerns raised.

18. Reducing the advertising requirements for the review of local laws – Section 3.16

The advertising requirements for a review of a local law are quite onerous, particularly when compared to the requirements for the creation of a new law. It has therefore been decided to reduce the timeframe for public comment to bring it into line with the requirements for creating a new local law. In addition, the requirement to give notice of the outcome of a review will no longer be required.

This will require an amendment to section 3.16 (2)(c) to reduce the 12 week period to 6 weeks. In addition, section 3.16 (5) is to be deleted.

Chief Executive Officer's Comments

This amendment will reduce the time and cost in amending local laws and is therefore supported.

29. Entitlement to be an Occupier of Rateable Property – Section 4.32

It is proposed that section 4.32(3) should include a further requirement for a person to establish that they are a bona fide occupier. It is proposed that the person needs to have a minimum amount of rental paid per annum. This would need to be set in regulations and the amount shall be \$5000.

Chief Executive Officer's Comments

This amendment will remove the practice of persons obtaining leases solely for the purpose of satisfying the Elected Member eligibility requirements as an occupier.

37. Section 4.51 – Rejection of nomination on grounds of only being a company nominee.

A number of situations have arisen where nominations for elections have been accepted by returning officers where the person is only a company nominee. Section 2.19 (2) of the Act states that whilst such a person can be an elector they are not entitled to be a council member.

It is proposed that section 4.51 should have a specific provision giving the returning officer the power to reject such a nomination. It would appear appropriate to include this particular qualification matter as this information is known to the returning officer from the details submitted in applications to be an elector. It is acknowledged that there are various other entitlement matters that need to be met to hold office, however, those details are not readily available to returning officers for checking.

Chief Executive Officer's Comments

This amendment will remove an anomaly in the Act concerning the relationship between nominating for Council and eligibility to be sworn in if the person wins the Election. This matter has previously been reported to the Council following the 2001 Election. The Mayor has requested that the amendment relating to instances where the nominee is the sole and only shareholder of a company be also included.

43. Various amendments to the sections relating to the plan of principal activities

Amendments are proposed to the local government forward planning provisions to ensure that the plans developed are consistent with community desires and that there is flexibility for local governments to prepare plans that meet corporate needs.

This will require the following amendments:

- Sections 5.52, 5.56, 5.57 and 5.58 are to be deleted.
- Any reference in the Act (or regulations) to principal activity plans is to be removed.

- A statement is to be included in section 2.7 to require councils to plan for the future. The procedures for the making and the content of such plans shall be as prescribed in regulations.

Chief Executive Officer's Comments

This amendment is supported as there is a need to link a Council's Strategic Plan and Annual Budget.

44. Definition of when a person has a financial interest – Section 5.60A

To clarify the scenario as to when an elected member or employee has a financial interest it is proposed that the definition contained in this section be broadened.

Section 5.60A should be amended so that when determining whether a person has an interest, it is necessary to consider whether there was a reasonable expectation of financial gain or loss resulting from either the way the matter might be dealt with by the council or committee, and the way that the matter might be dealt with by the elected member or employee. At present the requirement is limited to the way the local government would deal with the matter.

Chief Executive Officer's Comments

Any further clarification to this provision can only assist persons to determine whether they need to declare their interest.

48. Bringing forward the date for the adoption of annual budget – Section 6.2

To provide local governments with greater flexibility with their budget management activities, it is proposed to allow local governments to adopt their budget from 1 June each year.

Accordingly, this will require an amendment to section 6.2 to change the date from July 1 to June 1. Other consequential amendments may be necessary.

Chief Executive Officer's Comments

This is supported as it can a positive benefit of Council's bringing forward the adoption of a Budget, which means rates can also be received earlier. This will ensure that Capital Works Programmes can be more easily drafted, taking cognisance of Council cash flow.

58. Audit Committee – Part 7

New provisions about Audit Committees are to be inserted into the Act to ensure that council members maintain an involvement in the audit process. The Act should require each local government to establish an audit committee which will be open to the public.

- Membership of the committee may range from 3 elected members to full council. It may be a separate committee or it may be an adjunct to any other committee of council.
- Audit Committees can comprise only elected members and members of the community if the council so resolves (not council staff).
- Elected members are to comprise a majority of the Committee.

- The Chief Executive Officer of the local government or his/her nominee cannot be a member but may be an advisor to the committee.

The roles and responsibilities of the Audit Committee are to be as follows:

- Determining the process of selecting the Auditor.
- Recommending to Council on the appointment of the Auditor.
- Managing the audit process from the council's prospective.
- Meeting with the auditor at least once each year to discuss the process and/or the outcomes of the audit.
- Monitoring the administration's actions on, and responses to, any significant matters raised by the Auditor in the report referred to in section 7.9 of the Act and the management report.
- Submitting a copy of the audit contract to the Department of Local Government and Regional Development each time a new contract is entered into or the contract is amended.
- Presenting an Annual Report on the audit function to the Council and the Department of Local Government and Regional Development.
- Considering the completed Statutory Compliance Return and monitoring the administration's corrective action on matters of non-compliance.

In addition to the Report on the Accounts and the Annual Financial Report required by section 7.9 of the Act, the Act should require the Auditors of each local government to submit a further report on any issues which have been identified in their processes as needing to be addressed.

This second report, to be termed the "Management Report", is to be submitted to the CEO of the respective local government. The CEO is to be obliged to advise the Audit Committee on the action he or she has taken with regard to the Management Report.

The Audit Committee must advise the Council regarding its level of satisfaction with the CEO's response to the Management Report. The Council is to inform the public at the annual electors meeting of the content of the Management Report and Council's actions with regards to the issues raised.

It may be preferable to place the details of these requirements in regulations.

Chief Executive Officer's Comments

This is supported as it is in keeping with the principles of accountability and open government.

59. Establishing a Disciplinary Tribunal for Council Members – New provision Part 8

It is proposed to include a new provision which will provide for the establishment and operation of a tribunal to deal with matters of a disciplinary nature where a council member has not complied with a code of conduct or other relevant laws.

It is proposed that this tribunal be appointed by the Minister with the power to initiate disciplinary measures. It is proposed that such measures would include the temporary suspension of council members and other appropriate sanctions.

Further consideration will be given to the incorporation of these provisions in the State Administrative Tribunal legislation in due course.

Chief Executive Officer's Comments

This is supported in principle subject to further details being provided and WALGA being fully consulted on the matter. At present the Minister can only take action against the whole Council and not errant individual Members. Action against whole Councils is expensive and tarnishes the reputation of all persons.

A tribunal is supported subject to full consultation on the matter.

74. New power to allow a local government to issue a notice to repair a boundary fence – Schedule 3.1

To ensure that local governments have appropriate power in relation to the standard of boundary fences in their districts, the power to issue a notice requesting that a boundary fence be repaired is to be included in this Schedule.

A new provision is to be inserted in Schedule 3.1 to give local governments the power to issue a notice to an owner or occupier requesting that a boundary fence be repaired. It can only issue such a notice if there is a contravention of a local law on the matter.

Chief Executive Officer's Comments

Dividing fences are a contentious issue for local governments and any amendment to give stronger powers is supported.

The Mayor requested that this amendment be expanded to give Councils power to act on complaints and require the removal of overhanging branches on private property between different lots.

CONSULTATION/ADVERTISING:

Not applicable.

STRATEGIC IMPLICATIONS:

The proposed amendments to the Local Government Act 1995 will assist in good governance and assist in good decision making for the betterment of local communities.

COMMENTS:

The proposed amendments to the Local Government Act 1995 are supported and long overdue.

10.4.5 Confidential Report - Hill's Weeping Figs (Ficus hilli)

Ward:	North Perth	Date:	16 October 2002
Precinct:	Mt Hawthorn P1, Smith's Lake P6, North Perth P8, Norfolk P10, Hyde Park P12 & Beaufort P13	File Ref:	TES0234
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the Hill's Weeping Figs (Ficus Hilli).

Moved by Cr Drewett, Seconded by Cr Kerr

That the confidential item be deferred and considered at the end of the meeting.

CARRIED (9-0)

BACKGROUND:

"COUNCIL DECISION ITEM 10.4.8 (at the Ordinary Council Meeting of Council held on 22 October 2002)

Moved by Cr Drewett, Seconded by Cr Hall

That due to the lateness of the hour the remaining items, (Item 10.2.4, 10.2.5, 10.4.8, 11.1, 11.2, 11.3, 11.4, 12.1) be DEFERRED to the next Ordinary Meeting of Council on 5 November 2002 at 6.00pm

CARRIED (6-3)

For

*Cr Cohen
Cr Drewett
Cr Doran-Wu
Cr Franchina
Cr Hall
Cr Piper"*

Against

*Mayor Catania
Cr Chester
Cr Ker*

DETAILS:

At the Ordinary Meeting of Council held on 8 October 2002, this item was DEFERRED due to the lateness of the hour.

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains commercial and financial information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –

(i) to be treated as strictly confidential; and

(ii) not, without the authority of Council, to be disclosed to any person other than–

(a) the Members; and

(b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;

prior to the discussion of that matter at a meeting of the council held with open doors.

(2) Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –

(i) then to be treated as strictly confidential; and

(ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

11.1 Notice of Motion – Mayor Nick Catania – Expression of Sympathy to those affected by the Bali Disaster and Donation to WA Bali Casualties Appeal

That;

- (i) the Mayor, Councillors and Staff of the Town of Vincent express their deepest sympathy to the families and friends of victims of the Bali disaster; and*
- (ii) the Town of Vincent makes a donation of \$5,000 to the Western Australia (WA) Bali Casualties Appeal through the Lord Mayor’s Distress Relief fund.*

COUNCIL DECISION ITEM 11.1

Moved by Mayor Catania, Seconded by Cr Doran-Wu

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

“COUNCIL DECISION ITEM 11.1 (at the Ordinary Council Meeting of Council held on 22 October 2002)

Moved by Cr Drewett, Seconded by Cr Hall

That due to the lateness of the hour the remaining items, (Item 10.2.4, 10.2.5, 10.4.8, 11.1, 11.2, 11.3, 11.4, 12.1) be DEFERRED to the next Ordinary Meeting of Council on 5 November 2002 at 6.00pm

CARRIED (6-3)

For

Cr Cohen

Cr Drewett

Cr Doran-Wu

Cr Franchina

Cr Hall

Cr Piper”

Against

Mayor Catania

Cr Chester

Cr Ker

11.2 Notice of Motion – Councillor Simon Chester – Underground Power (TES0313)

That the Council authorises the Chief Executive Officer to prepare, no later than 12 November 2002, expressions of interest for Round 3 of the State Underground Power Program for all areas of the Town of Vincent as Major Residential Projects.

Moved by Cr Chester, Seconded by Cr Ker

That the motion be adopted.

Debate ensued

Cr Piper departed the Chamber at 6.53pm.

Debate ensued

Cr Piper returned to the Chamber at 6.55pm.

CARRIED (9-0)

Moved by Cr Chester, Seconded by Cr Hall

That, “12” in line one be deleted and “19” be inserted.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION 11.2

That the Council authorises the Chief Executive Officer to prepare, no later than 19 November 2002, expressions of interest for Round 3 of the State Underground Power Program for all areas of the Town of Vincent as Major Residential Projects.

