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(7 October 2003)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 7 October 2003, commencing at 6.07pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Ian Ker South Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant
Griffin Longley	Journalist – The West Australian (until 6.50pm)
Andrea Tsoveas	Journalist – Guardian Express
Alia Bath	Journalist – Voice News (in gallery)

Approximately 24 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Louis Zampogna of Unit 3/ 177 Carr Place, Leederville - Item 10.1.6 - Stated that the development adjoins his property. Believes the conditions being imposed do have an affect on his property. Stated that a number of setbacks and vision encroachments are under that required by the "R Codes". Mentioned that Car park requirement is 2 bays short - Carr Place is a busy street and there parking problems already. Stated the history of the site was that it was a wreckers yard for over 20 years and there was concern about the contamination of the soil as a result of this. Would like the soil to be tested. Stated the Town has asked the owner to tilt soil and queried if this has happened and if the standard is acceptable for domestic use.

2. Mr George Sheldon of 16 Kings Park Avenue, Crawley - Architect for Item 10.1.2 - Believes that the interpretation of the classification of multiple dwellings for the project is based principally or solely on the location of the storerooms and that the most appropriate classification to cover the nature and detail of the proposal is group dwellings. Referred to two projects previously approved by Council that had, in his opinion, more significant elements overlapped by other units than the storerooms. Believes that storerooms can reasonably be considered as amenities able to be located conveniently anywhere on the site and not necessarily part of the residential units they serve. Referred to the comment of the plot ratio being exceeded in relation to the one bedroom unit. Believes that it is an incorrect use of the term plot ratio. The layout fully complies with the performance criteria of the codes. Stated that no additional room can be created in the space of the unit. Believes the only point in question is whether the storerooms in the location shown will hinder legally the Council's ability to grant approval. Requested Council to vote in favour of the proposal.
3. Dr Colin Terry of 2/52 Hobart Street, North Perth - Item 10.1.5 - Stated that he lives immediately east of the proposed development. Believes that the proposal is not in keeping with the area and objects to the development and called on Council to reject the application. Stated his objections to the proposal as not meeting the setbacks, reduction in privacy, reduction in afternoon sunlight, night views and property value.
4. Ms Rosanna Luca of 60 Raglan Road, Mt Lawley - Item 10.1.7 - Stated the building's façade and shop front are a fine example of 1930's Art Deco architecture which will be restored and preserved. Stated they will provide some off-street parking at the rear of the premises resulting in a small shortfall with a possibility of securing additional parking spaces in the rear of an adjacent building. Stated that as local residents they are mindful of the impact that commercial development can have on the community. Thanked all the staff at the front counter and officers in various departments for their assistance and professionalism.
5. Mr David Cranson of 54 Hobart Street, North Perth - Item 10.1.5 - Stated he lives south of the proposed development. Quoted from the report "orientation towards London Street". Stated his objection is that the orientation of the 7 metre terrace is towards his property (courtyard). Does not agree with the proposed setbacks.
6. Dirk Arkelveld of 20 Harcourt Street, Inglewood - Item 10.1.5 represents owner - Mentioned that the block is difficult as it has a number easements, a large bus shelter and sewer main on the footpath. Believed that the proposal complied with the exception of the reduced setback. Referred to condition (viii)(c) requiring the garage to be setback an additional 1 metre. Believes it will be very difficult to comply with this condition and requested that the condition be deleted.
7. Panetta Hanson of 50 Hobart Street, North Perth - Item 10.1.5 - Stated that her family have lived in the area for 24 years and reason for this its family friendly single storey homes. Does not believe the proposal is in keeping with the surrounding homes. Also stated that the proposal fails to meet several of the setback requirements and privacy by-laws. Requested the Council reject the proposal.

8. Mr Anthony Rechichi, Architect of 218 William Street, Northbridge - Item 10.1.1 - Requested Council to approve the application as proposed with the exception of the deletion of item (vii)(e) which imposes a redesign on the application such that the current garages be accessed from the right of way. Does not believe that use of the right of way is appropriate as it is currently unused, privately owned, unsealed and the client would have to pay all of the costs to seal it. Has previously requested that the upgrade programme for the right of way be brought forward but the residents were not willing to pay for the sealing. Stated that the garages are within the setback zone and do not impose on any aspect of the streetscape and are kept as minimal as possible. Does not believe that the garages would create an adverse impact on the streetscape.
9. Mr Derek Schairer-Vertannes of 34 Fourth Avenue, Mt Lawley - Item 10.1.1 - Made the submission in objection to the condition (vii)(e) and requested Council to overrule the condition which would require access to be from the unsealed right of way with no street front access as it is unfair and unreasonable. Referred to other properties in the street parking at the front of their property.
10. Mr Rod Mead of 3 Primrose Street, Perth - Item 10.1.8 - Has resubmitted plans for a sectional panel door at the front of his property. Stated that houses on either side of his property have been granted approval for sectional doors. Stated he feels unsafe in the house without doors and has put two expensive vehicles in storage to avoid them being stolen. Does not believe that neighbour interaction would be compromised with the installation of the doors. Requested that Council give positive consideration to his application.
11. Mr Don Morison of 60 Raglan Road, Mt Lawley - Item 10.1.7 - Thanked the Councillors who visited the site. Stated he is seeking support for the application and a variation of Policy 3.1.11 relating to street front facades. Urged Council to support Option 1 as he believes it offers the most practical and attractive alternative. Believes that the link to Policy 3.5.15 is an error as it has no bearing on the proposed modification as it is in keeping with design and scale of the building. Also stressed that if Option 1 is supported at least 80% of the original total façade will be open, visually permeable and interactive. Requested Council to support a motion to amend clause (x) of the officers recommendation to allow an adjustment to the calculation to support Option 1.
12. Ms Lucia Dedear of 98 Buxton Street, Mt Hawthorn - Item 11.2 - Supports Cr Doran-Wu on this motion. Believes it is timely as Town Planning Scheme is currently under review. Stated it is imperative to be ahead of the game and it is important all members of the Town of Vincent community, including families, seniors, ethnic, indigenous, businesses, children etc are continually informed and encouraged to participate in the future of the Town instead of allowing others to decide. Believes the Council needs to spend sufficient money, as a priority, to promote active participation by the community. Stated the need to act now to encourage all members of the community to have civic pride and to participate in the long term planning of its Town.

13. Mr Cosi Schirripa of 66 Auckland Street, North Perth - Item 10.1.5 - Stated that the combined Precinct Groups Chairpersons met and discussed a number of issues. Stated one concern was that there are a number development applications that clearly do not comply with the "R Codes" requirements and yet have been recommended for approval. Believes this application is one such example. Stated that it does not comply with setbacks, privacy or a number of other requirements set down by the "R Codes". Believes that the application should not have got to Council and that every time Council approves a non-compliant development it undermines the "R-Codes" that are there to protect all residents. Urged Council to refuse the application.
14. Mr Ian Youll of 17 Vine Street, North Perth - Item 10.1.10 - Stated that the application is being refused for non-compliance with the "R Codes". Believes that under the heading of "acceptable development" that his application complies as it is using the laneway for its setbacks. Stated that his neighbour (on the same strata plan) has a two storey home with a 3.2 metre setback. In 1991 he lodged an application was lodged with the City of Perth which was approved with a 3.2m setback and is seeking that same provision.
15. Mr Dudley Maier of 51 Chatsworth Road, Highgate - Item 10.1.7 - Stated that he had issues with the parking shortfall. Referred to the mention of bays being available in Broome Street and Chatsworth Road but all of these bays are full in the evenings and weekends and there is no parking in the immediate area. Referred to a meeting of the Local Area Traffic Management Group and residents and business proprietors from that business strip were invited to attend to discuss parking issues in Beaufort Street. Advised that one of the recommendations from that meeting was that cash-in-lieu in future shouldn't be applied in the area of Beaufort Street if the demand from the business clashes with the current peak demand.

There being no further questions from the public, Public Question Time was closed at 6.40pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

IB06.

4. APPLICATIONS FOR LEAVE OF ABSENCE

The Chief Executive Officer advised that Cr Steed Farrell had requested Leave of Absence from 12 October to 16 October 2003 for work reasons.

Moved Cr Lake, Seconded Cr Torre

That Council approve Cr Steed Farrell's request for Leave of Absence from 12 October to 16 October 2003.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 23 September 2003.

Moved Cr Lake, Seconded Cr Doran-Wu

That the Minutes of the Ordinary Meeting of Council held on 23 September 2003 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Town Planning Scheme No. 1 - Amendment No. 11

I am pleased to advise that the Hon Minister for Planning and Infrastructure has granted final approval to the above scheme amendment.

The relevant notice has been issued in the Government Gazette of Tuesday 7 October 2003 and will take effect from this date.

May I take this opportunity to thank everyone involved in this matter - Councillors, Council Planning and Building staff and particularly the North Perth Precinct Group.

I am sure that this amendment will have a long lasting beneficial effect on the amenity of the Eton Locality.

7.2 Active Vincent Day and Pets in the Park including the 2003 Mayoral Walk

I wish to advise that the Active Vincent Day and Pets in the park, including the 2003 Mayoral Walk, will be held on Sunday 19 October.

The day's events kick off with the Mayoral Walk - register at Beatty Park Reserve, cnr Vincent and Charles streets, North Perth at 8.30am - time for a warm up and then set off at 9am. Dogs on leads are welcome!

From 10am back at Beatty Park Reserve, there will be Active Vincent Day and Pets in the Park activities, including a climbing wall, mechanical bull, pony rides, dog agility displays, on-site vet, dance demonstrations, prizes and giveaways and much much more - and a free sausage sizzle lunch!

Everyone is welcome!

7.3 Town of Vincent Garden Awards

The Town's Garden Competition is very popular, with 87 entries received this year, which is 3 more than last year.

The final judging was carried out on Saturday 4 October with Councillors Sally Lake and Caroline Cohen, Manager Parks Services, together with last year's winner and myself. All gardens judged were to a very high standard again this year.

The presentation of the awards will take place on Wednesday 5 November 2003 at the Administration and Civic Centre.

7.4 Item 10.1.9 - No 545 (Lot1) Fitzgerald Street (Cnr Ruby Street), North Perth - Additional Two-Storey Single House to Existing Single House

The Mayor advised that the applicant has requested that this Item be deferred.

Moved Cr Lake, Seconded Cr Torre

That Item 10.1.9 - No 545 (Lot 1) Fitzgerald Street (Cnr Ruby Street), North Perth - Additional Two-Storey Single House to Existing Single House on tonight's Agenda be DEFERRED at the request of the applicant.

CARRIED (7-1)

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

(Cr Ker was an apology for the meeting.)

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report. His interest being that he is the Chairman of the Board of Directors of the North Perth Bendigo Bank and also a shareholder.
- 8.2 Cr Franchina declared a proximity interest in Item 10.1.3 - No 177 (Lot 26 Strata Lot 68) Oxford Street and Vincent Street, Leederville - Proposed Signage, Comprising One Illuminated Sign, One Wall Sign and Two Window Signs to Existing Officer. His interest being that he owns property adjacent.
- 8.3 Cr Franchina declared a proximity interest in Item 10.4.1 - Progress Report No 4 - Multi-Purpose Sports Stadium and Redevelopment of Perth Oval; Redevelopment of Leederville Oval and State Indoor Multi-Use Sports Centre. His interest being that his daughter owns property in close proximity.
- 8.4 Cr Lake declared an interest affecting impartiality in Items 10.1.7 - No 484 (Lot 2) Beaufort Street, Highgate - Change of Use from Shop to Eating House and Residential, and Associated Alterations and Additions Involving Partial Demolition and 10.4.4 - Review of Policies - Adoption. Cr Lake advised that her partner had submitted comments on these reports.

Cr Lake declared that she would consider that matters on their merits and vote accordingly.

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

Nil.

10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.6, 10.1.2, 10.1.5, 10.1.7, 10.1.1, 10.1.8, 11.2 and 10.1.10

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

Items 10.4.3 and 10.4.4

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

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

Cr Lake	10.2.2 and 10.4.5
Cr Chester	10.1.12, and 10.4.6 (IB07)
Cr Torre	Nil
Cr Doran-Wu	10.4.6 (IB02)
Cr Farrell	Nil
Cr Cohen	Nil
Cr Franchina	Nil
Mayor Catania	Nil

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

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

Items 10.1.3, 10.3.1, and 10.4.1

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

Items 10.1.4, 10.1.11, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.2.1, 10.2.3, 10.2.4, 10.3.2, 10.3.3 and 10.4.2

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

Nil.

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

(a) Unopposed items moved en bloc;

Items 10.1.4, 10.1.11, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.2.1, 10.2.3, 10.2.4, 10.3.2, 10.3.3 and 10.4.2

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

Items 10.1.6, 10.1.2, 10.1.5, 10.1.7, 10.1.1, 10.1.8, 11.2 and 10.1.10

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

Note: Item 10.1.9 was deferred at the request of the applicant (refer to 7.4).

Moved Cr Torre, Seconded Cr Cohen

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.9, 10.1.11, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.2.1, 10.2.3, 10.2.4, 10.3.2, 10.3.3 and 10.4.2

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

10.1.4 Nos. 228-230 (Lot 137) Stirling Street, Perth – Alterations and Additions to Existing Two-Storey Shop and Offices

Ward:	South	Date:	24 September 2003
Precinct:	Beaufort, P13	File Ref:	PRO 2331; 00/33/1603
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Longmont on behalf of the owner Renals Pty Ltd for proposed alterations and additions to existing two-storey shop and offices at Nos. 228-230 (Lot 137) Stirling Street, Perth, as shown on the plans stamp dated 24 April 2003 and 12 August 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) any new signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) the windows, doors and adjacent floor area of the existing building facing Stirling Street shall maintain an active and interactive frontage to Stirling Street;*
- (v) 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;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (viii) subject to first obtaining the consent of the owners of No. 84 Brewer Street and Nos. 224 to 226 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 84 Brewer Street and Nos. 224 to 226 Stirling Street in a good and clean condition; and*

(ix) *to protect the reasonable privacy of the adjacent properties, prior to the first occupation of the development, the windows to the proposed store on the north east 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. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

LANDOWNER:	Renals Pty Ltd
APPLICANT:	Longmont
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential-Commercial R 80
EXISTING LAND USE:	Shop
COMPLIANCE:	

Requirements	Required	Provided
Residential Component	66 per cent	Nil
Use Class	Shop	
Use Classification	"AA"	
Lot Area	625 square metres	

SITE HISTORY:

The subject site is occupied by an established Electronic Service Company and is located near the intersection of Stirling Street and Brewer Street. The surrounding area is characterized by well established commercial uses.

DETAILS:

The applicant seeks approval for an extension involving ground level parking provision and predominantly storage area on the upper floor with some office use. The applicant advises that:

"The proposed additions are required to reduce overcrowding in existing service areas and office space".

CONSULTATION/ADVERTISING:

The proposal was advertised for the period of 14 days, commencing from 6 May 2003 to 20 May 2003. At the end of the advertising period, no written submissions were received by the Town.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

The proposed setbacks comply with the Town's Policy relating to Mixed Residential/Commercial Development. The Policy refers to meeting setbacks as per residential requirements where there are *"windows, doors and similar openings in non-residential buildings..."* In this instance, the addition does not include major openings. Furthermore, the Town's Beaufort Precinct Policy states the following: *"All other buildings are to be setback from the street alignment such distance as is generally consistent with building setback on adjacent land and in the immediate locality, and buildings are not required to have any other setbacks except as required by the Policy relating to Non-Residential Development Uses in/or Adjacent to Residential Areas."* The building is established and the proposal represents a rear addition in an area zoned Residential/Commercial and characterised by predominant commercial uses. In this instance, the proposed setbacks are deemed to comply with Town's requirements.

North East Privacy Setback

The windows on the north east elevation relating to the first floor are required to be screened in this instance, as the zoning of the area is Residential/Commercial, lending itself to the potential for residential development to take place and therefore privacy issues to potentially emerge. This requirement is reflected in the recommended conditions.

Car Parking

The required number of car parking spaces is 6 bays when applying the requirements of the Town's Parking and Access Policy. The number of bays proposed is 7. This provision meets the requirement and therefore complies.

Residential/Commercial Zoning

The land is zoned residential-commercial with the immediate area characterised by significant purpose-built commercial buildings. The Town's Policy relating to the "Beaufort Precinct" provides that:-

"Commercial uses will not be permitted to develop independently of residential uses. Mixed-use developments proposing the integration of, or close relationship between work and residence, will be favoured where acceptable levels of residential amenity can be maintained."

The clear objective of the residential-commercial zone is to transform the bulk of the area bounded by Lord, Bulwer, Beaufort and Parry Streets from predominantly commercial into an area of “*compatible residential and commercial uses*”. By virtue of the firmly commercial amenity immediately adjoining and surrounding the subject site, enforcing a residential component on the subject site is not considered reasonable.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses.

The proposal represents an extension to the rear of an already established building with no undue negative impact to the streetscape. The nature and scale of the proposal is considered supportable.

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

10.1.11 No. 164 (Lot 81 & Pt Lot 82) Lincoln Street (Corner of Cavendish Street), Highgate – Proposed Demolition of Existing Dwelling and Construction of Two (2), Two-Storey Single Houses

Ward:	South	Date:	30 September 2003
Precinct:	Hyde Park, P12	File Ref:	PRO0814; 00/33/1574
Attachments:	001		
Reporting Officer(s):	S Crawford, H Eames		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme 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 by virtue of the demolition of the existing dwelling;*
- (ii) the existing dwelling is considered to have cultural heritage significance in terms of its historic and aesthetic value; and*
- (iii) the proposal's non-compliance with setbacks, privacy, open space and plot ratio requirements of the Residential Design Codes;*

the Council REFUSES the application submitted by the applicant Statesman Homes on behalf of the owners T Nguyen and H Ngoc for the proposed demolition of the existing single house and construction of two, two-storey single houses at No. 164 (Lot 81 and Pt Lot 82) Lincoln Street (Corner of Cavendish Street), Highgate as shown on the plans stamp-dated 4 April 2003.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

LANDOWNER:	T Nguyen and H Ngoc
APPLICANT:	Statesman Homes
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R80 (R60 applies)
EXISTING LAND USE:	Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Unit 1		
Front setback – ground level	4.0 metres	1.0 metre
Front setback – upper level balcony	6.0 metres	1.0 metre
Rear setback – ground level	1.5 metres or in areas coded R30 or higher one parapet wall can be considered subject to certain requirements	Minimum 0.14 metre (being equivalent of a boundary wall)
Western side – both levels	Residential Design Codes permits abutting a simultaneously constructed wall of the same nature behind the street setback	Abuts a simultaneously constructed wall
Unit 2		
Front setback – ground level	4.0 metres	1.0 metre
Front setback – upper level	6.0 metres	1.0 metre
East side – both sides	Residential Design Codes permits abutting a simultaneously constructed wall of the same nature behind the street setback	Abuts a simultaneously constructed wall, however a portion is forward of the adjacent wall
Garage Setback	Setback 6.0 metres from the primary street or behind the line of the front main building wall	1.0 metre
Cone of Vision		
Unit 1 – Bedroom 3 east facing window – setback to southern boundary	4.5 metres	3.2 metres
Unit 2 - Bedroom 3 east facing window – setback to southern boundary	4.5 metres	3.2 metres
Open Space	45 per cent	Unit 1 – 37.6 per cent Unit 2 – 43.3 per cent
Plot Ratio	0.65	Unit 1 – 0.899 Unit 2 – 0.825

Use Class	Single House
Use Classification	"P"
Lot Area	409.6656 square metres (+ 26.4 square metres adjacent to right of way + 20 square metres corner truncation)

SITE HISTORY:

The site is occupied by a single storey dwelling.

On 28 April 1994, the City of Perth refused an application to use the existing residence for consulting rooms.

On 8 December 1994, the Minister for Planning dismissed an appeal in relation to the earlier refusal by the City of Perth to allow the premises to be used as consulting rooms.

On 26 March 1997, the Council approved an application for a change of use from Residential to Welfare Offices.

DETAILS:

The applicant seeks approval for demolition of the existing residence and construction of two (2), two-storey single houses. Both dwellings are proposed to have primary frontage to Cavendish Street.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received within this time.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

A Heritage Assessment of the existing dwelling is attached to this report at Appendix 10.1.11.

This place is a brick and tile dwelling dating from circa 1905, forming part of the original Highgate Hill area. The dwelling is located on the north east corner of Lincoln and Cavendish Streets. It had undergone a number of unsympathetic alterations to the exterior, namely a render treatment and alterations to the fenestration. The place was the Masel family home for approximately twenty years. Esor Masel had a mens and boys clothing business in Perth on the corner of Murray and William Streets called J. Masel & Sons and was later known as Worth's. Masel's children went on to contribute in a number of ways to cultural, military and religious endeavours in Western Australia.

As such, the place is considered to have some historic value for its association with the Masel family and in the evolution of the Town of Vincent, namely Highgate Hill. In accordance with Policy 3.6.2, the place meets the threshold for consideration for inclusion on the Town's Municipal Heritage Inventory. It is therefore recommended that the proposed demolition of the existing dwelling be refused.

Setbacks

Front Setbacks – Units 1 and 2

The Town's Policy relating to St Albans Locality requires dwellings to have a 4.0 metres setback to their ground floor level and a 6.0 metres setback to their upper levels. In this instance, the units have been proposed with a minimum 1.0 metre setback to the ground levels and 1.0 metre setback to the upper level balconies being minor incursions into the setback area.

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

Unit 1

Rear Setback – Ground Level

The Residential Design Codes (R Codes) treats any wall on the boundary or within 0.75 metres of the boundary as being on the boundary. As such, the store wall to Unit 1 is in fact a boundary wall. In areas coded R30 and higher, one side boundary parapet is permitted subject to the wall being a maximum height of 3.5 metres, with an average height of 3.0 metres for no more than two thirds of the boundary length. As such, the store in this instance would be permitted as proposed. With respect to the remainder of the wall, this would require a setback of 1.5 metres from the boundary whereas a setback of between 1.08 metres to 1.7 metres is achieved. The reduced setback is to accommodate a minor alcove associated with the kitchen of the dwelling. It is considered that there is ample room on-site to accommodate the required setback without altering the design of the dwelling significantly and this approach would be recommended.

Western Setback – Both Levels

The R Codes allows simultaneously constructed walls to abut one another where they are of similar or greater dimension. The proposed parapet to this boundary is in principle in accordance with the R Code requirements, however the secondary consideration is that it encroaches into the front setback area which has been addressed earlier. As such, the parapet wall of this nature could be supported subject to compliance with the front setback requirements.

Unit 2

Eastern Setback

The proposal also seeks to utilise the provision for simultaneously constructed walls. However, with respect to Unit 2, the wall actually is located forward of the wall to Unit 1 and is located within the front setback. Similarly to above, the principle of the parapet wall in this instance is acceptable subject to compliance with the front setback requirements for the dwellings.

Garage Setbacks

The Town's Policy relating to Street Setbacks requires that garages be setback 6.0 metres from the primary frontage or be setback behind the line of the main building wall. The proposal incorporates a garage to Units 1 and 2, of which both are located forward of the dwellings and are only setback 1.0 metre from the primary frontage boundary. The location and placement of the garages on-site is considered inappropriate and contrary to policy objectives.

Cone of Vision

Bedroom 3 to each of the dwellings would require a 4.5 metres setback to the boundary to ensure the privacy of the rear neighbours, whereas a respective setback of 3.2 metres is achieved. In order to address to the potential undue overlooking that would result from these bedrooms, a screening condition is recommended.

Open Space

The R Codes require that 45 per cent open space be achieved in areas coded R60 (R60 applies as the proposal is for single houses). As submitted, Unit 1 achieves open space of 37.6 per cent and Unit 2 being 43.3 per cent. These calculations were undertaken utilising the floor areas provided by the applicant on the plans. Such variations of this nature are considered inappropriate due to the reduction in amenity that is provided to the future occupiers of the dwellings, and the lack of compliance for the statutory requirements. As such, the reductions in open space as proposed should not be supported.

Plot Ratio

The R Codes permits a plot ratio of 0.65 for the density coding of this site. The proposal achieves a plot ratio of 0.899 and 0.825 for Units 1 and 2 respectively. These plot ratios are far in excess of that permissible, and demonstrates the intent to overdevelop the site with oversized houses that are considered to have a detrimental impact on the character and appearance of the area due to their excessive bulk and scale. On this basis, the increased plot ratios should not be supported.