BACKGROUND:

“COUNCIL DECISION ITEM 11.2 (at the Ordinary Council Meeting of Council held on 22 October 2002)

Moved by Cr Drewett, *Seconded* by Cr Hall

That due to the lateness of the hour the remaining items, (Item 10.2.4, 10.2.5, 10.4.8, 11.1, 11.2, 11.3, 11.4, 12.1) be DEFERRED to the next Ordinary Meeting of Council on 5 November 2002 at 6.00pm

CARRIED (6-3)

For

Cr Cohen

Cr Drewett

Cr Doran-Wu

Cr Franchina

Cr Hall

Cr Piper”

Against

Mayor Catania

Cr Chester

Cr Ker

11.3 Notice of Motion – Councillor Simon Chester and Councillor Helen Doran-Wu – Scarborough Beach Road Upgrade (TES0077)

That the Council;

(i) *authorises the Chief Executive Officer to utilise any surplus funds from the 2002/2003 budgeted traffic management improvements to Scarborough Beach Rd for the provision of;*

(a) *pedestrian safety fencing to the intersection of Scarborough Beach Rd, and Flinders Street; and*

(b) *community art banner poles for the central median between Fairfield and Matlock Streets;*

concurrent with the works being undertaken;

(ii) *authorises the Chief Executive Officer to prepare plans for Stage 2 Upgrade of Scarborough Beach Road for the Financial Year 2003/2004, including;*

(a) *planter beds, street tree enhancement and artworks to existing paved area between Oxford Street and The Boulevarde; and*

(b) *authorises the Chief Executive Officer to approach Western Power for a lighting fitting upgrade of Scarborough Beach Road Town Centre;*

subject to consultation, including a public meeting, with the relevant stakeholders, businesses and community groups including playgroup, school, church and seniors groups.

Moved by Cr Chester, Seconded by Cr Doran-Wu

That the motion be adopted.

Cr Drewett departed the Chamber at 7pm.

Debate ensued

Cr Drewett returned to the Chamber at 7.02pm.

Moved by Cr Chester, Seconded by Cr Doran-Wu

That clause (i) (b) be reinserted as clause (ii) (c).

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION 11.3

That the Council;

(i) *authorises the Chief Executive Officer to utilise any surplus funds from the 2002/2003 budgeted traffic management improvements to Scarborough Beach Rd for the provision of;*

(a) *pedestrian safety fencing to the intersection of Scarborough Beach Rd, and Flinders Street;*

concurrent with the works being undertaken;

(ii) *authorises the Chief Executive Officer to prepare plans for Stage 2 Upgrade of Scarborough Beach Road for the Financial Year 2003/2004, including;*

(a) *planter beds, street tree enhancement and artworks to existing paved area between Oxford Street and The Boulevarde;*

(b) *authorises the Chief Executive Officer to approach Western Power for a lighting fitting upgrade of Scarborough Beach Road Town Centre; and*

(c) *community art banner poles for the central median between Fairfield and Matlock Streets;*

subject to consultation, including a public meeting, with the relevant stakeholders, businesses and community groups including playgroup, school, church and seniors groups.

BACKGROUND:

“COUNCIL DECISION ITEM 11.3 (at the Ordinary Council Meeting of Council held on 22 October 2002)

Moved by Cr Drewett, Seconded by Cr Hall

That due to the lateness of the hour the remaining items, (Item 10.2.4, 10.2.5, 10.4.8, 11.1, 11.2, 11.3, 11.4, 12.1) be DEFERRED to the next Ordinary Meeting of Council on 5 November 2002 at 6.00pm

CARRIED (6-3)

For

Cr Cohen

Cr Drewett

Cr Doran-Wu

Cr Franchina

Cr Hall

Cr Piper”

Against

Mayor Catania

Cr Chester

Cr Ker

11.4 Notice of Motion – Councillor Simon Chester and Councillor Helen Doran-Wu – Residential Design Codes – October 2002 Information Session (PLA0110)

That the Council authorises the Chief Executive Officer to host an information session for Councillors, community groups, precinct groups and interested parties on the Residential Design Codes of Western Australia, gazetted on 4 October 2002. The session should occur no later than 14 December 2002 and, as a minimum, identify;

- (a) the future roles of the Residential Design Codes of Western Australia, Town of Vincent Town Planning Scheme and Town of Vincent Design Guidelines;*
- (b) differences in the provisions of the Codes gazetted on 4 October 2002 and the 1991 Codes;*
- (c) any new features of the revised Codes; and*
- (d) possible effects on development within the Town of Vincent.*

Moved by Cr Chester, Seconded by Cr Doran-Wu

That the motion be adopted.

Cr Hall departed the Chamber at 7.10pm.

Cr Hall returned to the Chamber at 7.12pm.

Debate ensued

Moved by Cr Chester, Seconded by Cr Ker

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

- “(e) that the Minister for Planning and Infrastructure be requested to make available one of the department’s representatives to assist the Town to conduct the seminar.”*

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION 11.4

That the Council authorises the Chief Executive Officer to host an information session for Councillors, community groups, precinct groups and interested parties on the Residential Design Codes of Western Australia, gazetted on 4 October 2002. The session should occur no later than 14 December 2002 and, as a minimum, identify;

- (a) the future roles of the Residential Design Codes of Western Australia, Town of Vincent Town Planning Scheme and Town of Vincent Design Guidelines;*

- (b) *differences in the provisions of the Codes gazetted on 4 October 2002 and the 1991 Codes;*
 - (c) *any new features of the revised Codes;*
 - (d) *possible effects on development within the Town of Vincent; and*
 - (e) *that the Minister for Planning and Infrastructure be requested to make available one of the department's representatives to assist the Town to conduct the seminar.*
-

BACKGROUND:

"COUNCIL DECISION ITEM 11.4 (at the Ordinary Council Meeting of Council held on 22 October 2002)

Moved by Cr Drewett, Seconded by Cr Hall

That due to the lateness of the hour the remaining items, (Item 10.2.4, 10.2.5, 10.4.8, 11.1, 11.2, 11.3, 11.4, 12.1) be DEFERRED to the next Ordinary Meeting of Council on 5 November 2002 at 6.00pm

CARRIED (6-3)

For

Cr Cohen
Cr Drewett
Cr Doran-Wu
Cr Franchina
Cr Hall
Cr Piper"

Against

Mayor Catania
Cr Chester
Cr Ker

12.1 WALGA Nominations – Building Regulations Advisory Committee; Impact of Combining Tourist and Permanent Residential Accommodation and the Impact of Strata Titling of Tourist Accommodation Taskforce; Peel Region Planning Committee; WA Environmental Health Officers Professional Review Board, Wetland Coordinating Committee

Ward:	-	Date:	15 October 2002
Precinct:	-	File Ref:	ORG0045
Reporting Officer(s):	Manuela McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

That;

- (i) _____ *..be nominated as WALGA Member – Building Regulations Advisory Committee;*
- (ii) _____ *..be nominated as WALGA Member – Impact of Combining Tourist and Permanent Residential Accommodation and the Impact of Strata Titling of Tourist Accommodation Taskforce;*
- (iii) _____ *..be nominated as WALGA Member x 3 (Panel of four names per position) – Peel Region Planning Committee;*
- (iv) _____ *..be nominated as WALGA Deputy Member x 3 (Panel of four names per position) – Peel Region Planning Committee;*
- (v) _____ *..be nominated as WALGA Member – WA Environmental Health Officers Professional Review Board;*
- (vi) _____ *..be nominated as WALGA Deputy Member – WA Environmental Health Officers Professional Review Board;*
- (vii) _____ *..be nominated as WALGA Member – Wetland Coordinating Committee; and*
- (viii) _____ *..be nominated as WALGA Deputy Member – Wetland Coordinating Committee.*

COUNCIL DECISION ITEM 12.1

Moved by Cr Ker, Seconded by Cr Doran-Wu

That nil nominations be made.

CARRIED (9-0)

COUNCIL DECISION ITEM 12.1 at Ordinary Meeting of Council held on
22 October 2002

At 10.08pm Moved by Cr Drewett, Seconded by Cr Hall

That due to the lateness of the hour the remaining items, (Item 10.2.4, 10.2.5, 10.4.8, 11.1, 11.2, 11.3, 11.4, 12.1) be DEFERRED to the next Ordinary Meeting of Council on 5 November 2002 at 6.00pm

CARRIED (6-3)

For

Cr Cohen

Cr Drewett

Cr Doran-Wu

Cr Franchina

Cr Hall

Cr Piper

Against

Mayor Catania

Cr Chester

Cr Ker

BACKGROUND:

Please see Appendix 12.1 for details.

NOMINATIONS CLOSE FRIDAY 8 NOVEMBER 2002 AT 4.00PM.

10.4.4 Information Bulletin

Ward:	-	Date:	30 October 2002
Precinct:	-	File Ref:	-
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Information Bulletin dated 5 November 2002 and distributed to Elected Members with the Agenda be received.

COUNCIL DECISION ITEM 10.4.4

Moved by Cr Doran-Wu, Seconded by Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 5 November 2002 are as follows:

ITEM	DESCRIPTION
IB01	Appeal No. 62 of 2002, Maria Gincerì -v- Town of Vincent, Appeal Withdrawn by Consent
IB02	No. 4 (Lot 78) Pansy Street, North Perth - Appeal
IB03	No 91 (Lot 157, Strata Lot 2) Raglan Road, Corner Hyde Street, Mount Lawley - Proposed additional two-storey grouped dwelling with additional uncovered storage area/roof terrace to existing dwelling - Appeal No. 124 of 2002
IB04	Amendment 15 to the Town of Vincent Town Planning Scheme No. 1
IB05	Metropolitan Region Scheme Proposed Amendment No. 1037/33 North West Districts Omnibus (No. 5)
IB06	Mount Hawthorn Precinct Group - Working group to review the Design Guidelines and Locality Statements for the Mount Hawthorn Precinct
IB07	No. 138 (Lots 276 & 277) Matlock Street, Mount Hawthorn - four, two-storey single houses - Town Planning Appeal Tribunal No. 142 of 2002
IB08	Letter from Main Roads WA re Intersection of Oxford and Vincent Streets, Leederville
IB09	“The Road to Recovery” – A Community Message from the Mindarie Regional Council Waste Management Authority

10.1.2 Further Report - No. 368 (Lots 8, 9 & 10) Oxford Street Corner of Anzac Road, Mount Hawthorn – Proposed Alterations and Additions to Existing Hotel and Ancillary First Floor Uses

Ward:	Mount Hawthorn	Date:	30 October 2002
Precinct:	Mount Hawthorn Centre, P2	File Ref:	PRO0748 (00/33/1093)
Reporting Officer(s):	H Coulter		
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 with respect to the adverse affect on the amenity of the locality by virtue of the non-compliance with the car parking requirement;*
- (ii) non-compliance with the Town's Policy relating to Parking and Access; and*
- (iii) consideration of objections received;*

the Council REFUSES the application submitted by Planning Solutions (Aust.) Pty Ltd on behalf of the landowner Active Holdings Pty Ltd for proposed alterations and additions to the existing hotel and ancillary first floor uses at No.368 (Lots 8, 9 and 10) Oxford Street corner of Anzac Road, Mount Hawthorn, and as shown on plans stamp dated 9 June 2002 and amended on 29 October 2002.

Moved by Cr Drewett, Seconded by Ker

That the recommendation be adopted.

Debate ensued.

Moved by Cr Drewett, Seconded by Cr Piper

That the motion be put.

LOST (4-5)

<u>For</u>	<u>Against</u>
Cr Drewett	Mayor Catania
Cr Franchina	Cr Cohen
Cr Hall	Cr Chester
Cr Piper	Cr Doran-Wu
	Cr Ker

Further Debate ensued.

COUNCIL DECISION ITEM 10.1.2

LOST (4-5)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Cohen
Cr Chester	Cr Drewett
Cr Doran-Wu	Cr Franchina
Cr Ker	Cr Hall
	Cr Piper

Reasons

1. It is considered that there is no parking shortfall.
2. It is considered that it is not detrimental to the amenity of the area.
3. At its Ordinary Meeting of Council held on 14 March, 2000, the Council conditionally approved proposed alterations and additions to the Oxford Hotel.

Moved by Cr Drewett, Seconded by Cr Piper

That the following alternative recommendation be adopted.

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Planning Solutions (Aust.) Pty Ltd on behalf of the landowner Active Holdings Pty Ltd for proposed alterations and additions to the existing hotel and ancillary first floor uses at No.368 (Lots 8, 9 and 10) Oxford Street corner of Anzac Road, Mount Hawthorn, and as shown on plans stamp dated 9 June 2002, and amended on 29 October 2002, subject to:

- (i) *an updated, detailed management plan specific to the use of the existing operational areas and the new upper floor areas of the hotel addressing the control of noise, litter, traffic, car parking and anti-social behaviour (to reasonable levels) associated with the hotel shall be submitted and approved prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, and thereafter implemented and maintained;*
- (ii) *all first floor existing windows along the Anzac Road elevation shall be modified so as to form an effective acoustic barrier and confirmation of the effectiveness of such modification shall be submitted to and approved by the Town prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, and thereafter implemented and maintained;*
- (iii) *compliance with the Liquor Licensing Act 1988 and the requirements of the Director of Liquor Licensing;*
- (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 and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License, and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (vii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (viii) *the maximum accommodation number of 471 persons, as detailed in the current Certificate of Approval issued in accordance with Section 178(1) of the Health Act 1911 – Health (Public Buildings) Regulations 1992, shall not be exceeded at any time;*
- (ix) *all first floor existing windows shall be double glazed; and*
- (x) *no live entertainment/bands shall be permitted.*

to the satisfaction of the Chief Executive Officer.

Mayor Catania adjourned the meeting for a period of five minutes as he was of the opinion that by reason of disorder the business of the Council could not effectively be continued.

Meeting adjourned at 8.29pm.

Mayor Catania declared the meeting resumed at 8.36pm.

Present:

Mayor Nick Catania, JP	Presiding Member
Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward
Cr Caroline Cohen	North Perth Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Basil Franchina	Mt Hawthorn Ward
Cr Kate Hall	North Perth Ward
Cr Ian Ker	North Perth Ward
Cr Marilyn Piper, JP	North Perth Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager Corporate Services
Debbie Winfield	Minute Secretary
Ms Jenny D'Anger	Journalist - Voice News
Ryan Emery	Journalist - Guardian Express
Members of the Public	Approximately 10

Motion Moved by Cr Drewett, Seconded by Cr Ker

That the Council continue with the business on the Agenda.

MOTION CARRIED (9-0)

Moved by Cr Drewett, Seconded by Cr Piper

That the motion be put.

Debate ensued.

CARRIED (5-4)

For

**Cr Cohen
Cr Drewett
Cr Franchina
Cr Hall
Cr Piper**

Against

**Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Ker**

ALTERNATIVE RECOMMENDATION
PUT AND CARRIED (5-4)

For

Cr Cohen
Cr Drewett
Cr Franchina
Cr Hall
Cr Piper

Against

Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Ker

COUNCIL DECISION 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Planning Solutions (Aust.) Pty Ltd on behalf of the landowner Active Holdings Pty Ltd for proposed alterations and additions to the existing hotel and ancillary first floor uses at No.368 (Lots 8, 9 and 10) Oxford Street corner of Anzac Road, Mount Hawthorn, and as shown on plans stamp dated 9 June 2002, and amended on 29 October 2002, subject to:

- (i) an updated, detailed management plan specific to the use of the existing operational areas and the new upper floor areas of the hotel addressing the control of noise, litter, traffic, car parking and anti-social behaviour (to reasonable levels) associated with the hotel shall be submitted and approved prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, and thereafter implemented and maintained;*
- (ii) all first floor existing windows along the Anzac Road elevation shall be modified so as to form an effective acoustic barrier and confirmation of the effectiveness of such modification shall be submitted to and approved by the Town prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, and thereafter implemented and maintained;*
- (iii) compliance with the Liquor Licensing Act 1988 and the requirements of the Director of Liquor Licensing;*
- (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 and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License, and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*

- (vii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (viii) *the maximum accommodation number of 471 persons, as detailed in the current Certificate of Approval issued in accordance with Section 178(1) of the Health Act 1911 – Health (Public Buildings) Regulations 1992, shall not be exceeded at any time;*
- (ix) *all first floor existing windows shall be double glazed; and*
- (x) *no live entertainment/bands shall be permitted.*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 8 October 2002 deferred this item to obtain further information. The applicant has provided a letter dated 17 October 2002 attached as Appendix 10.1.2 to this further report. The following comments are provided in response to the applicant's 8 points.

Point 1

The applicant's supporting report (page 11) makes reference to Appendix Two, which contains a plan of the layout of the first floor of the hotel and..."*One room is proposed to remain unused as there is currently insufficient onsite car parking "credit" for the first floor to accommodate the additional floor space.*"

The plans dated 9 June 2002 makes no reference to a room to be retained for residential purposes or '*no use proposed*' as provided for in the legend of the plan. The applicant has however, amended the plans which details a room to be retained as 'bedroom'.

The following table details the amended parking situation in relation to the subject proposal:

Car parking requirement (nearest whole number)	171 car bays
<ul style="list-style-type: none"> ▪ Assembly Area - 1 car bay for every 4.5 square metres of assembly area (existing) (480 square metres); ▪ Assembly Area - 1 car bay for every 4.5 square metres of assembly area (proposed) 286.33 square metres); ▪ 1 bedroom - 1 car bay per bedroom 	
Apply the adjustment factors.	(0.76)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of one or more public carparks in excess of 25 spaces) ▪ 0.95 (secure on-site and/or adjacent street bicycle parking) 	
	129.96 car bays
Minus the car parking provided on site.	10 car bays
Minus the most recently approved on site car parking shortfall(115.5 car bays to which adjustment factor of 0.76 has been applied)	87 car bays
Resultant shortfall	32.96 car bays

Point 2

The rezoning proposal was 'put on hold' by the applicants following discussions with the Town's Officers regarding possible 'use' options for the site. The applicants have advised the Town's Officers that it is their intention to proceed with the application by the end of the year however, will continue to work with the Town's Officers in terms of possible use options.

Point 3

It is acknowledged that both a development application and a rezoning proposal can be run concurrently.

Point 4

The Town views all development applications on their individual merit in terms of the locality in general and the existing and future residents who live and work in an area. The Town's Officers provide technical advice to the Council based on the statutory provisions of the Town Planning Scheme No.1 and associated Policies and Local Laws. The application and Officer advice are then presented to the Council for a determination. It is considered that the Town has, and is currently dealing with the matters discussed above in a fair, proper and reasonable manner. Further, it is considered that the Town has approached the matters of use and parking in a manner consistent with the intent and objectives of the Town Planning Scheme No.1 and the Town's Policy relating to Parking and Access. With reference to the applicant's example of an item considered at the Ordinary Meeting of Council held on 8 October 2002, this was clearly demonstrated with respect to an application for the Italian Club (Item 10.1.14). The site is categorized as Club Premises and similar to the Oxford Hotel, proposes a change in the range of uses contained within the building. The changes proposed in the application for the Italian Club however, resulted in a decrease in required parking, as opposed to an increase in required parking as per the Oxford Hotel.

Point 5

As previously outlined to the Council, there was no formal indication from the applicant that the previous application determined by the Council at its Ordinary Meeting held on 14 March 2000 was a staged development. Planning Approval was issued *'for alterations and additions to the existing hotel'* subject to a number of conditions, including the following:

"(xv) the current approved accommodation numbers in accordance with the Health (Public Building) Regulations 1992 and the Health Act 1911 (as amended) shall not be increased;"

The plans did not indicate any alterations to the upper floor area at that time and an excerpt of the applicant's supporting comments are as follows:

"The plans presented reflect the new hotel management's shift in philosophy from one that was previously orientated to maximising "drinking area" to one that provides the opportunity to improve the "dining experience" for patrons. Examples include the development of two improved kitchens and associated storage, the incorporation of the seating and dining areas in areas previously designated as "Public Bar" and the exposure of the "cellar" within the dining area, rather than simply the maximisation of "drinking areas"."

It is noted that an on-site meeting held between the Town's Officers and the applicants on 28 March 2001 included discussions regarding the future possible renovation and change of use of the upstairs area of the hotel for conference areas, a staff room, storage areas, a kitchenette and a caretaker's residence. The applicants were advised and provided with a copy of the (then) current Parking Policy following discussions relating to parking requirements of any change of use on-site. The Town's Officers advised the applicants at that meeting that car parking requirements and provision will be a major issue that will be required to be addressed.

Notwithstanding the above, 'staging' is not considered a relevant argument in terms of this application. Planning Approval is issued on the basis of information provided on submitted applications and plans. The previous application made no reference to the upper floor of the building changing and as such, consideration cannot be given to that which is not changing.

Point 6

The Full Court decision relating to Gull Petroleum (WA) Pty Ltd & Ors vs Nashville Investments Pty Ltd & Anor (1999) WASCA 12, inter alia, provides guidance as to how to categorise the use of a site containing more than one use. In this instance, the Town has considered that the site continues to be recognised as a hotel but on the basis of the information provided in the application and the submitted plans, for the purpose of calculating the required car parking, the most appropriate categorisation listed in the Town's Policy relating to Parking and Access would be 'place of public assembly' given that the residential rooms are changing to areas used for drinking and the congregation of people.

Point 7

The Town acknowledges that the hotel has existed since at least 1904 however it is noted that approved changes to the hotel since 2000 have resulted in a different intensity of use of the hotel from the original ground and first floor layouts, which depicted bar areas and residential rooms respectively. Irrespective of whether a site has non-conforming use rights, which is not the case in this instance, such rights do not protect nor preclude the Council from determining any application for a change of use or intensity of use on a site any differently from any other application presented to it, and on the requirements at that time.

Liquor Licensing

The Liquor Licensing Authority have advised that the first floor was licensed on 17 May 1993. The applicant has provided a copy of the Oxford Hotel's Liquor Licence as a 'hotel' and accompanying plan which depicts the licensed areas of the hotel. This plan is included in the Agenda.