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

10.1.13 Petition to Alter the Size of the Dog Exercise Area in Charles Veryard Reserve

Ward:	North	Date:	30 September 2003
Precinct:	Smith's Lake Precinct, P6	File Ref:	RES0012
Attachments:	001		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RETAINS the existing boundaries of the dog exercise area in Charles Veryard Reserve; and*
- (ii) *advises the petitioners of the Council's decision.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

BACKGROUND:

On 23 February 1998, the Council approved the introduction of a new dog exercise area at the eastern side of Charles Veryard Reserve, to replace the recommended removal of a dog exercise area on Smith's Lake Reserve. Smith's Lake Reserve was being assessed by the Water Corporation, to establish whether it should make the water storage area larger and reduce the size of the grassed reserve.

On 28 March 2003, the Town received a petition (signed by 15 petitioners) from a number of dog owners, seeking an enlargement of the dog exercise area in Charles Veryard Reserve and this petition was read out at the Ordinary Meeting of Council held on 8 April 2003. Attached to the petition was a letter from My Best Friend Veterinary Clinic, indicating the importance of a dog exercise area and suggesting that it should be of a size that can accommodate the needs of the dogs.

The Seventh Schedule of the Town of Vincent Local Law Relating to Dogs designates, as a free exercise area at all times, the following:

"The south east portion of Charles Veryard Reserve, situated between the car park of the Macedonian Hall and Bourke Street, North Perth."

DETAILS:

Since the petition was received, Rangers have monitored the dog exercise area at varying times of the day and evening and report that it is unusual for more than 2 or 3 dog owners to make use of the area at any one time. They have also indicated that, while they have spoken to animal-owners on a few occasions, about their dogs being off-leash while walking across the reserve, the owners are generally compliant with the legislation.

Parks Services staff were approached, following receipt of the petition, seeking their comments about the proposal. All staff spoken to were opposed to the extension of the dog exercise area.

The sporting clubs that use Charles Veryard Reserve were also approached, seeking comment on the request to extend the dog exercise area and all were opposed to any extension. The clubs explained that, while they make use of most parts of the ground for training and playing, the existing "buffer zone", of approximately ten (10) or twelve (12) metres, ensures that the players can run after a ball, without fear of a dog also chasing it. They believe that any increase in the dog exercise area would erode the existing "buffer zone" and would inconvenience their players.

The Rangers have suggested that, because so few animals are being exercised off-leash at any time and the animals have access to the whole of the set-aside dog exercise area, it may not be necessary to extend it.

CONSULTATION/ADVERTISING:

The Town has consulted with the sporting clubs that pay a lease fee for Charles Veryard Reserve about the petition and their comments are shown above. Rangers have also monitored the reserve and have spoken to numerous dog-owners over the past few months. They do not believe that there is a need for the current area to be extended.

LEGAL/POLICY:

The existing legislation clearly identifies the dog exercise area of Charles Veryard Reserve, as shown on the attached Plan, and Rangers currently enforce this as appropriate.

STRATEGIC IMPLICATIONS:

Key Result Area 2.5 specifies that the Town should "*Develop and implement community programs for law, order and safety*" and "*implement action plans to provide services for the control of animals within the Town*". The above recommendation is in keeping with this strategy.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with this proposal.

COMMENTS:

It is considered that the existing dog exercise area in Charles Veryard Reserve is adequate for the number of animals using it and it is recommended that the Council retains the dog exercise in its current form.

10.1.14 Draft Petting Zoo Guidelines

Ward:	Both Wards	Date:	22 September 2003
Precinct:	All Precincts	File Ref:	ORG0032
Attachments:	-		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the report on the Draft Petting Zoo Guidelines; and*
- (ii) NOTES that Guidelines are being drafted by the Department of Health (WA), and that the Town's Environmental Health Officers will request Petting Zoo organisers to comply with the preventative measures outlined in the Draft Petting Zoo Guidelines in the interim when receiving an application.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

BACKGROUND:

The Department of Health (WA) reports in the recent Draft Three (3) document, that the term, 'petting zoo', is used to describe events, open farms or premises where animals are made available for direct and indirect contact with members of the public, generally children. They include amongst others animal nurseries, zoos, friendship farms, wildlife parks, wildlife sanctuaries, nature education centres, travelling farms or animal troupes, including circuses, agricultural shows and field days, mini-farms and animal nurseries at schools, and wildlife exhibits held at shopping centres. If a business is one of the above or a similar type, it may be classed as a petting zoo.

The report outlines that Petting Zoos are set up primarily for the enjoyment and education of children. However, there are risks associated with petting zoos. These guidelines are primarily concerned with the risk of children (and others) contracting zoonoses (diseases from animals). Physical risks posed by some animals are not addressed by these guidelines. Zoonoses are diseases that can be passed from animals to humans. Animal sources of zoonoses reported in Australia include cattle, sheep, horses, pigs, dogs, cats, chickens, turkeys, birds, kangaroos, rodents, reptiles (including turtles and tortoises) and bats. Zoonoses can be transmitted through direct contact with animals, for example, bites, scratches; or through indirect contact, for example, with their faeces, urine, saliva, blood, aerosols, birth products, carcasses or enclosures contaminated with these materials. Parasites such as fleas and ticks can also transmit diseases. Animals may carry a range of micro-organisms that are harmful to humans without themselves showing any symptoms. The aim of these guidelines is to provide advice to operators and visitors on health issues regarding petting zoos in Western Australia. The draft guidelines have been produced in consultation with identified stakeholders.

DETAILS:

1.0 Disease Transmission Routes

The routes at petting zoos are:

- 1.1 **Faecal-oral route** - Animal faeces may be transmitted directly from soiled hands to mouth or indirectly by way of objects, surfaces, water or food contaminated with faeces. In petting zoos transmission may occur after touching animals or their enclosures. An example of a disease transmitted this way is *Escherichia coli* (*E. coli*) infection.
- 1.2 **Inhalation** – Airborne droplets, dust or dried matter containing disease-causing organisms from an infected animal may be inhaled. Visitors should not be exposed to aerosols from birthing animals or from animals that have just been born. An example of a disease transmission this way is Q-Fever infection.
- 1.3 **Ingestion** - For example, drinking contaminated unpasteurised milk or eating animal feed. An example is salmonellosis.
- 1.4 **Skin or mucous membrane contact** - Infections may be spread directly through animal bites or scratches or indirectly when broken skin or mucous membranes come in contact with contaminated animals or surfaces. An example is ringworm.
- 1.5 **Urine** - Some infections are transmitted when contaminated urine is ingested or comes in contact with mucous membranes or wounds. An example of a disease transmitted in this way is leptospirosis.

2.0 People at risk

- 2.1 Pregnant women;
- 2.2 Immuno-suppressed persons including persons with diabetes, chronic illnesses (including liver or kidney disease), HIV, and persons who are medicated with immuno-suppressive drugs;
- 2.3 Children under 5 years of age to be closely supervised when in contact with animals and their enclosures, to prevent the animals licking their faces or hands;
- 2.4 Infants under one year of age should not be allowed to touch animals or their enclosures; and
- 2.5 People with known allergies to some animals should be prepared to treat an allergic reaction.

3.0 Practical Steps for Operators

Operators should assume that all animals carry micro-organisms that may be harmful to humans and should take appropriate precautions to prevent disease transmission, including:

- 3.1 Practise and promote thorough hand washing with soap and running water for at least 15 seconds (or an alcohol based hand cleansing lotion) after contact with animals or their enclosures.
- 3.2 Position hand washing facilities so that visitors are encouraged to wash their hands with soap and running water (or an alcohol hand cleansing lotion) on exiting animal enclosures and before entering designated eating areas.
- 3.3 Maintain animals in an environment appropriate to maintain their health and well-being. Regularly remove and appropriately dispose of faeces and other wastes, including birth products.
- 3.4 Have separate animal contact and public eating areas.
- 3.5 Provide only healthy animals for public display or contact. Promptly remove from display any animals that become ill.
- 3.6 Establish an association with a vet to ensure animals are clinically healthy.
- 3.7 Vaccinate animals appropriately e.g against leptospirosis.
- 3.8 Reduce stress and overcrowding of animals to reduce the possibility of disease.
- 3.9 Do not allow direct viewing of birthing animals or contact with newborn animals.

- 3.10 If providing milk or milk products for tasting, only do so after they have been pasteurised.
- 3.11 Provide adequate barriers, which prevent visitors from touching animals that should not be touched.
- 3.12 Provide a first aid kit and consider providing staff with first aid training.
- 3.13 Place hand washing signs in appropriate locations.
- 3.14 Operators should erect **signs** in obvious and prominent locations, such as the entrance and/or enclosures of the petting zoo to remind visitors to:
- (i) Use good hygiene practices in the petting zoo environment (eg: wash hands).
 - (ii) Eat or drink only in designated areas, not in animal contact areas. If a park does not have separate eating and animal contact areas, hands should be washed with soap and running water (or an alcohol based hand cleansing lotion) before eating and after touching animals.
 - (iii) Wash hands with soap and running water (or an alcohol based hand cleansing lotion) when leaving animal enclosures and before eating.
- 3.15 Operators should send/provide pre-visit information to school groups before they attend the petting zoo. This provides the teacher with opportunities to enhance the educational experience of the petting zoo for children. The pre-visit information could include the types of animals and activities offered, facilities available and standard precautions to prevent disease transmission.
- 3.16 Eating areas must be kept separate from animal contact areas and animals must be kept out of eating areas. Place signs in the designated eating areas to remind visitors to wash their hands before eating and not to feed the animals while eating.
- 3.17 If a visitor becomes ill (eg diarrhoea, nausea, vomiting) after visiting a petting zoo, they should visit their doctor and explain that they have had recent contact with animals.
- 3.18 Bats should not be provided in petting zoos.
- 3.19 All exhibited animals should be fit and healthy.
- 3.20 Only animals that are conditioned to handling should be provided for the public to handle.
- 3.21 A protocol should be in place to ensure that animal care can be provided in emergencies, with veterinary advice readily available should any animals get sick or injured.
- 3.22 The Animal Welfare Committee (AWC) has developed a number of codes relating to housing, husbandry and transportation for a number of domesticated and farmed species of animals. Details of the Codes can be obtained from the following Internet site www.affa.gov.au/docs/operating_environment/armcanz/pubsinfo/mcpwa/animal_welfare.html
- 3.23 The needs of young animals and unweaned animals must be acknowledged and catered for. Young animals have special dietary needs and have a lesser capacity to cope with changes in ambient temperature.
- 3.24 The dietary needs for some species can best be supplied by using commercially available diets.

4.0 Additional Information:

Environmental Health Directorate (Department of Health WA) Tel: 9388 4999 or Communicable Disease Control Directorate (Department of Health WA) Tel: (08) 9388 4999 Fax: (08) 9388 4877. For information and advice on animal health contact the Chief Veterinary Officer, Agriculture Western Australia, Baron-Hay Court, South Perth, Tel: (08) 9368 3333, Fax: (08) 9368 1205,
E-mail: enquiries@agric.wa.gov.au, Internet: www.agric.wa.gov.au

FINANCIAL IMPACT:

Nil.

STRATEGIC IMPLICATIONS:

Principal Activities Plan 2002 – 2006 – Key Result Area: The Physical Environment –
“promotion of a safe and healthy inner-city environment.”

COMMENTS:

The report advises the Council and community of the intent of the Draft Guidelines, and the intention of the Environmental Health Officers to use the principles outlined in assessing a future application of a Petting Zoo. Although no problems have been reported in the past to the Town of Vincent, the Guidelines would assist in safeguarding public health in this regard.

10.1.15 Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville - Application for Extended Trading Permit Ongoing Hours

Ward:	South	Date:	1 October 2003
Precinct:	Oxford Centre, P4	File Ref:	ENS0053 & PRO 0630
Attachments:	001		
Reporting Officer(s):	A Bosworth		
Checked/Endorsed by:	R Boardman	Amended by:	John Giorgi

CHIEF EXECUTIVE OFFICER'S COMMENT:

The Chief Executive Officer has amended this report and the changes are shown by ~~strikethrough~~ where words are deleted and underlining where words have been added.