The Town Planning Scheme No.1 defines 'hotel' as follows:

"'hotel" means any land or building used for the overnight accommodation of patrons and may include facilities for consumption of beverages or a restaurant, or a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, or facilities for entertainment, and which may be the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988;"

The Liquor Licensing Act 1988 defines a 'hotel licence' as follows:

" 'hotel licence" means a licence granted under section 41 and includes a hotel restricted licence and a tavern licence;"

The applicant's additional information is acknowledged however in the absence of new plans or information, which significantly alters the proposal, the previous Officer Recommendation of refusal remains unchanged.

The following is the verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 8 October 2002:

" 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:

- (iv) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the amenity of the locality by virtue of the non-compliance with the car parking requirement;*
- (v) *non-compliance with the Town's Policy relating to Parking and Access; and*
- (vi) *consideration of objections received;*

the Council REFUSES the application submitted by Planning Solutions (Aust.) Pty Ltd on behalf of the landowner Active Holdings Pty Ltd for proposed alterations and additions to the existing hotel and ancillary first floor uses at No.368 (Lots 8, 9 and 10) Oxford Street corner of Anzac Road, Mount Hawthorn, and as shown on plans stamp dated 9 June 2002.

Moved by Cr Drewett, Seconded by Cr Piper

That the recommendation be adopted.

Cr Drewett spoke on this matter for five minutes.

Moved by Cr Franchina, Seconded by Cr Piper

That Cr Drewett be granted an extension of time to further speak on this matter, as he had already spoken for five minutes.

MOTION LOST (3-5)

<i><u>For</u></i>	<i><u>Against</u></i>
<i>Cr Drewett</i>	<i>Mayor Catania</i>
<i>Cr Franchina</i>	<i>Cr Chester</i>
<i>Cr Piper</i>	<i>Cr Doran-Wu</i>
	<i>Cr Hall</i>
	<i>Cr Ker</i>

(Cr Cohen on leave of absence)

Debate ensued.

COUNCIL DECISION ITEM 10.1.19

Moved by Cr Ker, Seconded by Cr Chester

That this item be DEFERRED to obtain further information.

CARRIED (8-0)

(Cr Cohen on leave of absence)

<i>LANDOWNER:</i>	<i>Active Holdings Pty Ltd</i>
<i>APPLICANT:</i>	<i>Planning Solutions (Aust.) Pty Ltd</i>
<i>ZONING:</i>	<i>Metropolitan Region Scheme – Urban</i>
	<i>Town Planning Scheme No.1 – Commercial</i>
<i>EXISTING LANDUSE:</i>	<i>Hotel</i>

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Car Parking</i>	<i>170 bays</i>	<i>10 bays</i>
<i>Use Class</i>	<i>Hotel</i>	
<i>Use Classification</i>	<i>'SA'</i>	
<i>Lot Area</i>	<i>1389 square metres</i>	

SITE HISTORY:

The site is occupied by the Oxford Hotel, located on the south-eastern corner of Oxford Street and Anzac Road. The surrounding land uses in the immediate vicinity include residential to the east and commercial to the north and south.

The site history relevant to the application is as follows:-

26 January 1990 An application was lodged with the City of Perth for the alterations and additions to the hotel, including the additions of a bottle shop and beer garden.

19 January 1998 Application for alterations and additions to the hotel was refused by Council for the following reasons:

- (i) the non-compliance with the orderly and proper planning of the locality and the preservation of the amenities of the locality in respect to the inadequate provision of car parking and landscaping on the site; and*
- (ii) consideration of the objections received.*

Council advised the applicant that it was prepared to consider a development application for the change of use of the hotel to an eating house.

10 August 1998 At the Ordinary Meeting the Council approved an application for alterations and additions to the hotel subject to standard conditions and more specific conditions restricting the use of the existing bar areas and denying the use of the southern courtyard as a 'beer garden'.

14 March 2000 The Council at its Ordinary Meeting conditionally approved proposed alterations and additions to the Oxford Hotel.

11 October 2000 Following an appeal to the Minister for Planning, namely a condition relating to a \$17,600 lump sum cash contribution to be paid to the Town for the upgrading of street parking on Anzac Road adjacent to the property, the Minister upheld the applicant's appeal.

5 December 2000 The Council at its Ordinary Meeting considered and approved a proposed residential parking zone along Anzac Road along with traffic management works.

9 May 2001 A Building Licence was issued in accordance with the above approval.

25 September 2001 The Council at its Ordinary Meeting made the following resolution with respect to an application for an extended trading permit:

- "(a) an after-hours mobile contact telephone number for the Duty Manager be made available to nearby residents to expedite remedial action regarding any unreasonable noise, anti-social behaviour, or parking matters;
- (b) the existing 'Premises Management Plan for the Oxford Hotel' be upgraded and detailed to include the extended trading hours after midnight and relevant contingency planning and resolution action. The Sections relating to control of noise, traffic, car parking, litter and anti-social behaviour to be upgraded accordingly and a copy provided to the Town and the Office of Racing, Gaming and Liquor within 14 days of approval; and
- (c) that the conditional approval be reviewed in 6 months."

DETAILS:

Approval is sought for alterations and additions to the existing hotel to change the use of the first floor from hotel (accommodation) rooms to a place of public assembly.

In support of the application, the applicant has submitted a detailed report, excerpts of which are as follows:

"The application ...has been prepared to achieve a Function Room on the first floor...

The proposal is simply for the reconfiguration of the layout to accommodate its continued 'Public Use'.The first floor level was previously used as the accommodation section of the Oxford Hotel with 16 separate bedrooms, lounge areas, ablutions of the ground floor level with a net change in the car parking and passageways. A Licensed balcony also formed part of the previous first floor use. Large 'public' areas exist on the first floor, which are proposed to be retained as 'public' areas...The 'public' areas comprise passageways, ablutions, the balcony, and a 'public' lounge.

The hotel, which has operated from the site since the 1920's, is intended to continue to provide a range of family based opportunities and improve the range of services provided to its patrons...The plans presented reflect the hotel management's proven shift in philosophy from one that was previously orientated to maximising 'drinking area' to one providing the opportunity to improve the 'dining experience' for patrons, and providing function opportunities aimed primarily at corporate clients and weddings."

The subject application was accompanied by a request for rezoning of the adjoining No.55 (Lot 12) Anzac Road from Residential R30 to 'Special Use' - Car Park however, the application has been pended by the applicant.

CONSULTATION/ADVERTISING:

The application was advertised in accordance with the 'SA' (special application) procedure. Eight submissions, of which four support the proposal, have been received. Excerpts of the submissions are as follows:

"The parking problems we residents have experienced...are still ongoing. They have not been resolved. The residential parking on the south side of Anzac Road has been of some deterrent to the general public, however we still have great difficulty parking there from Friday and Saturday afternoons to Hotel closing at midnight...Late night disturbances, which are very common, every Friday and Saturday night from 10 pm to 1 am will increase."

"Our concerns relate to our amenity and can be summed up as:

- * parking issues*
- * noise and nuisance issues."*

"Parking - while parking for the hotel has been slightly improved along Oxford Street and Anzac Road, there is still a considerable deficit in the number of parking spaces required compared to those available."

"As a past committee member of the Mt. Hawthorn Business Association, it was always the intention of the Association to promote the development of the Mt Hawthorn area and as such I for one would fully endorse the Oxford Hotel development as befitting this charter. Advantages, I believe would far outweigh any negatives associated to the proposal,"

"The proposals to develop the first floor area as a function room and conference room seems to us to be very logical step and will provide facilities that are not currently available in the area. Whilst we are sure that the council may have concerns regarding parking, we would point out that there is more than adequate parking for over 100 vehicles within 250 metres of the hotel."

"I do not foresee any problems with the proposed modifications to the hotel...I believe it will provide an opportunity to extend on the current 'popular' and high quality venue that exists."

The Town's Health Services advises that only one (1) noise complaint has been received by Health Services in the last year. The complaint was received some six months ago.

The following comments have been provided by the Town's Law and Order Services with regard to on-street parking.

Most of the parking complaints received are from the residents residing along Anzac Road, Mount Hawthorn. The complaints relate to patrons of the Oxford Hotel parking in Anzac Road which is a Residential Parking Only Zone. The Oxford Hotel has a larger patronage during the week-end period. It would be fair to say the number of complaints received is now considerably less than three months ago. On average, the complaints received by Law and Order Services for the Residential Zone, on the South side of Anzac Road, has diminished dramatically and only one formal written complaint has been received since February 2002. The Rangers continue to patrol the area, although the regularity of the visits has diminished. They deal with offending vehicles as appropriate and 66 routine infringements have been issued since 1 June 2002.

Complaints have also been received that residents along Anzac Road are parking their vehicles on the north side of the road, leaving the Residential Parking Zone, on the south side, almost empty. This is allegedly being done to prevent patrons of the Oxford Hotel from parking anywhere close to the Hotel, in Anzac Road. Rangers are monitoring the matter and a report will be made in due course.

COMMENTS:

The proposed change of use of the first floor of the hotel for public assembly is considerably more intensive than accommodation rooms and it is considered that the use will significantly affect the provision and availability of on-site car parking.

Car Parking

The following table denotes the car parking requirements calculated by the Town for the previous application considered by the Council at its Ordinary Meeting held on 14 March 2000. The table does not include the rear 'lounge' area (ground floor).

USE	METHOD OF CALCULATION	NO. CAR BAYS REQUIRED
Assembly area (480 square metres)	1 car bay for every 4.5 square metres of assembly area	106.6 car bays
Hotel Rooms (16 rooms)	1 car bay for every bedroom	16 car bays
TOTAL NO. OF CAR BAYS REQUIRED		122.6 car bays
TOTAL NO. OF CAR BAYS PROVIDED		11 car bays
LESS EXISTING SHORTFALL (current assembly area)		115.5 car bays
TOTAL INCREASED SHORTFALL		nil car bays

The following table details the parking situation in relation to the subject proposal:

USE	METHOD OF CALCULATION	NO. CAR BAYS REQUIRED
Assembly area (existing) (480 square metres)	1 car bay for every 4.5 square metres of assembly area	106.6 car bays
Assembly area (proposed) (286.33 square metres)	1 car bay for every 4.5 square metres of assembly area	63.5 car bays
TOTAL NO. OF CAR BAYS REQUIRED		170 car bays
APPLY ADJUSTMENT FACTORS		129.2 car bays
TOTAL NO. OF CAR BAYS PROVIDED		10 car bays
LESS EXISTING SHORTFALL (adjustment factors applied)		87 car bays
PROPOSED SHORTFALL		32.2 car bays

It is noted that the previous parking calculations were not subject to adjustment factors. Accordingly, application of the relevant adjustment factors to the existing shortfall was required in order to rationalise the calculations, in accordance with the current Parking and Access Policy.

It is considered that given the site's location within a largely residential area, the provision of on-site parking to meet the needs of both staff and patrons is a necessity to ensure that vehicles associated with the use are reasonably contained within the site and not adversely affecting the amenity of the area. The surrounding area provides on-street parking, however in view of on-going parking concerns from residents, it is considered that intensification of the hotel's activities as proposed, which requires a significant additional parking requirement which is not met on the site, would create unreasonable disturbance to surrounding residential and commercial properties. Given that a total of 10 bays are provided on the site and the proposed new use will attract large groups to the site for weddings and functions, it is not considered that the site is appropriate for such further intensification.

Further, in accordance with clause 22 of the Town's Amended Parking and Access Policy, in determining whether a development should be refused on car parking grounds, the following aspects support refusal of the application:

- i) the shortfall is in excess of 10 bays, hence precluding cash-in-lieu; and
- ii) less than 40 per cent of the total (adjusted) required bays is provided on site.

Accordingly, it is recommended that the application be refused."

10.1.1 Further Report - Nos. 443 - 437 (Lots 15 and 12) William Street and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge - Proposed Three-Storey Lodging House

Ward:	North Perth	Date:	25 October 2002
Precinct:	Beaufort; P13 and Hyde Park; P12	File Ref:	PRO 0495 00/33/1236
Reporting Officer(s):	S Turner		
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 BY AN ABSOLUTE MAJORITY the application submitted by John L Silbert and Associates Pty Ltd on behalf of the owners Cityrise Investments Pty Ltd for a proposed three-storey backpackers lodging house at Nos. 443 - 437 (Lots 15 and 12) William Street, and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge, and as shown on the plans stamp dated 1 October 2002 and amended plans dated 16 October 2002, subject to:

- (i) *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;*
- (ii) *subject to first obtaining the consent of the owners of No.427-429 (Lot16) and 441-445 (Lot 11) William Street, and No.6 (Lot 10) and Lot 17 Brisbane Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing north-east and south-west in a good and clean condition;*
- (iii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iv) *prior to the first occupation of the development, eleven (11) bicycle parking rails shall be provided at a location convenient to the William Street entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *one unisex shower and change room facility and 11 storage lockers being provided;*
 - (b) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath being provided at the owner's cost;*
 - (c) *the exit door located from the kitchen to the car parking area opening inwards;*

- (d) *car parking bays being a minimum depth of 5.4 metres; and*
- (e) *at least one car parking bay for persons with disabilities being designed, provided and marked in accordance with the relevant standards;*
- (vi) *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;*
- (vii) *a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing 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;*
- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpath adjacent to the subject land along William Street shall be upgraded, by the applicant, a brick paved standard to the Town's specification. A refundable footpath upgrading bond and /or bank guarantee of \$2640 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;*
- (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *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 (\$ 15,000.00) 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);*
- (xiii) *no car parking structures shall be erected within the front setback area adjacent to Brisbane Place;*

- (xiv) *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, gates and bin store areas adjacent to Brisbane Place and William Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences, gates and bin store area being visually permeable, with a minimum 50 per cent transparency*
 - (xv) *the activities and doors and windows fronting William Street shall maintain an active and interactive relationship with William Street;*
 - (xvi) *the construction of crossovers shall be in accordance with the Town's specifications;*
 - (xvii) *the support/approval of the Department for Planning and Infrastructure and/or the Western Australian Planning Commission and compliance with its comments and conditions at the applicant(s)/owner(s) full expense;*
 - (xviii) *the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
 - (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 \$80,625 for the equivalent value of 32.25 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget;*
 - (xx) *a detailed landscaping plan, including a schedule of plant species and provision of one shade tree per four carparking spaces, 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);*
 - (xxi) *the car parking area 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;*
 - (xxii) *compliance with the relevant Environmental Health, Engineering and Building requirements; and*
 - (xxiii) *all uses and activities shall be ancillary and incidental to and associated with the lodging house, and be used only by the staff and occupiers of the lodging house;*
- to the satisfaction of the Chief Executive Officer.*

Moved by Cr Drewett, Seconded by Cr Piper

That the recommendation be adopted.

Moved by Cr Drewett, Seconded by Cr Franchina

That clause (xix) be amended by reducing the amount payable by 50%, to \$40, 312.50.

AMENDMENT LOST (4-5)

<u>For</u>	<u>Against</u>
Cr Drewett	Mayor Catania
Cr Franchina	Cr Chester
Cr Hall	Cr Cohen
Cr Piper	Cr Doran-Wu
	Cr Ker

COUNCIL DECISION ITEM 10.1.1

ORIGINAL MOTION CARRIED
BY AN ABSOLUTE MAJORITY (7-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Cohen	Cr Ker
Cr Doran-Wu	
Cr Drewett	
Cr Franchina	
Cr Hall	
Cr Piper	

FURTHER REPORT:

The Council at its Ordinary Meeting held on 22 October 2002 resolved to approve the proposal, subject to it being referred back to the Council with conditions of approval.

Car Parking

In accordance with the Town's Policy for Parking and Access, in determining whether the proposed development should be refused on car parking grounds, the following applies. When the total requirement for cash in lieu (after adjustment factors are taken into account) is between 11 and 40 bays, a minimum of 15 per cent of the required bays shall be provided. In this case, 15 per cent of 38.25 equates to 6 bays being required on site. The proposal includes the provision of 6 bays on site.

The existing buildings on site are proposed to be demolished and a new building constructed for the proposed backpackers lodging house on the vacant site. As such, in this instance, car parking calculations do not consider an existing shortfall of car parking on site.

Bicycle Parking

In accordance with the Town's Parking and Access Policy, the provision of bicycle parking is required at the rate of 1 bay/space per 4 bedrooms. In this instance, as there are 46 bedrooms proposed, 11 bicycle parking bays are required. The Policy also requires end of trip facilities to be provided. In this instance, given the nature of the proposal, separate facilities to those already provided to guests are not considered warranted. The proposal has not identified any spaces for bicycle parking. The provision of no bicycle parking spaces and no end of trip facilities is not considered supportable, hence this requirement has been addressed as a condition of approval.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 22 October 2002:

"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 the Town's Policies relating to Hyde Park Precinct, Beaufort Precinct, Robertson Locality, Building Scale, Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas, and Street Setbacks; and*
- (iii) consideration of the objections received;*

the Council REFUSES the application submitted by John L Silbert and Associates Pty Ltd on behalf of the owners Cityrise Investments Pty Ltd, for the proposed three storey backpackers lodging house at Nos. 433-437 (Lots 15 and 12) William Street and No.4 (Lots 13 and 14) Brisbane Place, Northbridge, as shown on the plans dated 24 June 2002 and amended plans stamp dated 1 October 2002.

Moved by Cr Chester, Seconded by Cr Ker.

That the recommendation be adopted.

Debate ensued.

LOST (4-5)

<i><u>For</u></i>	<i><u>Against</u></i>
<i>Mayor Catania</i>	<i>Cr Cohen</i>
<i>Cr Chester</i>	<i>Cr Drewett</i>
<i>Cr Doran-Wu</i>	<i>Cr Franchina</i>
<i>Cr Ker</i>	<i>Cr Hall</i>
	<i>Cr Piper</i>

Reasons:

- 1. It is considered this development will benefit the area.*
- 2. The area needs an upgrade.*
- 3. The proposed concessions are supportable.*
- 4. Backpackers do not use motor vehicles.*

COUNCIL DECISION ITEM 10.1.4

Moved by Cr Drewett, Seconded by Cr Piper

That Council DEFER the decision on this matter on the alternate motion until the next Ordinary Meeting of Council, and that appropriate conditions for approval be prepared.

CARRIED (9-0)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 24 September 2002 resolved to defer consideration of the proposed Backpackers development “to investigate the non-compliance matters.”

Modified drawings were submitted to the Town on 1 October 2002, which attempts to address the concern of the garages dominating the Brisbane Terrace streetscape. Open car bays have now been provided in lieu of the garages. Notwithstanding these modifications, this development still has a blank wall with no interactive openings to the ground floor, some 6 metres from Brisbane Terrace. The modifications also include the removal of the wing walls, which extended towards Brisbane Terrace, and the architectural style of the building, which now appears to be more compatible with traditional residential design.

The applicant has advised that they have had discussions with Elected Members in relation to the proposal. Following on from these discussions, a request was submitted by Councillor Simon Chester, which is summarised as:

- *Car parking, there should be some contingency if more parking is required. Cash-in-lieu may be an option; and*
- *Noise Management, a management plan needs to be prepared to preserve the amenity of the adjoining residential area.*

As there is a significant shortfall of 32 car parking bays, cash-in-lieu is not considered to be viable. Noise management should be addressed if the proposed development were to be approved.

Further information was to be submitted by the applicant in relation to justifying a reduction of the required car parking for the development, however no information has been submitted at the time of preparation of this report.

Compliance:

The modified plans submitted on the 1 October 2002, were assessed in accordance with the Town’s Policies and new Residential Design Codes and as such the following Table demonstrates the compliance issues.

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Brisbane Place setback</i>	<i>4.0 metres to ground floor; 6.0 metres to upper level</i>	<i>6.0 metres to ground floor; 3.0 metres to upper levels</i>
<i>Side setbacks</i>	<i>Nil setback on commercial property; 1.8 metres setback for ground floor and 4.8 metres setback for upper levels on a residential property</i>	<i>Nil</i>
<i>Height</i>	<i>2 storey in residential zone; 7 metres maximum height (for a concealed roof)</i>	<i>3 storey in residential zone; 11.3 metres height</i>
<i>Use Class</i>	<i>Lodging house</i>	
<i>Use Classification</i>	<i>'SA'</i>	
<i>Land Area</i>	<i>1014 square metres</i>	

Car Parking

<i>Car parking requirement (nearest whole number)</i> ▪ <i>based on a residential building (1 space per 3 beds)</i>	<i>45 car parking bays required</i>
<i>Apply the adjustment factors</i> ▪ <i>0.85 (within 400 metres of a bus stop)</i>	<i>(0.85)</i> <i>38.25 carbays</i>
<i>Minus the car parking provided on site (6 car bays)</i>	<i>32.25 carbays</i>
<i>Minus the most recently approved on site car parking shortfall</i>	<i>nil</i>
<i>Resultant shortfall</i>	<i>32.25 car bays</i>

Notwithstanding the above information, some of the main concerns as outlined in the previous report have not adequately been addressed by the applicant. Therefore, refusal of the proposed development is still recommended.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 September 2002:

“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 the Town's Policies relating to Hyde Park Precinct, Beaufort Precinct, Robertson Locality, Building Scale, Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas, and Street Setbacks; and*
- (iii) consideration of the objections received;*

the Council REFUSES the application submitted by John L Silbert and Associates Pty Ltd on behalf of the owners Cityrise Investments Pty Ltd, for the proposed three storey backpackers lodging house at Nos. 433-437 (Lots 15 and 12) William Street and No.4 (Lots 13 and 14) Brisbane Place, Northbridge, as shown on the plans stamp dated 24 July 2002.