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

The Chief Executive Officer is of the opinion that consideration should be given to the eleven (11) objections received from residents and business proprietors in the area, as detailed in the officer report. In addition, the Town should support the objections lodged by the Leederville Police Service and the Western Australian Drug and Alcohol Office.

Accordingly, the Chief Executive Officer has recommended that the Council not support the proposal.

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES* the written submission from the Leederville Hotel to support their Extended Trading Permit Application as 'Laid on the Table' and circulated separately to Elected Members;
- (ii) ~~APPROVES IN PRINCIPLE~~ NOT SUPPORT the proposal by the Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville, for ongoing extended hours; ~~to all internal ground floor and first floor areas but exclude all external areas (that is, all parts of the Beer Garden);~~
- (iii) ~~AUTHORISES~~ the Chief Executive Officer to ~~prescribe the appropriate conditions of approval and time restrictions, including:~~
 - (a) ~~a requirement for the Hotel to submit an updated Venue Management Plan that details foreseen risks and treatments, including Public Liability Insurance Cover, Noise Control, Litter Control, Parking Control, Anti-social behaviour and Crowd Control;~~
 - (b) ~~limiting the late night hours to:~~
 - (1) ~~Wednesday and Thursday evenings extension to 1.00am;~~
 - (2) ~~Friday and Saturday nights extension from 12 midnight to 2.00am; and~~

~~(3) — Sunday nights — extension from 10pm until 11pm;~~

~~subject to ongoing cooperation and discussions with the Town of Vincent, WA Police Service, Department of Racing, Gaming and Liquor, Fire and Emergency Services, and the Hotel Crowd Control Service Provider;~~

~~(c) — requiring the Leederville Hotel to regularly undertake letter drops to nearby residents and businesses to advertise after hours mobile and landline contact numbers for the Duty Manager so that enquiries in relation to noise, anti-social behaviour, or other problems may be promptly addressed and recorded in an incident log; and~~

~~(d) — the conditional approval be reviewed in 6 months, and annually thereafter; and~~

~~(iv)(iii) RECOMMENDS to the Director of Liquor Licensing, Department of Racing, Gaming and Liquor that due consideration be given to the objections received by the Town and any others directly received.~~

~~to the satisfaction of the Chief Executive Officer.~~

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.15

That the Council;

- (i) RECEIVES the written submission from the Leederville Hotel to support their Extended Trading Permit Application as 'Laid on the Table' and circulated separately to Elected Members;*
- (ii) NOT SUPPORT the proposal by the Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville, for ongoing extended hours; and*
- (iii) RECOMMENDS to the Director of Liquor Licensing, Department of Racing, Gaming and Liquor that due consideration be given to the objections received by the Town and any others directly received.*

BACKGROUND:

The Town previously received a letter from the Department of Racing, Gaming and Liquor, advising that an Application had been received from Pent Pty Ltd, ATFT, The Leederville Trust, for an Extended Trading Permit at the Leederville Hotel located at No. 742 Newcastle Street, Leederville for the period: 8 to 20 October 2003 inclusive. The Rugby (Union) World Cup is hosted by Australia this year, and would subsequently boost local businesses if embraced.

DETAILS:

The current application requests approval to grant ongoing extended trading hours in the internal ground floor and first floor areas but exclude all external areas (that is, all parts of the Beer Garden). The proposed extended hours for the ongoing period are detailed as follows:

- Wednesday – Saturday from 12 midnight to 2.00am; and
- Sundays – 10.00pm to 11.00pm.

In a detailed submission to the Department of Racing, Gaming and Liquor, the licensee has expressed a continued interest in working with the Town, the Leederville Police Services and other relevant stakeholders to upgrade the existing '*Premises Management and Harm Minimisation Plan for the Leederville Hotel*'. This working document will be updated should extended trading hours after midnight be approved, as relevant contingency planning and resolution action will need to be addressed. The Sections relating to control of noise, traffic control, car parking, litter and anti-social behaviour are to be upgraded accordingly and a copy provided to the Town.

COMMUNITY CONSULTATION/ADVERTISING:

Public Consultation

Advertising was conducted within a 200 metres radius to all owners and occupiers in accordance with Council's Community Consultation Policy, advising residents of the proposal, and requesting written comments be directed to the Town and Liquor Licensing Division, Department of Racing, Gaming and Liquor by 30 September 2003.

Eleven (11) formal objections were received from residents and businesses within the area, in relation to the application and raising the following issues:

- Negative impact on peace and amenity of the area;
- Not in the public interest;
- No need for another late night venue in the area; and
- Increased harm to younger patrons.

In addition, submissions generally stated that the following may be exacerbated by later trading: noise, antisocial behaviour, increased vandalism, and public safety concerns.

Health Services

The application submitted to the Director of Liquor Licensing included a comprehensive written submission, as '*Laid on the Table*' and circulated separately to Elected Members, addressing issues such as community needs and ongoing improvements resulting from the stage by stage redevelopment the hotel.

In addition, it detailed that the Hotel Management is looking to expand its client base, tending towards a more mature clientele and attracting more visitors to the Leederville Entertainment Precinct by providing a venue with diverse features including service of food in an upgraded Beer Garden area. With the extended trading hours, this may lessen the impact of "*closing time*" on the surrounding residential areas and services such as public transport as patrons may leave in a more staggered/gradual manner.

The new design incorporates the following improvements:

- Disabled access to all areas of the venue;
- Extensive food service;
- Improved fire facilities;
- Easy access to emergency exits;
- One central toilet block incorporating 32 pans and 10 metres of male urinals;
- Re-bituminising of all surrounding private roads, right of ways and Hotel car park;
- New car park and manned car park security; and
- Improved sound attenuation (in consultation with Messrs Herring Storer).

The Leederville Hotel management team is focussed on achieving a popular and safe venue by consulting with Local Police and the Town, and has adopted a Management and Harm Minimisation Plan as required by the Department of Racing, Gaming and Liquor.

The Town has not received a justified noise complaint in the past eighteen (18) months, however the Hotel has continued to proactively monitor sound levels each evening music is amplified in the beer garden area. The Leederville Hotel has also distributed the after-hours Duty Manager mobile number contact to surrounding residents at various intervals.

Planning Services

The Town's Planning Services have confirmed that the proposal generally corresponds to the Planning Approval granted by the Council at its Ordinary Meeting held on 25 June 2002 for alterations and additions to the existing hotel and associated car parking.

Furthermore, the Oxford Centre Study does not make any specific recommendations on the operating hours of the Leederville Hotel. However, the guiding land use principles that are embodied in the Study recommend:

- Support and encouragement of the growth of employment generating businesses;
- To promote the intensification of land uses in closest proximity to the railway station; and
- To encourage mixed use residential within the core, but seek to carefully manage the inter-relationship of such uses with non-compatible containment uses such as night clubs.

Leederville Police Services Comment

Leederville Police Services Officer-in-Charge advised that they objected to the proposal, and this was also the opinion of Sgt Frank Bancilhon from the WA Drug and Alcohol Office.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000 – 2002 - Key Result Area 2.1: *“Publicly celebrate and promote the Town’s diversity”*. In addition, this proposal is in keeping with the Town’s Draft Strategic Plan 2002-2007, Key Result Area 4 – *“Economic Development - Clause 3.4 – Investigate relationships at the State, Inter-State and International level to attract investment to the Town”*. This proposal will attract residents, visitors from other suburbs and the State, and other tourists to the Town’s Oxford Centre businesses which may boost economic activities accordingly.

FINANCIAL IMPLICATIONS:

No costs are foreseen.

COMMENTS:

The Reporting Officers deem it appropriate to recommend that should conditional approval be granted, the following conditions be considered for inclusion by the Department of Racing, Gaming and Liquor in the Approval:

- Frequent re-distribution of an after hours-mobile contact phone number for the Duty Manager be made available to surrounding residents to expedite remedial action regarding any unreasonable noise, and anti-social behaviour associated with the Hotel;

- the existing *'Premises Management and Harm Minimisation Plan for the Leederville 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 Department of Racing, Gaming and Liquor within 14 days of approval;
- any approval should explicitly exclude external areas in particular the Beer Garden; and
- the conditional approval be reviewed in 6 months, and annually thereafter.

10.1.16 East Perth Redevelopment Authority - Draft Planning Policy 1.18 - Sustainability

Ward:	Both Wards	Date:	2 October 2003
Precinct:	All Precincts	File Ref:	ORG 0077
Attachments:	001		
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the East Perth Redevelopment Authority's Draft Planning Policy 1.18 relating to Sustainability attached at Appendix 10.1.16; and*
- (ii) *advises the East Perth Redevelopment Authority that the Town SUPPORTS IN PRINCIPLE, the content and intent of their Draft Planning Policy Relating to Sustainability however, questions the effectiveness of the criteria's performance in terms of monitoring the success or otherwise of the policy including the consistent application of the policy.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

BACKGROUND:

The East Perth Redevelopment Authority (EPRA) has forwarded a copy of its Draft Planning Policy 1.18 Relating to Sustainability. Public comments are being sought on the content of the proposed policy with the closing date for submission being 10 October 2003. Following advertisement, the draft policy will be reported back to the EPRA Board for further consideration.

EPRA have also appointed planning consultants, The Planning Group, to undertake a review of the East Perth Redevelopment Authority's Redevelopment Scheme.

DETAILS:

The Draft Planning Policy 1.18 Relating to Sustainability outlines the Authority's objectives with regard to providing sustainable development within its redevelopment area, having regard for the State Strategy and the ongoing pursuit of economic, social and environmental objectives.

The proposed Draft Policy 1.18 (attached at Appendix 10.1.16) is divided into four parts including a preamble, policy application, policy objectives and policy criteria which are summarised as follows:

"Preamble

...
The authority is committed to delivering genuine community benefit via pursuit of social, environmental and economic objectives, which other organisations and the community will recognise and accept as models of sustainability applied in a real, practical context.

...
The intent of the policy is therefore to ensure that each factor is made explicit and duly acknowledged in the decision-making process, and that the final outcome represents the greatest benefit in sustainability terms that can be achieved from blending the components in each relevant decision made by the Authority.

Policy Application

...
The application of the Policy rests against two key items - a set of Policy Objectives and a set of (social, environmental and economic assessment) Policy Criteria.

Policy Objectives

The following objectives have been adopted by the Authority as key components and accordingly form the basis of this Policy, against which development application and relevant activities will be assessed for their compliance. The objectives are based on the principles identified in the State Sustainability Strategy.

Community Process and Consultation ... Community Services...Place Creation and Heritage ... Water...Development...Energy and Greenhouse...Construction and Materials...Cross-Agency Dialogue...

Policy Criteria

When determining a development application, or considering a relevant project, the Authority shall undertake an assessment of such application for compliance with the following criteria:

Social Sustainability...Environmental Sustainability...Economic Sustainability"

COMMENTS:

Whilst the policy is demonstrative of the Authority's desire to adopt a sustainable approach in its dealings with development applications and projects within its redevelopment area, there is reservation that the policy criteria fails to list tangible measurable indicators which can be utilised to determine the success or otherwise of the policy, including the consistent application of the policy.

There is also the cost factor involved in the preparation of the additional information required for the planning application and may result in additional processing time associated with the determination of the application.

In light of the above, it is considered that the Council advises the East Perth Redevelopment Authority that the Town generally supports, in principle, the content and intent of their Draft Planning Policy Relating to Sustainability however, questions the effectiveness of the criteria's performance in terms of monitoring the success or otherwise of the policy including the consistent application of the policy.

10.2.1 International Public Works Conference

Ward:	N/A	Date:	30 September 2003
Precinct:	N/A	File Ref:	ADM0031
Attachments:	001:		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the International Public Works Conference recently attended by the Executive Manager Technical Services ; and*
- (ii) *NOTES the information and initiatives outlined in the report.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

BACKGROUND:

The Council at its ordinary meeting held on 24 June 2003 approved for the Executive Manager Technical Services and one Elected Member to attend the Institute of Public Works Engineering Australia (IPWEA) International Public Works Conference to be held in Hobart Tasmania.

Subsequently, between 24 and 28 August 2003, the Executive Manager Technical Services attended the International Public Works Conference which was held at the West Point Convention Centre in Hobart Tasmania. *(No Elected Member from the Town attended)*

The theme of the conference was “Back to Engineering” and over the four days over 80 papers were presented, including a number of key note addresses by local and overseas delegates.

DETAILS:

The Conference was opened by Ron Sanderson, Conference Chairman, Ross Moody, National President of the Institute of Public Works Engineering Australia (IPWEA), and Sir Guy Green, Governor of Tasmania.

The Conference Chairman advised that over 500 delegates had registered for the Conference, which had been designed to inform and challenge those present.

Principle sponsors included Works Infrastructure, Komatsu and Emoleum, with another 32 sponsors who also had display booth set up.

Sir Guy Green, Governor of Tasmania, advised that Tasmania was an appropriate venue for the Conference as it had the first sewerage system in Australia, the first composite beam in the world and unique hydro electric power development by Hydro Tasmania. The Governor went on to explain the significance of the IPWEA in promoting the significance of public works engineering in society and how 2003 was the United Nations' International Year of Fresh Water.

The remainder of the Conference over the next four days was divided into eight (8) sessions and included several organised technical tours. The sessions, which ran concurrently, are outlined below. The sessions and part sessions attended by the Executive Manager Technical Services are indicated in bold font.

Session 1

- Service Delivery
- Integrated Transport Planning
- **Innovations in Stormwater**

Session 3

- Asset Management II
- **Values & Knowledge Management**
- Water Supply

Session 5

- **Flood Hazards**
- Traffic & Road Safety I
- **Waste Recycling**
- **Practical Solutions**

Session 7

- **Practical Fleet Management**
- Environment in Balance
- **Pavements & Roads**
- Projects & Management

Session 2

- Asset Management I
- Engineers Community & Management
- **Water Sensitive Urban Design**

Session 4

- **Risk Management**
- **Asset Management III**
- Best Practice in Environmental Management
- Public Utilities & Health

Session 6

- Lessons in Procurement
- **Traffic & Roads**
- Environment
- Public Works in Tourism

Session 8

- **Managing Non-Feasance**
- Asset Management IV
- Facility Management
- Issues in Water

Water / Stormwater

These papers dealt with the following:

- Improvements in water quality by reducing erosion and trapping gross pollutants
- Redirection of the volume of rainfall runoff downstream by enhancing opportunities for infiltration and retaining stormwater on site
- Improved aesthetics and accessibility of parks and recreation area
- Water sensitive urban design

Also examined were buffer areas in new subdivisions, construction of swale drains, bio retention systems, permeable pavements, stormwater detention, aquifer storage and recovery.

Delegates were advised that water sensitive urban design is a philosophical approach to integrate stormwater management with urban design. On a site-wise scale, this can take the form of on-site retention (infiltration), porous pavement, sand filter, buffer strip, vegetated swale, bioretention systems, rain gardens and rainwater tanks for stormwater reuse. While on a large precinct scale, water sensitive urban design could incorporate the streetscape design, urban forests, retardation basins, artificial constructed wetlands and stormwater reuse.

In addition, sustainable development is becoming widely recognised as an essential consideration for all new developments. Concerns are now looking at not only the internal environment of a development but also the impact of development on the external environment.

Australia is the world's driest continent, currently up to 92% of urban runoff is discharged without utilising its potential. Due to this dry climate, there are requirements to store greater volumes of water than in countries with wetter climates. Many of Australia's water reserves are being stretched to the limit both by an increasing urban population and by the need to provide for environmental flows in rivers and creeks downstream of major water reservoirs.

Only about 5% of Australia's household water supply is used for consumption through drinking and cooking. The remaining 95% of supply does not require the same quality of water supply, but as it is all supplied from the same source, it must all meet the same standard as required for drinking water.

The average Australian household uses around 270,000 litres of water per year, with an average daily consumption of 180 L per person. Approximately 50% of this water usage is used in the garden, for cleaning, in the laundry and toilet flushing, which can all be supplied from a rainwater utilisation system.

To this end, delegates were advised of a rainwater utilisation system developed by Rocla that is far more than a rainwater tank. A substantial amount of development has occurred using research conducted in Germany to develop a system to achieve very high water quality standards as well as optimising the size of the system for volume and top up. A diagrammatic illustration of the Rocla "ecoRain" system is attached.

Vehicle and Plant Management

A paper was presented which highlighted six (6) measurement tools needed to comply with Vehicle and Plant Management best practice as follows:

- Utilisation
- Optimum replacement points
- Whole of life costs
- Downtime costs
- Maintenance failure records
- Flat rate repair times

Utilisation

Utilisation refers to the annual usage of a particular item of fleet and is generally measured in terms of either kilometres travelled or engine hours.

Optimum Replacement Points

Optimum replacement points are calculated to best estimate the optimum timing in both kilometres (or engine hours) and time to achieve the lowest average annual cost.

Whole of Life Costs

Having established the optimum point at which to replace the vehicle/equipment, the next management tool is knowing whole of life costs.

Whole of life costs include:

- Straight line annual depreciation, to an anticipated residual.
- Finance or opportunity costs
- Operating costs, tyres, fuel, repairs and maintenance
- Fixed costs, overhead recovery, insurance, wages, licence.

From knowing whole of life costs, the fleet manager can provide:

- Annual maintenance budget
- Annual replacement provision
- Annual operational costs
- Internal recharge rates

Downtime Costs

This is often called the hidden cost of fleet management. In many cases downtime costs are substantial and owner/operators need to be aware of how machine downtime can affect their productivity.

Maintenance Failure Records

Maintenance failure records are critical to the efficient management of fleet and plant.

Flat Rate Repair Times

Flat rate repair times refer to an adopted industry standard for the expected repair time for a maintenance task. The term is applied by the vehicle repair industry to every task undertaken in the repair and maintenance of machinery.

Conclusion:

Through proactive management of plant and vehicles, fleet managers can substantially lower the cost of fleet and plant operations. The above six basic measurement tools can be easily established without sophisticated software, however, they do need to be managed on a daily basis to ensure costs are kept to a minimum.

Good fleet management is about high utilisation, optimum replacement, and accurate whole of life costs, minimum downtime, proactive failure management, and adherence to labour flat rates by service and repair providers.

Values and Knowledge Management

A paper titled Dictators, Technocrats and the Community dealt with Value Management which evolved in the US in the late 1940's when supply shortages forces the manufacturing industry to seek alternatives. Value management is a structured facilitated process where decision makers, stake holders, technical specialists and others work collaboratively to bring about value based outcomes in systems, processes, products and projects.

The Australian and New Zealand standard AS/NZS 4183:1994 defines Value Management as:

A structured, systematic and analytical process which seeks to achieve value for money by providing all the necessary functions at the lowest total cost consistent with required levels of quality performance

The Value Management process usually consists of five (5) phases:

Information phase:

Differentiate facts from opinions and explore current environment project will operate within

Analysis phase:

Key issues determined

Creative phase:

Generate ideas to eliminate unwanted functions and deal with key issues identified.

Evaluation phase:

Workshop participants evaluate ideas generated: Good idea - develop further, or need more work outside of workshop; Note for reference as project develops; outside the scope of workshop; Discard.

Development phase:

Small groups use ideas generated in the creativity phase to develop strategies and action plans.

The use of the Value Management tool, where appropriate, enables the move from isolated decision making to collaborative decision making involving key stake holders, decision makers and technocrats.

Risk Management

Several papers were presented on managing risk. One paper entitled *Meeting the Public Works Challenge of Sept 11, 2001: World Trade Centre* was very thought provoking.

The paper on the World Trade Centre disaster reflected on the events of September 11, 2001 where the public / private infrastructure in New York was attacked resulting in several mass causality incidents. During the presentation the speaker (Mark McCain - Principle Consultant, Public Works Emergency Management Services) focused on the incident, the response, recovery and the emergency leadership and management lessons learned through:

- Command and Leadership structures used to manage the incident.
- Expectations of the public works / utility industry in meeting unknown challenges during the crisis and consequent phases of the incident.
- Managing the disposal of 1.7 million tonnes of debris from a 9 ha site (90,000m²)
- Defining the economic impact upon the industry and the nation.
- Dealing with the psychological aspects of serving the public during and after an incident dealing with over 2,900 deaths

The presentation showed many photos taken of the site along with video, graphs and charts to define the lessons learned for the event.

In Addition, a paper presented on the results of a study tour of the USA, Canada and the United Kingdom, outlined a number of key observations which could be applied within Australian Local Government organisations.

- Professional officers must be kept up-to-date with new technology, maintenance practices, safety standards, driver behaviour standards, new road rules and other intelligence which relates to road safety, and use that knowledge to understand and address safety issues in the field.
- Local Governments (LGs) must have systems in place to collect and disseminate key information across the organisation to all relevant staff within the organisation to ensure “prior knowledge” is used to the best effect.
- LGs should develop strong policy positions in regard to asset maintenance, service standards and response times, having regard to its community needs and its own capacity to resource implementation of the policy.
- Policies should not be overly ambitious and must be able to be implemented.
- Elected Members and Council officers must work within the policy framework. If the policy is not implemented or followed, its credibility will be challenged in law.
- LGs should undertake regular inspections of their assets for risk management purposes. LGs who understand the condition of their assets and have prioritised upgrade programs to address any hazardous situations in accordance with their adopted policies, will be in a stronger position should an injury occur which prompts legal action.
- LGs must have in place comprehensive information management systems which collect and record data relating to inspection programs, customer complaints, maintenance programs, repair orders, safety audits and other information related to the management of the asset. This information becomes vital when assessing claims for damages.
- Always investigate reported hazards and feed the outcomes back to relevant staff as information to be included in future safety audit programs.
- LGs should adopt a culture of always providing a prompt response once a hazard has been identified, either by staff or a member of the community.
- With the emergence of “No Win, No Fee” legal firms, LGs should strongly defend all damages claims unless it is clear that the LG caused the fault which lead to the injury. As an industry, LGs need to take a strong stand to make it difficult for litigation to occur. Evidence was presented in England that LGs that allowed themselves to become soft targets for litigation attracted a significantly higher percentage of claims.

Asset Management

Several papers were presented on managing assets. The International Infrastructure Management Manual describes Asset Management as:

The combination of management, financial, economic, engineering and other practices applied to physical assets with the objective of providing the required level of service in the most cost effective manner.

To further examine the above statement, it is helpful to define more precisely the *physical assets*, the *levels of service*, and the *practices* applied to provide this management.

Infrastructure Assets – Stationary systems forming a network and serving whole communities where the system as a whole is intended to be maintained indefinitely at a particular level of service potential by the continuing replacement and refurbishment of its components. The network may include normally recognised ordinary assets as components.

Level of Service – The defined service quality for a particular activity, e.g. roads, or service area, e.g. street lighting, against which service performance may be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, environmental acceptability and cost.

Advanced Asset Management Practices – Asset management which employs predictive modelling, risk management and optimised decision-making techniques to establish asset lifecycle treatment options and related long term cash flow predictions.

The successful delivery of asset management therefore requires that the responsible authority implements and maintains an asset management system sufficiently capable of demonstrating that the performance criteria is not only being achieved but will continue to be achieved.

Managing Non-Feasance

Several papers dealt with nonfeasance issues resulting from the High Court judgement on the case of “Brodie vs Singleton Shire Council”. This judgement has created extensive debate throughout Australian LGs and has resulted in a variety of legislative responses and a number of proposed road standards plans from various state governments.

Non-feasance will continue to be both a threat and challenge to the role and responsibilities of LG engineers. The hard question posed was “*what is the right combination of management initiatives that will provide a cost-effective response to the nonfeasance*”?

Another paper provided a summary of current research being undertaken by Austroads in road network asset management, designed to provide managers and practitioners at all levels with strategies, tools and information to better manage road networks understanding that Road Asset Management is “*a comprehensive and structured approach to the delivery of community benefits through management of road networks*”.

The paper demonstrated the contribution of the research to each of the seven phases of the integrated asset management approach:

- Defining road agency’s objectives
- Formation of agency and asset strategies
- Identification of asset requirements
- Formulation of asset management works program
- Implementation of asset management actions
- Audit
- Reviews following implementation of the works program

The paper also provided a summary of the various responses of Australia jurisdictions since the High Court decision of May 2001 in removing the non-feasance defence for road authorities. The paper concluded, stating that the High Court decision need not necessarily be seen as a threat and discussed the benefit of an integrated asset management approach in managing risk as part of the responsible management of road networks.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

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

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

Contract Requirement

The Executive Managers Contract of Employment entitles the Officer to attend one interstate professional development conference each year.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

As mentioned in the report over 500 delegates participated in the International Public Works Conference held in Hobart Tasmania and the event had a significant focus on asset management issues. A thought provoking presentation was by Mark McCain from the USA who presented a paper on the aftermath of the World Trade Centre after September 11 2001, and the role played by public works professionals in the recovery.