Moved by Cr Hall , Seconded by Cr Cohen

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.19

Moved by Cr Hall, Seconded by Cr Chester

That this item be DEFERRED to investigate the non-compliance matters.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LANDOWNER(S): *Cityrise Investments Pty Ltd*
APPLICANT(S): *John L Silbert & Associates Pty Ltd*
ZONING: *Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 -
Residential R80 and Commercial*

EXISTING LAND USE: *William Street - Vacant retail premises
Brisbane Place - Single house*

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Brisbane Place setback</i>	<i>6 metres</i>	<i>Ground floor - Nil Upper levels - 4 metres</i>
<i>Side setbacks</i>	<i>Nil setback on commercial property and 3.0 metres setback on a residential property</i>	<i>Nil</i>
<i>Height</i>	<i>2 storey in residential zone 7 metres maximum height (for a concealed roof)</i>	<i>3 storey in residential zone 11.3 metres height</i>
<i>Street Setbacks</i>	<i>Garage less than 50 per cent of width of building frontage.</i>	<i>Garages adjacent to Brisbane Place 81 per cent width of building frontage.</i>
<i>Use Class</i>	<i>Lodging house</i>	
<i>Use Classification</i>	<i>'SA'</i>	
<i>Land Area</i>	<i>1014 square metres</i>	

Car Parking

<i>Car parking requirement (nearest whole number)</i> ▪ <i>based on a residential building (1 space per 3 beds)</i>	<i>45 car parking bays required</i>
<i>Apply the adjustment factors</i> ▪ <i>0.85 (within 400 metres of a bus stop)</i>	<i>(0.85) 38.25 carbays</i>
<i>Minus the car parking provided on site (6 car bays)</i>	<i>32.25 carbays</i>
<i>Minus the most recently approved on site car parking shortfall</i>	<i>nil</i>
<i>Resultant shortfall</i>	<i>32.25 car bays</i>

SITE HISTORY:

The site currently consists of a vacant commercial building fronting William Street and a single storey single house fronting Brisbane Place.

On 25 September 2001, the Council conditionally approved the demolition of the existing buildings.

DETAILS:

The proposal is for the development of a three storey backpackers lodging house. The development includes six (6) car parking spaces contained within garages located with a nil setback to Brisbane Place. The lodging house proposes 50 bedrooms, with each bedroom containing between two (2) to six (6) beds and a bathroom. Associated facilities include a cafe, lounge area, swimming pool, dining area, games room, gym, pinball parlor, internet lounge, TV lounge, kitchen area and communal laundry facilities.

In support of their submission, the applicant provided a detailed submission. The following is an extract of that information that is relevant to this proposal:

"While there is some parking on site parking is not considered a problem as the majority of backpackers do not travel the country in their own car but utilise public transport and the airlines.

Additionally there is a public bus service from outlying suburbs that run past the front door at very close intervals for access into the City and Central Bus and Train Stations. These stations are actually within short walking distance and there is a return to city bus service up Beaufort Street. There is also long term parking areas available within a very short distance.

On site car parking is not considered critical as most bookings are made from "walk-in" travellers.

A contract will be entered into with a bus company that provides regular transport to and from the Perth Airport and Railway Station to give direct access to both this Backpackers Project and the general accommodation venues in Northbridge."

CONSULTATION/ADVERTISING:

Three letters of objection were received during the consultation period. The concerns raised include;

- *The use is not appropriate to the residential area along Brisbane Place;*
- *The three storey bulk and scale;*
- *Loss of privacy and noise from north-west facing balconies; and*
- *Inadequate car parking facilities will result in on street parking.*

COMMENTS:

Building Height

The proposed building height of three storeys within the Beaufort and Hyde Park Precincts and the Town's Robertson Locality is not considered supportable as there is a general height limit of two storeys for the portion fronting Brisbane Place. This, together with the predominantly single and two storey development of the area, would result in the three storey development being out of character in terms of scale and bulk.

The Town's Policy - Building Scale states that a two storey building is to be a maximum of 7.0 metres to the top of the external wall (developments with a concealed roof). The proposed development is 11.3 metres in height, which is 4.3 metres over height, and is 1.3 metres over the maximum 9.0 metres height permitted for a three storey building.

Setback to Brisbane Place

In accordance with the requirements of the Town's Hyde Park Precinct, building setbacks from the street alignment shall be consistent with the setbacks on adjoining land and in the immediate locality. In this instance, the proposed nil setback of the garage to Brisbane Place is consistent with the neighbouring properties. This Precinct requirement is complemented with the Robertson Locality Policy, which generally requires a six metres minimum setback from the street to ensure that the amenity of the area is protected in terms of privacy, scale and bulk. The design of this facade, however, should provide more interaction with Brisbane Place and be more compatible with the existing residential development.

Side Setbacks

The variations to the south western and north eastern side setbacks are not considered supportable due to the unreasonable adverse impact on adjacent properties, in terms of overall height and associated building bulk of the nil setback walls.

Parking

The parking requirement of the lodging house is calculated in accordance with the Town's Parking and Access Policy. The nearest definition in this Policy is a residential building, which requires one bay per three beds. This results in a parking shortfall for the development of 32.25 parking bays. Whilst it can be argued that the majority of clients using the lodging house will not use a private vehicle, the extent of under-provision of parking on site may cause parking problems in the neighbouring residential area.

Awnings/Verandahs to William Street

The Beaufort Precinct also strongly encourages the provision of continuous and complementary awnings/verandahs over the adjacent footpaths, to provide adequate shelter to pedestrians. The proposed lodging house does not include any awnings to the William Street facade.

Lodging House within a Residential Zone

In accordance with the Town's Policy - Non-Residential Uses in/or Adjacent to Residential Areas, a proposed non-residential use is only permitted where there is not undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution, which may be undesirable on residential areas. The proposed lodging house may have some impact upon the neighbouring residential area in terms of parking and noise associated with the development.

Overall Development

The proposed development involves a significant number and extent of non-compliances with the relevant development requirements under the Town Planning Scheme No.1 and the associated Policies relating to, Hyde Park and Beaufort Precincts, the Robertson Locality, Building Scale, Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas, and Street Setbacks, which results in a development that will unreasonably adversely affect the streetscape and amenity of the area.

Accordingly, it is recommended that the proposed three storey backpackers lodging house development be refused for the reasons outlined above."

10.1.4 No.67 (Lot 12) Paddington Street, North Perth – Proposed Two Storey Single House

Ward:	Mount Hawthorn	Date:	25 October 2002
Precinct:	North Perth, P8	File Ref:	PRO1189 00/33/1295
Reporting Officer(s):	S Robertson		
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 BY AN ABSOLUTE MAJORITY the application submitted by the owners R and S Zielinski for the proposed two storey single house at No. 67 (Lot 12) Paddington Street, North Perth and as shown on the plans stamp dated 5 September 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the proposed double garage being setback a minimum of 6.0 metres from the Paddington Street boundary; and*
 - (b) Bed 3 being provided with a major opening as defined in the Residential Design Codes on the northern/front elevation;*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated adopted Policies;

- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the eastern side of the balcony accessible from Bedroom 1 and Living room on the first floor level shall be screened with a permanent obscure material and be non-onpenable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to Bedroom 1 on the eastern elevation on the first floor level shall be screened with a permanent obscure material and be non-opening to a minimum height of 1.6 metres above the finished first floor level, OR shall not constitute a major opening as defined in the Residential Design Codes. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) *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;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications. The proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (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) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xi) *a visual truncation of 2.0 metres by 2.0 metres at the intersection of the driveway and Paddington Street footpath shall be provided at the owner's cost; and*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Paddington Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

Moved by Cr Ker, Seconded by Cr Chester

That the recommendation be adopted.

Moved by Cr Ker, Seconded by Cr Drewett

That clauses (ii) (a) and (b) be deleted and a new clause (ii) (a) be added as follows:

“(ii) (a) that the floor level of the rear part of the house (the two storey part) be lowered to the mean existing level under the footprint.”

AMENDMENT CARRIED (5-4)

For
Mayor Catania
Cr Cohen
Cr Doran-Wu
Cr Hall
Cr Ker

Against
Cr Chester
Cr Drewett
Cr Franchina
Cr Piper

MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

COUNCIL DECISION 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the owners R and S Zielinski for the proposed two storey single house at No. 67 (Lot 12) Paddington Street, North Perth and as shown on the plans stamp dated 5 September 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) that the floor level of the rear part of the house (the two storey part) be lowered to the mean existing ground level under the footprint.”*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated adopted Policies;

- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the eastern side of the balcony accessible from Bedroom 1 and Living room on the first floor level shall be screened with a permanent obscure material and be non-onpenable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to Bedroom 1 on the eastern elevation on the first floor level shall be screened with a permanent obscure material and be non-opening to a minimum height of 1.6 metres above the finished first floor level, OR shall not constitute a major opening as defined in the Residential Design Codes. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (v) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) 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;*
- (viii) the construction of crossovers shall be in accordance with the Town's specifications. The proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*

- (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) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xi) *a visual truncation of 2.0 metres by 2.0 metres at the intersection of the driveway and Paddington Street footpath shall be provided at the owner's cost; and*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Paddington Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: R and S Zielinski
APPLICANT: R and S Zielinski
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Vacant

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	556 square metres

Requirements	Required	Proposed
Building Height	6.0 metres maximum wall height 9.0 metres maximum height to roof pitch	6.6 metres wall height at south western elevation 9.3 metres to roof pitch at south western elevation
Site Fill	Maximum 0.5 metre	Maximum height 1.08 metres
Boundary Fence	Maximum height 2.4 metres	Maximum height 3.08 metres (including retaining wall)
Screening to balcony and alfresco area greater than 500 millimetres above the natural ground level	Screening within 7.5 metres of a boundary to a minimum height of 1.6 metres	1.0 metre screening height
Garage Setback	Minimum 6.0 metres (or at or behind the main dwelling setback)	5.5 metres

SITE HISTORY:

The proposed development is for a two storey single house on a vacant block with vehicular access from Paddington Street.

18 May 2000 Two storey single dwelling was conditionally approved by the Town under delegated authority from the Council.

CONSULTATION/ADVERTISING:

No objections were received during the advertising period. The owner has submitted written confirmation from neighbours to the south and west stating that they have no objection to the alfresco/verandah on the ground floor and the balcony on the first floor being screened to a maximum height of 1.0 metre. Written confirmation has been received from the neighbours to the east stating that they have no objection to the alfresco/verandah on the ground floor being screened to a maximum of 1.0 metre only.

COMMENTS:

Height/Fill

By virtue of a fall in elevation of up to 2.06 metres to the south west corner of the subject property, and in order to achieve a generally uniform finished floor level, the proposal includes site fill and associated retaining of up to 1.08 metres. The proposed dwelling, when viewed from the street, complies with the Town's Policy relating to "*Bulk and Scale*". The minor variation to the height of the dwelling at the rear elevation is not considered to unreasonably impact on the amenity of the adjoining properties and is supported.

Boundary Fence

By virtue of the proposed site fill and associated retaining walls and the proposed 2.0 metres wall above, the resulting boundary fence will exceed the maximum height permitted in the Town's "*Local Law relating to Fences, Floodlights and other External Lights*". The boundary wall will, however, facilitate screening from the ground floor verandah/alfresco areas and has not been objected to by the adjoining landowners.

Privacy

A variation to the privacy requirements of the Residential Design Codes to openings to unenclosed active habitable rooms/balconies is supported under Clause 40 of Town Planning Scheme No. 1, as written letters of no objection has been received from the potentially affected adjoining landowners, with the exception of the variation sought to the eastern elevation of the balcony at the first floor level. In this instance, an appropriate screening conditions should be applied to the balcony and bedroom 1 windows on the first floor on the eastern elevation in order to protect the privacy of the adjoining property.

Front Garage Setback

The Town's Policy relating to "*Street Setbacks*" requires garages to be setback 6.0 metres from the street frontage or to be at or behind the main building wall. Furthermore, the Residential Design Codes require that at least one habitable room window of the dwelling has a clear view of the street and the approach to the dwelling. The applicant has verbally indicated that they would be willing to comply with these requirements by altering the plans for the Building Licence.

Summary

The variations sought to the Residential Design Codes and Town Planning Scheme No. 1 are supported and the proposal is not considered to unreasonably adversely affect the amenity or character of the area. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

Item 10.3.1 Inclusion of a New Fee for the provision of Street Directories of the Town of Vincent in the Fees and Charges Schedule 2002 / 2003

Ward:	Both	Date:	29 October 2002
Precinct:	All	File Ref:	
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:			
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to introduce a new fee into the Fees and Charges schedule 2002/03 for the sale of a Street Directory CD of the Town for \$200 plus GST;*
- (ii) *AMENDS the Schedule of Fees as set out in Section C of the Annual Budget for the financial year ending 30 June 2003, by adding the new fee.*

COUNCIL DECISION ITEM 10.3.1

Moved by Cr Ker, Seconded by Cr Doran-Wu

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-2)

For
Mayor Catania
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Drewett
Cr Hall
Cr Ker

Against
Cr Franchina
Cr Piper

BACKGROUND:

The community and businesses have been requesting for a long time that the Town provide street directory details of the Town.

The Town had previously been unable to produce such information due to the limitations of the former corporate financial system.

DETAILS:

The new system which was installed at the beginning of this financial year has the ability to provide such information.

The information can be provided in several different formats; CD-Rom, electronically via Excel or hard copy. The Town will provide this information on CD for the use of the public.

A number of councils have been contacted to assess the various formats used and the different fees imposed.

Armadale	no charge
Stirling	Excel spreadsheet - \$200 plus GST Hard copy - \$30 plus GST, printed twice a year
South Perth	CD format - \$340
East Fremantle	Excel spreadsheet - \$44 plus GST
Belmont	Hard copy - \$250
Canning	\$55 incl. GST per ward on CD
Rockingham	\$330 - CD format only
Wanneroo	Hard copy - \$385

A number of Councils only provide bound hard copies because of concerns that the information on CD may be copied and on-sold.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The sale of these directories will provide revenue that is not included in the 2002/2003 budget.

It is difficult to assess the demand for this information but based on enquiries it is not unreasonable to expect an estimated \$6,000 in revenue for this financial year.

COMMENTS:

The provision of street directories for the Town will now meet the requests of the community to provide such information.

The town has proposed to provide this information in CD format, this now the most popular form of transference of large amounts of data and is also the easiest mechanism for the Town to provide this information. The Town's IT staff will protect the data to avoid copying of this data.

The proposed fee charges is to reflect the cost of the provision of the data, the benchmark in the industry and also has been levied at this rate to discourage any inappropriate use of the data.

This is a service that the Town has been requested to provide and due to the limitations of the previous corporate system has been unable to do so since the inception of the Town. It is now recommended that the Town uses the capabilities of the new system to provide this information.

10.1.6 No. 81 (Lot 1) Joel Terrace, Mount Lawley - Two Storey Single House

Ward:	North Perth	Date:	25 October 2002
Precinct:	Banks, P15	File Ref:	PRO2152 00/33/1298
Reporting Officer(s):	V Lee		
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 Coastview Australia Pty Ltd on behalf of the owners D Flatman and A Cassian for a two storey single house at No. 81 (Lot 1) Joel Terrace, Mount Lawley, and as shown on plans stamp dated 11 September 2002, subject to :

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iii) a road and verge 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 Town's assets in Joel Terrace are reinstated to the satisfaction of the Town's Technical Services Division;*
- (iv) subject to first obtaining the consent of the owners of No. 1 (Lot 2) Bream Cove and Water Corporation for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 1 (Lot 2) Bream Cove, and the Water Corporation Easement in a good and clean condition;*
- (v) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) 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 Joel Terrace shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vii) compliance with all relevant Building, Engineering and Environmental Health requirements;*
- (viii) a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations, for the development, taking into account the geotechnical and/or hydrogeological composition and history of the site, shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the sill height of the window on the north western elevation of the unnamed first floor living area being a minimum of 1.6 metres above the finished first floor level, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom 3 and 4 on the north western elevation, eastern and western elevations, respectively, and bedroom 2 on the south 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. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the south western side of the balcony accessible from bedroom 2 and bedroom 1 retreat on the first floor shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xii) *a visual truncation of 2 metres x 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (xiii) *an easement security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division; and*
- (xiv) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the walk in robe to bedroom 1 on the first floor being setback 6 metres from Joel Terrace; and*
 - (b) *the garage being setback a minimum of 6 metres from Joel Terrace, or an open carport, or the plans being modified so that the garage is located behind or equal to the front setback of the main building wall, in compliance with the Town's Policy relating to Street Setbacks.*

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

to the satisfaction of the Chief Executive Officer.

Moved by Cr Drewett, Seconded by Cr Ker

That the recommendation be adopted.

Moved by Cr Drewett, Seconded by Cr Ker

That clauses (x), (xi) and (xiv) be deleted.

AMENDMENT CARRIED (8-1)

For

Mayor Catania
Cr Chester
Cr Cohen
Cr Drewett
Cr Franchina
Cr Hall
Cr Ker
Cr Piper

Against

Cr Doran-Wu

Moved by Cr Cohen, Seconded by Cr Ker

*That the following new clause be added, and clauses be renumbered accordingly:
“The windows to the toilet and bathroom be of obscure glazing.”*

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION 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 Coastview Australia Pty Ltd on behalf of the owners D Flatman and A Cassian for a two storey single house at No. 81 (Lot 1) Joel Terrace, Mount Lawley, and as shown on plans stamp dated 11 September 2002, subject to :

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town’s Technical Services Division;*
- (ii) the construction of crossovers shall be in accordance with the Town’s specifications;*
- (iii) a road and verge 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 Town’s assets in Joel Terrace are reinstated to the satisfaction of the Town’s Technical Services Division;*
- (iv) subject to first obtaining the consent of the owners of No. 1 (Lot 2) Bream Cove and Water Corporation for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 1 (Lot 2) Bream Cove, and the Water Corporation Easement in a good and clean condition;*

- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *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 Joel Terrace shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vii) *compliance with all relevant Building, Engineering and Environmental Health requirements;*
- (viii) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations, for the development, taking into account the geotechnical and/or hydrogeological composition and history of the site, shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the sill height of the window on the north western elevation of the unnamed first floor living area being a minimum of 1.6 metres above the finished first floor level, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (x) *a visual truncation of 2 metres x 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (xi) *an easement security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division; and*
- (xii) *the windows to the toilet and bathroom be of obscure glazing.*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	D Flatman and A Cassian
APPLICANT:	Coastview Australia Pty Ltd
ZONING:	Metropolitan Region Scheme – Urban Town Planning Scheme No. 1 - Residential R20/40
EXISTING LAND USE:	Vacant

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Side - west and north west - Side - east and north east - Front/ Joel Terrace	1 metre to lounge on ground floor; 2.8 metres to bed 2 and bath 1 metre to garage on ground floor; 2.8 metres to bedroom 4 on first floor 6 metres to first floor 6 metres to garage	0 metre 0 metre to 1.2 metres 0 metre 2.5 metres 5.5 metres to portion of first floor 5.5 metres to portion of garage
Privacy	Windows to bedrooms less than 4.5 metres from a property boundary to be screened. Balconies less than 7.5 metres from adjoining residential property.	Windows to bedroom 4 and 3 on the north western and western and eastern elevation and bedroom 2 on the south western elevation not screened; South western balcony accessible from bedroom 2 and bedroom 1 retreat not screened.
Use Class	Single House	
Use Classification	'P'	
Lot Area	368 square metres	

SITE HISTORY:

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

DETAILS:

Approval is sought to construct a two-storey single house. The subject lot abuts a Water Corporation easement on the south western boundary.

CONSULTATION/ADVERTISING:

One submission was received during the consultation period, requesting that windows to the bathroom, toilet and open living area on the north eastern elevation on the first floor are opaque glass.

COMMENTS:

Privacy

In order to comply with the Residential Design Codes (R Codes), approval should be subject to screening to a height of 1.6 metres on bedroom 3 and 4 on the north western elevation, and eastern and western elevations respectively, and bedroom 2 on the south western elevation on the first floor. In addition, the window on the north eastern elevation to unnamed living area on the first floor should have a minimum sill height of 1.6 metres so it is not considered a major opening as defined in the R Codes. Although this room is not named as a active habitable room, it is considered to have adequate area and dimension to be used as an active habitable room.

There is no requirement for the other windows on the north eastern elevation to be screened as required by the adjoining landowner, as the windows are to non-habitable rooms or are considered to be non-major openings.

In order to protect the reasonable privacy of the neighbour on the south east of the subject property, in accordance with the R Codes, it is recommended that the south east elevation of the balcony accessible from bedroom 2 and bedroom 1 is screened with a permanent obscure material to a height of 1.6 metres. Although the properties are separated by the Water Corporation easement, the balcony is within 7.5 metres of the adjoining property and the balcony is setback behind the front setback requirement of the house and potentially will look into the windows and courtyards of No. 77 Joel Terrace.

Setbacks

It is considered appropriate that revised plans be required to show compliance with the Town's Policy relating to Street Setbacks. This will require a minor modification to the walk in robe of bedroom one on the first floor so that it is more than 6 metres from Joel Terrace. The garage should be conditioned so it is setback six metres, or alternatively have an open carport, or bring the main building forward so that the garage is at or behind the setback of the main building wall.

The variations to the side setbacks are considered supportable due to the relatively narrow width of the subject lot, no objections have been received in regard to this matter, and the proposed reduced setbacks are not considered to unduly affect the amenity of the adjoining residents or the streetscape.

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

10.1.3 Further Report - No. 28 (Lot 87) Loch Street, Dual Frontage with Carrington Street, North Perth - Proposed Two-Storey Single House to Existing Dwelling

Ward:	Mount Hawthorn	Date:	30 October 2002
Precinct:	North Perth, P8	File Ref:	PRO 1755 00/33/0567
Reporting Officer(s):	P Mastrodomenico		
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 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; and*
- (ii) the non-compliance with;*
 - (a) the provision of open space, primary street setback, side setback and privacy requirements of the Residential Design Codes (R-Codes); and*
 - (b) the primary street setback requirements of the Town's Policies relating to Street Setbacks and the Eton Locality;*

the Council REFUSES the application stamp dated 27 August 2002 and additional plans and information submitted on 29 October 2002, submitted by Rechichi Architects on behalf of the owner, L Mesev and A Meseva, for the proposed two-storey single house to the existing dwelling at No. 28 (Lot 87) Loch Street, Dual Frontage with Carrington Street, North Perth.

COUNCIL DECISION ITEM 10.1.3

Moved by Cr Ker, Seconded by Cr Chester

That the recommendation be adopted.

CARRIED (5-4)

For

Mayor Catania
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Franchina

Against

Cr Drewett
Cr Hall
Cr Ker
Cr Piper

FURTHER REPORT:

The Council at its Ordinary Meeting held on 22 October 2002 received a written submission from the applicant relating to the proposed two-storey single house and resolved to defer consideration of the application.