Sustainable development, water sensitive urban design etc was highlighted in several papers presented at the conference. Engineers in the past were mainly concerned with water conveyance. Today, while water conveyance is crucial to ensure that stormwater that falls within a catchment is transported via pipes and channels, compensation basins, water quality, stormwater recharge and other ways to improve stormwater management are also a priority.

Initiatives such as permeable pavers, water infiltration, and retention systems are being trialled throughout Australia. The Town has also embraced this practice, to some extent, and will be installing “soakwell gullies” in roadways as part of the Town’s road resurfacing program. In addition, in conjunction with the WA Water Corporation and the local catchment group, initiatives outlined in the report will be further explored. It is also intended to trial the use of “porous pavers” in the proposed stadium Carpark, soon to be constructed at Perth Oval site.

Another issue to emerge from the conference was the need for a national approach for asset management. As a result the IPEWA will be seeking to drive more technical input into the development of a national asset management framework by re-establishing its National Asset Management Committee with the aim to compliment the work already being done in the various states.

In addition going hand in hand with asset management is risk management and managing non feasant liability.

The Town's Technical Services Division has an asset management system (pavement management) for its road network called ‘ROMAN’. The major purpose of ROMAN is to:

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

The major function of pavement management is to maintain the existing road system at a reasonable level of serviceability and safety, taking into consideration the usual limiting economic constraints and enables the establishment of investment priorities and provides a sense of direction for forward budget planning.

In addition to manage the risk Technical Services keeps a comprehensive data base of all maintenance requests received which outlines details of the reporting person, nature of the request and action taken. These are prioritised accordingly based upon the severity of the risk involved. In addition proactive inspection and maintenance programs are either in place or are being established for both Parks and Engineering.

Through the various annual operating budgets and capital improvement programs eg footpaths, road resurfacing and rehabilitation, playground upgrade, ROW upgrade program etc Technical Services are attempting to maintain the Town's physical infrastructure to an acceptable level of service. However there is a long way to go in terms of having a comprehensive asset management plan linked to GIS and many of the processes and practices outlined at the conference will be further investigated and where appropriate will be applied in the continued development of a comprehensive asset management plan.

10.2.3 Introduction of a Three Hour Parking Restriction on Both Sides of Knebworth Avenue, Perth

Ward:	South	Date:	30 September 2003
Precinct:	Hyde Park P5	File Ref:	PKG0100
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the introduction of a three (3) hour parking restriction from 8.00am until 5.30pm Monday to Friday on both sides of Knebworth Avenue, Perth, shown on attached Plan 2170-PP.2;*
- (ii) *places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iii) *advises the adjacent residents and business proprietors of its resolution.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

BACKGROUND:

Following the receipt of a petition requesting the introduction of time restricted parking in Knebworth Avenue, the Town undertook a consultation with residents. After reviewing all submissions, it is now recommendation that time restrictions be introduced.

DETAILS:

Knebworth Avenue is approximately 180m in length and 10m wide, with a road carriageway width of 7m, and a 1.5m footpath along both sides of the street.

Complaints regarding parking difficulties have been received from residents of Knebworth Avenue on a number of occasions. Most of the complainants have identified commuter parking as the main cause of these difficulties. Where such situations have occurred in other parts of the Town, the introduction of time restricted parking during normal business hours has been an effective way of dissuading nearby workers from taking advantage of the “free” parking available in residential streets.

Previous Request

Prior to the introduction of parking restrictions, it is the Town's policy to consult residents and business proprietors who will be affected by the changes. Such a consultation was carried out in March 2000, when it was proposed that a one (1) hour restriction be introduced into the street. Twenty eight (28) consultation letters were delivered, resulting in fourteen (14) responses. These responses were distributed evenly, seven (7) for the introduction and seven (7) opposed. Consequently, as there was not a clear majority in favour, it was decided not to proceed with the introduction of the restrictions.

Further Request

In September 2002, a petition with the signatures of six (6) residents, requesting the Town reconsider its decision and introduce restrictions, was received. As Knebworth Avenue was subject to a study instigated by a Council resolution to investigate the validity of introducing parking restrictions in all streets south of Vincent Street, no action could be taken in respect of the petition until the working group could present its findings to the council.

The recommendation of the working group, adopted by the Council as part of a progress report on parking control initiatives and the implementation of strategy within the Town which was presented to the Ordinary Meeting held on 17 December 2002, was that any further restrictions should be introduced on a street by street basis following consultation with affected residents and business proprietors.

Community Consultation

Consequently, another consultation was carried out in June 2003, to ascertain whether there was increased support in the street for the introduction of a time restricted parking. This new proposal was for the introduction of a two (2) hour restriction. Eleven (11) respondents were in favour of the restrictions and eight (8) opposed. The main concerns of those opposed to the two (2) hour restriction were that they would have difficulty accommodating their own vehicles, and that only two permits would be insufficient for their visitors. The majority of those in favour of the restriction lived in the southern end of Kenilworth Avenue, which is more frequently affected by non-resident parking.

After considering all responses and noting that more respondents were in favour of introducing restrictions than against, it is now recommended the Town proceed with the initiative, however modified to a three (3) hour rather than two (2) hour restriction. The parking restriction would be in force only during business hours, being 8-5.30 Monday to Friday, and 8-12noon Saturday. It is hoped that extending the restriction from two (2) to three (3) hours will address the concern that resident's will be negatively affected by the limit of two (2) visitors permits.

CONSULTATION/ADVERTISING:

Details of the consultation are contained in the background information above.

LEGAL/POLICY:

There are no legal impediments associated with this proposal which will be enforced by the Town's Rangers.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Strategic Plan 2003-2008 – 1.4 Maintain and enhance the town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“Develop and implement a Transport and Car Parking Strategy”*.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of eight (8) new parking restriction signs and poles would be approximately \$600.

COMMENTS:

The Manager, Law and Order Services, has been consulted and sees no impediment to the introduction of the time restriction. It is therefore recommended that the Council approve the introduction of a three (3) hour parking restriction on both sides of Kenilworth Avenue, as illustrated in the attached plan. Residents parking only restrictions apply in Knebworth Street on the days that Glory Soccer matches are held.

10.2.4 St Rocco Association – Annual Street Procession

Ward:	Mt Hawthorn	Date:	30 September 2003
Precinct:	Leederville P3	File Ref:	CVC0006
Attachments:	001:		
Reporting Officer(s):	K White		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *supports the annual St Rocco Association’s street procession to be held on Sunday, 9 November 2003, as shown in Plan A4-00-106; and*
- (ii) *requests the organisers of the procession to ensure that all emergency services, including Main Roads WA Operations Centre, are notified and all relevant approvals be obtained.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

BACKGROUND:

The St Rocco Association Incorporated is seeking Council’s approval to conduct its annual street procession on Sunday 9 November 2003 in honour of St Rocco.

DETAILS:

The procession will commence at 3.00 pm on Sunday, 9 November 2003 from St Mary’s Catholic Church in Franklin Street, Leederville. It will travel, under Police escort, south via Shakespeare Street turning left into Marian Street. From Marian Street the procession will turn left into Loftus Street north bound, where it will be confined to a single lane so as not to impede normal traffic. From Loftus Street the pageant turns left into Anzac Road west bound, returning to St Mary’s via Shakespeare Street (as per attached Plan No. A4-00-106).

The procession will be under Police escort and no actual road closures will be involved. As the parade is scheduled for a Sunday and does not conflict with any other major event, it is unlikely to have a significant impact upon traffic.

CONSULTATION/ADVERTISING:

N/A.

LEGAL POLICY:

N/A.

STRATEGIC IMPLICATIONS:

In line with Key Result Area Two of the Draft Strategic Plan 2003-2008 2.1 – a) *“Develop and organise community events that engage the community and celebrate the cultural diversity of the Town”*.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

The annual St Rocco Procession is a colourful religious celebration that draws many people of diverse backgrounds to the Town. As in the past, conditional approval will be granted on behalf of the Town by the Executive Manager Technical Services. These conditions pertain to traffic management, police approval and attendance to ensure a both safe and successful event for both participants and motorists alike.

10.3.2 Option and Rent Review for Crown Castle Australia Pty Ltd – Portion of Lot 118 Marmion Avenue, Tamala Park

Ward:	Both	Date:	30 September 2003
Precinct:	All	File Ref:	PRO0739
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council AGREES to the Option to Crown Castle Australia Pty Ltd pursuant to Clause 4.2 of the Lease dated 10 May 1999, for a further term of five years commencing 1 November 2003 and expiring 31 October 2008, at a rental of \$45,000 per annum.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

BACKGROUND:

Portion of Lot 118 Marmion Avenue, Tamala Park is occupied by Crown Castle Australia Pty Ltd and the Lease expires on 31 October 2003.

The original lease dated 10 May 1999 between the City of Stirling, City of Joondalup and City of Perth (“Lessor”) and Vodafone Network Pty Ltd (CAN 056 161 043) (“Lessee”) has been the subject of a change of ownership to include four additional Councils Towns of Cambridge, Victoria Park and Vincent and City of Wanneroo, a Deed of Variation for the lease area, a Deed of Assignment to Vodafone Network Pty Ltd (CAN 081 918 461) and a Deed of Assignment to Crown Castle Australia Pty Ltd.

Crown Castle Australia Pty Ltd (“Lessee” by Assignment of Lease) has exercised an option to extend the Lease for a further term of five years and the Owners’ approval is sought.

DETAILS:

The current lease term of five years expires on 31 October 2003.

In accordance with Clause 4.2 of the Lease, Crown Castle Australia Pty Ltd has exercised the Option for the further term of five years, commencing on 1 November 2003 and expiring on 31 October 2008, by letter of 25 June 2003.

The Owner Councils have acknowledged receipt of the request to exercise the Option, subject to the review of the annual rental in accordance with the Rent Review Clause 3.2 in the Lease, documentation of the Lease extension, and the seven Owner Council’s approval.

The Owners requested a valuation from the Department of Land Information – Valuation Services for the leased area and received a Rental Valuation Report dated 18 September 2003, advising a “fair market” rental for the subject site having an area of 150 square metres is \$45,000 (Forty Five Thousand Dollars) per annum net plus GST, as at 1 November 2003.

This information is being reported to the seven Owner Councils for their approval.

LEGAL/POLICY:

This lease is in accordance with the Local Government Act 1995.

FINANCIAL/BUDGET IMPLICATIONS:

The Town of Vincent’s interest is a 1/12 share of \$45,000 per annum, (\$3,750 per annum). This annual rent needs to be agreed by all the parties. The Town's money will be placed in the Strategic Waste Management Reserve Fund, in accordance with the Council's previous decision of 23 October 2001.

COMMENTS:

The current Lease expires on 31 October 2003 and in order to extend the Lease for a further term, it is necessary for the Owners to grant the Option to the Lessee.

The Lessee has satisfied the terms and conditions of the Lease and the further term can be granted.

The existing rent of \$9,724.05 per annum is to be increased to \$45,000 per annum. This rent reflects the use of the leased area of 150 square metres (amended from 130 square metres) as a three carrier site.

10.3.3 Youth Development Grant

Ward:	Both	Date:	23 September 2003
Precinct:	All	File Ref:	FIN 0118
Attachments:	N/A		
Reporting Officer(s):	R. Savage		
Checked/Endorsed by:	J. Anthony/M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the development and implementation of the Town of Vincent Youth Development Grants; and*
- (ii) *REQUESTS that the Chief Executive Officer prepare a policy on the Youth Development Grants.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

BACKGROUND:

The Town of Vincent Youth Development Grants are designed to assist young people residing in the Town to achieve their goals and provide them with an opportunity to actively participate in the community and their chosen field of interest.

The grants are designed to foster a positive image of young people in the Town of Vincent and to assist in providing developmental opportunities that may not otherwise be attained.

The Town of Vincent currently offers the following grants:

- Cultural Development Seeding Grants;
- Youth Arts Scholarship;
- Sport Donations; and
- Community & Welfare Grants.