The Town's consistent interpretation of the Residential Design Codes since their gazettal on 4 October 2002 is that open space does not include a terrace area which is more than 0.5 metre above the natural ground level and/or enclosed. The subject terrace area is approximately 3 metres above the natural ground level and enclosed on two sides, therefore it is not included as open space. The perspectives received by the Town on 29 October 2002 also depict a patio like covering over the proposed terrace. Based on this additional information, the previous Officer's open space calculation remains at 37 percent (83.9 square metres).

The applicant in the submission to the Town on 29 October 2002 stated;

"Consideration was given to the possible demolition of the existing house fronting Loch Street in favour of the construction of two new residences".

The proposed dwelling is on a separate strata lot to the strata lot accommodating the existing dwelling fronting Loch Street, and as such is considered and assessed as a single house separate to the existing dwelling.

The other matters outlined in the submission to Council have been addressed in the Officer's previous report. In light of the above, the previous Officer Recommendation for refusal, remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 22 October 2002.

"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; and*
- (ii) the non-compliance with;*
 - (a) the provision of open space, primary street setback, side setback and privacy requirements of the Residential Design Codes (R-Codes); and*
 - (b) the primary street setback requirements of the Town's Policies relating to Street Setbacks and the Eton Locality;*

the Council REFUSES the application stamp dated 27 August 2002 submitted by Rechichi Architects on behalf of the owner, L Mesev and A Meseva, for the proposed two-storey single house to the existing dwelling at No. 28 (Lot 87) Loch Street, Dual Frontage with Carrington Street, North Perth.

Moved by Cr Drewett, Seconded by Cr Cohen

That the recommendation be adopted.

Cr Hall departed the Chamber at 8.05pm.

COUNCIL DECISION ITEM 10.1.18

Moved by Cr Drewett, Seconded by Cr Franchina

That this item be DEFERRED to check further information.

CARRIED (8-0)

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

LANDOWNER: *L Mesev and A Meseva*
APPLICANT: *Rechichi Architects*
ZONING: *Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Residential R 30/40*
EXISTING LAND USE: *Single House*

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Open Space</i>	<i>45 per cent (101.2 metres squared)</i>	<i>37 per cent (83.9 metres squared)</i>
<i>Primary Street Setback</i>	<i>4.0 metres to ground floor and 6.0 metres to upper level</i>	<i>1.0 metre to garage and upper level terrace; 2.0 metres to porch and upper level ensuite; 4.0 metres to upper level master suite.</i>
<i>SideSetbacks eastern</i> <i>- garage and terrace</i> <i>- ground floor</i> <i>- upper level</i>	<i>1.1 metres</i> <i>1.5 metres</i> <i>1.6 metres</i>	<i>nil</i> <i>1.2 metres</i> <i>1.2 metres</i>
<i>western</i> <i>- ground floor</i> <i>- upper level</i> <i>(two storey boundary wall)</i>	<i>1.2 metres</i> <i>1.2 metres</i>	<i>nil</i> <i>nil</i>
<i>southern</i> <i>- ground floor</i> <i>- upper level</i>	<i>1.5 metres</i> <i>1.5 metres</i>	<i>1.2 metres</i> <i>1.2 – 3.2 metres</i>
<i>Privacy</i>	<i>Screening to 1.6 metres above finished first floor level to overlooking major openings.</i>	<i>1.4 metres high screening to overlooking major openings.</i>

<i>Use Class</i>	<i>Single House</i>
<i>Use Classification</i>	<i>'P'</i>
<i>Lot Area</i>	<i>531 square metres (for the existing lot) 225 square metres (for future lot fronting Carrington Street)</i>

SITE HISTORY:

24 July 2001: *The Council at its Ordinary Meeting resolved to grant conditional approval for the development of a single storey grouped dwelling fronting Carrington Street to the existing dwelling.*

DETAILS:

The subject lot has adequate area to potentially be subdivided into two lots. In support of their proposal, the applicant has provided the following comments:

“...concession is sought for the reduced front setback to the garage on the basis of the existing precedence of vehicle storage in the immediate locale. The tight confines of the site coupled with its solar orientation, has let little for consideration in the location of the garage, whilst also enabling retention of the existing street tree.

Privacy issues concerning the three adjoining properties have been addressed by providing obscure screening to overlooking windows and balcony's to 1.4 metres above floor level.

Copies of adjoining landowner's signatures regarding the nil-setback concession will be forwarded as soon as they come to hand.”

CONSULTATION/ADVERTISING:

No comments were received during the consultation period. However, signatures of no objection were submitted from the adjoining property owners on 7 October 2002.

COMMENTS:

Open Space

The Residential Design Codes (R-Codes) require that a development on a survey-strata lot without common property, as for a green title lot, is assessed as a Single House. The development is then required to individually comply with the Codes in relation to all standards, including the provision of open space. In this instance, the new two-storey residence was assessed in accordance with the requirements of a single house, with a future lot area of 225 metres squared.

The R-Codes require the provision of 45 percent open space, whereas the proposal only provides 37 percent, which is a shortfall of 17.3 square metres. The shortfall of open space is not considered supportable, as it involves a significant variation to the requirements of the R-Codes.

Primary Street Setback

The proposal does not comply with the R-Codes or Town Policies requirements for front setbacks. The R-Codes require a front setback of 4.0 metres in an area coded R40. The Eton Locality Policy requires a setback of 6 metres for the upper level. The Town's Policy – Street Setbacks requires that a garage be setback 6.0 metres from the street frontage or behind the line of the front main building (not behind a porch or balcony). With this in mind, the proposal does not comply with either the R-Codes or Town Policies, as it proposes a 1.0 metre setback to the garage and terrace area and a 2.0 metres setback to the porch and upper level ensuite. The lesser setbacks of some carports and garages servicing residences fronting Loch Street is not deemed to set a precedent for a new dwelling to have similar setback concessions. The reduced front setbacks are not considered supportable, as it would set a precedent for further similar development on neighbouring properties and is considered out of character with the traditional setbacks of the existing streetscape.

Privacy

To protect neighbours privacy, it is recommended that the overlooking habitable room windows and balconies be screened to 1.6 metres above the first floor level. It is acknowledged that the applicant provided screening to 1.4 metres in height and that was the requirement at the time of application, however the new R-Codes require screening to 1.6 metres.

Setback

The boundary walls and other reduced side setbacks are generally acceptable, as the neighbouring property owners have no objection to them and single storey boundary walls have little impact upon neighbouring properties in this instance. However, the two-storey high boundary wall to the western boundary is considered quite excessive. The R-Codes only allow for single storey (up to 3.5 metres high) boundary walls for properties coded R30 or higher. Therefore, any boundary walls higher than this requires Council to exercise its discretion when considering approval. In this particular case, the two-storey boundary wall is considered to be detrimental to the streetscape and is not the norm nor appropriate within this residential area.

The zero metre setback to the proposed garage and terrace area on the western side setback is not considered acceptable within the front setback area.

Accordingly, it is recommended that the proposal be refused."

11.5 Notice of Motion – Councillor Simon Chester – Meeting with Minister for Planning and Infrastructure

That the Council;

- (i) *authorises the Chief Executive Officer to write to the Minister for Planning and Infrastructure, the Hon. Alannah MacTiernan, MLA, requesting an urgent meeting concerning the directives of the WA Planning Commission and their contradiction with the resolution of Council in the proposed changes of density for the Eton locality; and*
- (ii) *authorises the Mayor, Chief Executive Officer and Councillor Chester to attend the meeting with the Minister.*

Moved by Cr Chester, Seconded by Cr Ker

That the motion be adopted.

Moved by Cr Chester, Seconded by Cr Doran-Wu

That clause (ii) be amended by deleting the word “Chester” and amending the word “Councillor” to “Councillors”.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION 11.5

That the Council;

- (i) *authorises the Chief Executive Officer to write to the Minister for Planning and Infrastructure, the Hon. Alannah MacTiernan, MLA, requesting an urgent meeting concerning the directives of the WA Planning Commission and their contradiction with the resolution of Council in the proposed changes of density for the Eton locality; and*
- (ii) *authorises the Mayor, Chief Executive Officer and Councillors to attend the meeting with the Minister.*

10.4.5 Confidential Report - Hill's Weeping Figs (Ficus hilli)

Ward:	North Perth	Date:	16 October 2002
Precinct:	Mt Hawthorn P1, Smith's Lake P6, North Perth P8, Norfolk P10, Hyde Park P12 & Beaufort P13	File Ref:	TES0234
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the Hill's Weeping Figs (Ficus Hilli).

At 9.22 pm Mayor Catania advised the public that Council will be proceeding behind closed doors to consider Item 10.4.5 as this item contains insurance information which is considered confidential.

Moved by Cr Franchina, Seconded by Cr Hall

That the confidential item be considered in an open meeting.

MOTION LOST (4-5)

<u>For</u>	<u>Against</u>
Cr Drewett	Mayor Catania
Cr Franchina	Cr Chester
Cr Hall	Cr Cohen
Cr Piper	Cr Doran-Wu
	Cr Ker

Cr Hall departed the Chamber at 9.26pm.

Cr Drewett departed the Chamber at 9.27pm.

At 9.27pm Council proceeded behind closed doors to consider Item 10.4.5.

Eight members of the public and two journalists departed the Chamber

At 10.04pm Moved by Cr Ker, Seconded by Cr Hall

That Council resume an open meeting.

CARRIED (9-0)

COUNCIL DECISION 10.4.5

"That the Council;

- (i) receives the report on the Hill's Weeping Fig Street Trees;*
 - (ii) seeks further information;*
 - (a) from other Councils on their experience with Ficus Hilli and root barriers, and insurance; and*
 - (b) on the potential for canopy lopping to reduce potential instability of the trees;*
 - (iii) consults with Mary Street and Daphne Street property owners and residents about the future management of the street trees;*
 - (iv) defers the remaining items for fuller consideration of alternative strategies and the results of community consultation;*
-

BACKGROUND:

"COUNCIL DECISION ITEM 10.4.8 (at the Ordinary Council Meeting of Council held on 22 October 2002)

Moved by Cr Drewett, Seconded by Cr Hall

That due to the lateness of the hour the remaining items, (Item 10.2.4, 10.2.5, 10.4.8, 11.1, 11.2, 11.3, 11.4, 12.1) be DEFERRED to the next Ordinary Meeting of Council on 5 November 2002 at 6.00pm

CARRIED (6-3)

For

*Cr Cohen
Cr Drewett
Cr Doran-Wu
Cr Franchina
Cr Hall
Cr Piper"*

Against

*Mayor Catania
Cr Chester
Cr Ker*

DETAILS:

At the Ordinary Meeting of Council held on 8 October 2002, this item was DEFERRED due to the lateness of the hour.

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains commercial and financial information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*
- prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

13. URGENT BUSINESS

Nil

14.CLOSURE

Presiding Member, Mayor Nick Catania JP, declared the Meeting closed at 10.05pm with Councillors Chester, Cohen, Doran-Wu, Drewett JP, Franchina, Hall, Ker, Piper JP, Chief Executive Officer, John Giorgi JP, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Environmental & Development Services, Rob Boardman, Executive Manager Technical Services, Rick Lotznicher, and Minute Secretary, Debbie Winfield present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 5 November 2002.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2002