DETAILS:

The Town of Vincent Youth Development Grants are available to any young person aged between 12 and 17 (inclusive) years who resides in the Town of Vincent. Applicants should be taking positive steps to further themselves in any of the following categories or fields of interest.

- Community Service
- Music
- Arts
- Academic

To be eligible for a Youth Development Grant the applicant needs to address the following criteria:

- Any young person aged between 12 and 17 years of age who has an opportunity to further develop themselves in areas such as (but not exclusive to) Community Services, Music, Arts or academically.
- A young person residing in the Town of Vincent.
- Costs associated with participating in the event.

Applicants that request assistance for any of the following would be ineligible for funding:

- Individuals who are eligible for other Town of Vincent grants will not be able to apply under this grant.
- Individuals to participate in any initiative that is not youth focused.
- Sporting achievements (Sporting grants are available from the Town of Vincent).
- Young people not residing in the Town of Vincent.
- Purchase of material objects or capital items.
- Projects for fund raising or profit making.
- Groups, Businesses or services providers.
- Course enrolment fees.
- An individual over the age of 17 years.

A request for funding can be made in writing at any time during the year. An individual may only receive one grant within a twelve-month period.

The letter must be submitted with a letter of verification from the organisation that has asked them to participate in the event or project.

CONSULTATION/ADVERTISING:

Promotion of the Youth Development Grants will be through schools and local newspaper editorials. The proposed establishment of a Youth Development Grant has been in response to school and community feedback in relation to a developmental approach to local youth.

LEGAL/POLICY:

It is proposed to prepare a policy and guidelines for the operation and assessment of these grants.

STRATEGIC IMPLICATIONS:

The development of the Town of Vincent Youth Development Grants is in keeping with the Town of Vincent Strategic Plan 2003 - 2007.

KRA 2.4

“Review the range of community services provide”.
(Support youth development programs)

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$4,000 is currently allocated to the Youth Banners project for 2003/04 budget. It is proposed that the funds would be used for the Youth Development Grants. This reallocation of funds would take place at the first budget review of the year at the end of September 2003. Grants are available up to \$500.

COMMENTS:

The Youth Banners project has been an ongoing project within Youth Services for the past (4) four years. The project has been successful in meeting all its objectives and has provided an opportunity for local schools to assist in designing a variety of banners for the Town. Youth Banner projects have included National Youth Week, Banners in the Terrace and National Aboriginal Islander Day Observance Committee (NAIDOC) week.

The Youth Development Grant would however provide long term developmental opportunities that assist young people to strive for and achieve their goals in a variety of areas. The grants are designed to assist young people to access opportunities that are presented to them. The Youth Development Grants will have lasting and positive repercussions for young people living in the Town.

10.4.2 Internal Audit Programme

Ward:	Both	Date:	30 September 2003
Precinct:	All	File Ref:	FIN0001
Attachments:	<i>Included in Report</i>		
Reporting Officer(s):	M Rootsey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADOPTS the Internal Audit Programme as shown in Appendix 10.4.2.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Torre, **Seconded** Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

BACKGROUND:

At the Ordinary Meeting of Council held on 26 August 2003 Item 10.4.3, the following resolution was adopted.

“That the Council;

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
- (a) *the process of selecting the Auditor;*
 - (b) *recommending to Council on the Auditor;*
 - (c) *managing the Audit Process;*
 - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
 - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
 - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *to oversee Risk Management and Accountability considerations; and*
 - (h) *to oversee Internal Audit/Accountability functions;*
- (ii) *APPROVES of amending the composition of the Audit Committee to comprise;*
- (a) *Mayor as Chair;*
 - (b) *Deputy Mayor;*
 - (c) *One Councillor;*
 - (d) *Chief Executive Officer;*
 - (e) *Executive Manager Corporate Services (non-voting); and*
 - (f) *Other Officers by invitation as required (non-voting);*

- (iii) *APPOINTS Cr Helen Doran-Wu to the Audit Committee for the term 26 August 2003 to May 2005;*
- (iv) *APPROVES of the Council's Auditors Barrett and Partners - DFK to conduct internal audits, as requested by the Chief Executive Officer or Audit Committee;*
- (v) *ADOPTS the Town's Internal Audit Charter, as shown in Appendix 10.4.3(a);*
- (vi) *RECEIVES the Minutes (unconfirmed) dated 5 August 2003 of the Town's Audit Committee, as shown in Appendix 10.4.3(b); and*
- (vii) *REQUESTS the Audit Committee prepare the development of an Audit Programme for presentation to Council, as a priority."*

DETAILS:

The attached Internal Audit Plan has been prepared by senior officers and discussed with the Chief Executive Officer and the auditors.

The programme has been prepared on the basis of a four year cycle of audits on the recommendation of the auditors

The proposed plan was circulated to the Audit Committee for comment. The Audit Committee have proposed no amendments to the programme as presented.

It is however, acknowledged that other specific audits may be requested by the Audit Committee, the Chief Executive Officer or the Council to be undertaken in any given year.

In addition, it is a requirement of Section 6.10 of the Local Government Act and 5(2)(c) Local Government (Financial Management) regulations that the Chief Executive Officer undertakes reviews of the appropriateness and effectiveness of the Financial Management Systems and Procedures of Local Government regularly (not less than once in every four financial years) and report to the Local Government the results of these reviews.

This review is due in the year 2004 and will be conducted by the auditors in addition to the proposed internal audits for that year.

In future years the four year internal audit cycle will cover this local government requirement.

LEGAL/POLICY:

Section 6.10 of the Local Government Act and 5(2)(c) Local Government (Financial Management) regulations specify that the Chief Executive Officer undertakes reviews of the appropriateness and effectiveness of the Financial Management System and Procedures of Local Government regularly (not less than once every four financial years).

STRATEGIC IMPLICATIONS:

The Town's Draft Strategic Plan 2003-2008 – Key Result Area 4.1(c), *“Continue to develop a long term strategic vision and financial plan for the Town”*, Key Result Area 4.2(d), *“Ensure that processes comply with relevant legislation”* and Key Result Area 4.1(e) *“Monitor performance and achievements”*.

The adoption of the Internal Audit Programme is in line with Recommendation 29 of the Internal Organisational Review.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of providing the Internal Audit Programme is \$32,000 over four (4) years or \$8,000 per annum. Funds of \$10,000 have been allocated to the 2003/04 Annual Budget for the introduction of an Internal Audit Programme.

COMMENTS:

The comprehensive nature of the proposed programme based on a four year cycle will ensure that the major components of the Town's financial business will be the subject of regular audits.

APPENDIX 10.4.2

PLANNED INTERNAL AUDIT PROGRAM

AREAS		4 YEAR CYCLE			
		1	2	3	4
1	Rates				X
2	Sundry Debtors			X	
3	Receipts			X	
4	Purchase of Goods & Services/Payments	X			
5	Payroll	X			
6	Floats/Petty Cash/Libraries monies		X		
7	Stores/Stock Takes	X			
8	Tenders	X			
9	Asset Register				X
10	Parking process & infringements		X		
11	Development Applications		X		
12	Cost Allocations/Cost recovery rates				X
13	Beatty Park			X	
14	Fringe Benefit Tax (FBT)		X		
15	Goods & Services Tax (GST)			X	
16	Fleet Management				X

10.1.6 No. 181 (Lot 8) Carr Place, Leederville- Six (6), Single Bedroom, Multiple Dwellings

Ward:	South	Date:	30 September 2003
Precinct:	Oxford Centre Precinct, P4	File Ref:	PRO2229; 00/33/1453
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by James Duncan-Cooper, on behalf of the owners S Gabriel for six (6), single bedroom, multiple dwellings at No. 181 (Lot 8) Carr Place, Leederville, and as shown on the amended plans stamp-dated 15 September 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security 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;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the stores being a minimum of 4 square metres in area, with a minimum dimension of 1.5 metres;*
 - (b) each unit being provided with internal clothes drying facilities;*
 - (c) car bay 7 is at a blind aisle and is required to be 3.5 metres wide;*
 - (d) sufficient manoeuvring space being provided to car bays 1 and 2;*
 - (e) adequate area for bin storage is to be provided and screened from the view of the primary street; and*

- (f) the height of the concealed roof being reduced to 7 metres in accordance with the R-Codes acceptable development requirements;*

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

- (viii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*

- (a) the western side of the balcony on the upper floor, as shown in red on the plans;*

- (b) the windows to the Unit 5 and Unit 6 kitchens on the upper floor, eastern side;*

- (c) the windows to Unit 4, Unit 5 and Unit 6 lounges on the upper floor, eastern side; and*

- (d) all balcony screening depicted on the plans;*

shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so it is are not considered to be a major opening as defined in the Residential Design Codes 2002;

- (ix) subject to first obtaining the consent of the owners of No. 183 Carr Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 183 Carr Place, in a good and clean condition;*

- (x) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*

- (xi) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*

- (xii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (xiii) all 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 3.1.78 Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*

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

(xv) *no fence exceeding a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Carr Place, being a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED (5-3)

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

(Cr Ker was an apology for the meeting.)

LANDOWNER:	James Duncan-Copper
APPLICANT:	S Gabriel
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
EXISTING LAND USE:	Vacant Land

COMPLIANCE:

Use Class	Multiple Dwellings (Single Bedroom)
Use Classification	"P"
Lot Area	780 square metres

Requirements	Required	Proposed
Setbacks:		
<u>Upper Floor</u>		
Front	6 metres	4.5 metres to balcony
Western Side- Unit 5 and Unit 6.	2.7 metres	1 metre to 2.1 metres
Eastern Side	3.8 metres	2.8 metres
Cone of Vision Encroachments:		
<u>Upper Floor</u>		
Eastern Side- Unit 5 and Unit 6- Kitchen Windows	6 metres	4.3 metres
Western Side- Balcony	7.5 metres	2.5 metres
Building Height	7 metres to concealed roof	7.5 metres to 8.55 metres to top of concealed roof
Boundary Walls	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 2/3 length of boundary. Therefore, one boundary wall of 33.56 is permitted.	the boundary wall on western side is slightly over 2/3 the length of common boundary, as the wall is 34.7 metres in length, with an average height of 3 metres.
Stores	An enclosed, lockable storage area, with an area of 4 square metres and a minimum dimension of 1.5 metres.	Stores at the rear are approximately 3.6 square metres in area.
Drying Areas	provided with an adequate area set aside for clothes-drying, screened from view from the primary or secondary.	Dryers to be provided in each dwelling (condition to be recommended to this effect).
Car Parking Requirements	Multiple Dwellings : (6 dwellings x 0.35 = 2.1 bays, plus 0.015 spaces x 479 square metres of plot ratio area = 7.1715. Therefore, 2.1 bays plus 7.1715 bays = 9.27 bays) 9 bays required	7 bays provided

SITE HISTORY:

The subject land is currently vacant.

DETAILS:

The applicant seeks approval to construct six (6), single bedroom, multiple dwellings on the site.

The applicant previously proposed to construct nine (9), single bedroom, multiple dwellings on the site. However, after numerous sets of amended drawings, and meetings with the Town's Planning Officers, the applicants resubmitted amended drawings on 15 September 2003.

The amended plans are for six (6), single bedroom, multiple dwellings to address the neighbours concerns, and to reduce the amount of non-compliances with the Residential Design Codes 2002 (R-Codes).

*It should be noted that the single bedroom, multiple dwellings comply with the R-Codes site area requirements for multiple dwellings (125 square metres per dwelling), and a density bonus has not been sought for single bedroom dwellings. However, given that the proposal is for dwellings with one bedroom, the dwellings are referred to as single bedroom, multiple dwellings throughout this report.

CONSULTATION/ADVERTISING:

The previous proposal for nine (9) single bedroom, multiple dwellings was advertised from 28 March 2003 to 11 April 2003. However, re-advertising of the amended plans was not considered necessary, as the amendments have addressed some of the neighbours objections and has brought the proposed development into closer compliance with the R-Codes.

Six (6) submissions were received during the advertising period, all being objections. However, it should be noted that four (4) of the submissions were from the adjoining, eastern strata owners from Nos. 177-179 Carr Place, one (1) submission was from the adjoining, western neighbour, and one (1) submission was from a resident of Carr Place, who is not an immediate land owner.

The attached submissions have been summarised below:

- The adjoining, western neighbour objected to the proposal due to the length and height of the parapet wall on the western side, and the effect of this wall in terms of overshadowing, and reducing the value and enjoyment of his property.

However, the amended plans have significantly reduced the height and length of the parapet wall on the western side, to the extent that the wall has been reduced from 8.6 metres in height, down to an average height of 3 metres, which complies with the acceptable development requirements of the R-Codes. Furthermore, it should be noted that property values are not a planning concern, and as such can not be considered as a valid planning objection.

- The adjoining, eastern landowners raised concerns due to the scale of the proposal, and the non-compliance with the requirements of the R-Codes in terms of setbacks, bin stores, storage areas, boundary walls, outdoor living areas, car parking provisions, vehicle access and overlooking. Such issues have been addressed in the comments section below.

The eastern neighbours also raised concern that the proposal is out of character with the area, and that a smaller project would be more appropriate in this locality. One of the adjoining, eastern strata owners also commented that, "*the applicant should consider a redesign to make sure the development meets with the R-Codes and also suits the area, even if it means making an 8 unit development*". Although the amended proposal does not meet all of the R-Code requirements, the scale of the proposal has been significantly reduced to six units to reduce the impact on the adjoining, affected neighbours, and it is considered that the variations sought will have not have an undue impact on the amenity of the area, or the adjoining neighbours.

- The Carr Place resident has raised concerns over the previous proposal for nine (9) single bedrooms, multiple dwellings, due to the scale of development proposed, which would exacerbate the existing parking problems in Carr Place. However, it should be noted that the proposal has been reduced from nine dwellings, down to six dwellings, and the car parking variations have been addressed below.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

Front- Upper Floor

The applicants are seeking a front setback variation of 4.5 metres to the balcony, in lieu of 6 metres. Given that the unroofed balcony is active habitable space, which promotes surveillance of the street, and that the main facade of the building is setback over 6 metres from the primary street, the proposal is not considered to create an undue adverse impact on the amenity of the street, or the adjoining neighbours. The variation is therefore supported.

Western Side- Upper Floor

A side setback variation is sought for the upper floor, western side, from 2.7 metres, to 1 metre and 2 metres respectively. However, this variation is considered acceptable as the reduced setback does not result in any overlooking or overshadowing issues, and the adjoining, affected neighbour only raised concerns regarding the parapet wall.

In light of the above, the proposal is not considered to create an undue, adverse effect on the adjoining neighbour, and as such the variation is supported.

Eastern Side- Upper Floor-Unit 5 and Unit 6

The applicants have sought a side setback variation to the eastern side of 2.8 metres, in lieu of the required 3.8 metres. Although the adjoining neighbours objected to the side setbacks variation on the previous proposal, the applicant has significantly altered the plans to address the concerns of the eastern neighbours, and the setbacks have been significantly improved from the previous design. Additionally, the majority of the upper floor on this side is setback 4.5 metres in compliance with the R-Code setback requirements, and only small portions of the balcony project forward to 2.8 metres.

In light of the above, this variation is considered acceptable, as the reduced setback does not result in any overshadowing issues. It should also be noted that there are privacy issues on the eastern side, however, such issues have been addressed below with a standard screening condition.

In light of the above, the proposal is not considered to create an undue, adverse effect on the adjoining neighbour, and the variation is supported.

Buildings on Boundaries

The R-Codes state that *"one boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 2/3 length of boundary"*. Therefore, one boundary wall of 33.56 is permitted on the subject land.

The applicant is seeking a variation to the above requirements, as the boundary wall on the western side is 34.7 metres in length, instead of the permitted 33.56 metres. The applicants have significantly reduced the height of the parapet wall on this side by over 5 metres, and the proposal does not create any overshadowing issues.

In light of the above, the minor variation is considered acceptable.

Cone of Vision Encroachments

There is a non-compliance in terms of the cone of vision encroachment from Unit 5 and Unit 6 kitchen on the eastern side, and from a portion of the balcony on the western side, as mentioned in the above Compliance Table. The variation has been addressed through a standard privacy condition to ensure that the openings are screened to 1.6 metres in height.

It should also be noted that the windows to Unit 4, Unit 5 and Unit 6 lounges on the eastern side are minor openings, as they appear to be less than 1 square metres in aggregate. Given that these are minor openings, there are no overlooking issues, as the R-Codes only assess privacy issues from major opening to active habitable space.

Notwithstanding the above, a condition has been recommended to ensure that these windows are no more than one (1) square metre in aggregate for each lounge room on the eastern side.

Building Height and Scale

The applicants wish to vary the R-Codes acceptable development requirements under Clause 3.7.1 (Building Height), as they are proposing a concealed roof height of 8.55 metres (from natural ground level), in lieu of 7 metres.

The building height variation is not considered to be in keeping with the height of existing buildings in the street, or the character of the area. Given this, the proposed height variation is considered to create an undue impact on the neighbouring properties, and the area generally.

In light of the above, and the objections received, the building height variation is not considered appropriate and a condition has been recommended to bring the proposal into compliance with the R-Codes height requirements of 7 metres to the top of the concealed roof.

Essential Facilities

An enclosed, lockable storage area, with a minimum area of 4 square metres, and a minimum dimension of 1.5 metres are required for each unit. Three of the stores at the rear are under width, however, a condition has been recommended to ensure that the stores comply with the above requirements. In addition to the above, the bin yards are not clearly shown on the plans, nor has adequate screening been depicted to screen the bin yard from public view. Therefore, a condition has also been recommended to ensure compliance with the above provisions.

The R-Codes require multiple dwellings to be provided with an adequate area set aside for clothes-drying, screened from the view of the primary street. However, the applicants have advised that they wish to provide individual clothes dryers in each unit. This is considered acceptable, and a condition has therefore been recommended to this effect.

Communal Open Space

The adjoining, eastern neighbours raised concerns over the lack of outdoor living space for the proposed development. However, the R-Codes only require each multiple dwellings to be provided with a balcony area of 10 square metres, and one communal open space area of 16 square metres, and not individual outdoor living areas for each dwelling.

The six multiple dwellings have been provided with a balcony area, or equivalent outdoor area, of 10 square metres, directly accessible from habitable room. Also, a communal area of over 36 square metres has been provided, with a minimum dimension of 4 metres, in the front setback area.

Although it could be argued that the R-Codes require a communal open space area of 16 square metres for each dwelling, Table 1 of the R-Codes is ambiguous, as it only appears to require one communal area of 16 square metres for the development. Additionally, 96 square metres (6 units x 16 square metres) of communal open space is considered excessive for a development of this scale, especially given that 60 per cent open space has been provided.

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

Car Parking and Vehicle Access

The proposal represents a variation to the R-Code car parking requirements for multiple dwellings, as seven (7) bays are proposed in lieu of the required nine (9) bays car parking bays. However, the proposed car parking provisions are considered acceptable for a development of this scale, as at least one bay has been provided per single bedroom multiple dwelling.

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

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

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

Given that the subject land is within 400 metres to a bus stop along Newcastle Street and 600 metres to the railway station, and that one bay has been provided per single bedroom, multiple dwelling, the proposal is considered to address the above mentioned performance criteria.

In light of the above, the provision of seven bays is considered to be sufficient in this instance.

The adjoining, eastern neighbours raised concerns regarding the width of the driveway and the width of the car parking bays. However, the driveway has been increased from 3 metres to 4 metres on the amended plans, which complies with the R-Codes acceptable development requirements. Furthermore, three of the car parking bays have been conditioned in order to comply with the required widths requirements.

Other requirements

It should also be noted that the subject land abuts a commercial/ mixed use precinct, which could generate elevated noise levels. Health Services have advised that the standard condition relating to noise should be included on the title. A standard condition has been recommended to this effect.

Conclusion

Although a significant amount of variations are proposed, most of them are considered minor, and the majority of the variations are considered to adequately address the relevant performance criteria in the R-Codes. It should be highlighted that the R-Codes were developed to be performance based, and to allow a flexible approach to development, if the applicants can demonstrate that the proposal meets the relevant performance criteria under each section of the R-Codes. The R-Codes were not developed to restrict development to comply solely with the acceptable development requirements.

It should also be noted that the scale of the development is considered appropriate in an inner city area that is within close proximity to commercial uses, and an area that has been designated in the Oxford Centre Precinct as being on the brink of the inner and outer core area, which is predominantly characterised by commercial, business and retail land uses.

In light of the above, and given the surrounding commercial developments in the locality, the supply of public transport, and the significant reduction in the size of the proposal from nine (9) single bedroom, multiple dwellings down to six (6) single bedroom, multiple dwellings, the proposal is considered to represent a reasonable redevelopment of the subject land.

In this instance, as highlighted in the report, most of the proposed variations to the R-Codes are considered to adequately address the relevant performance criteria. It is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.2 Further Report - No. 348 (Lot 32) Lord Street, Highgate – Proposed Two (2) Two-Storey Multiple Dwellings and One (1) Two-Storey Single Bedroom Multiple Dwelling with Basement Carparking and Stores

Ward:	South	Date:	1 October 2003
Precinct:	Banks, P15	File Ref:	PRO 2267; 00/33/1588
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the applicant Team Architects Australia Pty Ltd on behalf of the owners M and E Kemeny for the proposed two (2) two-storey multiple dwellings and one (1) two-storey single bedroom multiple dwelling, with basement carparking and stores, at No. 348 (Lot 32) Lord Street, Highgate, and as shown on plans stamp-dated 27 June 2003, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) non-compliance with the building height, boundary setbacks, store, access and car parking and single bedroom dwelling plot ratio requirements of the Residential Design Codes;*
- (iii) multiple dwellings are not permitted in the Banks Precinct; and*
- (iv) in consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (7-1)

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

(Cr Ker was an apology for the meeting.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 9 September 2003 resolved that the Item "*Lie on the table*" pending further investigation concerning the classification of multiple dwellings and whether these are permitted in the Banks Precinct.

Under Clause 20 (4) (g), of Town of Vincent Town Planning Scheme No.1, multiple dwellings are not permitted in the Bank's Precinct P 15.

A similar proposal was considered by the Council at its Ordinary Meeting held on 9 May 2000, for development at No.53 (Lot 90) Joel Terrace Corner Westralia Street, East Perth, also in the Banks Precinct. The proposal was for three grouped dwellings, with part of the three storey dwellings being constructed over the adjoining dwelling (unit 2). A condition of planning approval was recommended by the officers which required that revised plans be submitted depicting no part of the three-storey dwelling being constructed over the adjoining dwelling. This condition was deleted by Council.

At the Ordinary Meeting of Council held on 23 June 1997, the Council approved 13 double storey grouped dwellings and 16 two storey multiple dwellings with undercroft carparking at Nos. 228-252 (Lot3) Bulwer Street, Corner Lake and Primrose Streets, Perth. The undercroft carpark overlaps below the proposed multiple dwellings.

In both the above developments, the buildings that have been approved by the Council did overlap in some form.

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

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the applicant Team Architects Australia Pty Ltd on behalf of the owners M and E Kemeny for the proposed two (2) two-storey multiple dwellings and one (1) two-storey single bedroom multiple dwelling, with basement carparking and stores at No. 348 (Lot 32) Lord Street, Highgate, and as shown on plans stamp-dated 27 June 2003, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) non-compliance with the building height, boundary setbacks, store, access and car parking and single bedroom dwelling plot ratio requirements of the Residential Design Codes;*
- (iii) multiple dwellings are not permitted in the Banks Precinct; and*
- (iv) in consideration of the objections received.*

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Chester

That this Item "LIE ON THE TABLE" for further investigation concerning the classification of multiple dwellings and whether these are permitted in the Banks Precinct.

CARRIED (7-0)

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

FURTHER REPORT:

Plot Ratio

Under the acceptable development criteria of the Residential Design Codes (R Codes), the maximum plot ratio is 60 square metres. The plot ratio proposed for the single bedroom dwelling is 72 square metres. The Town in the past has consistently applied this 60 square metres requirement, and it is considered that there is no valid justification why this should be increased to accommodate this development.

Windows on Wall Facing Side Boundaries

There is only one window on the wall facing the south-west side boundary. This is however a stairway window. As this window is not an opening to a habitable room/or a major opening, the window has no implications in terms of privacy or the need for greater setback than normally required.

Stores

The R Codes require the minimum dimension for a store to be 1.5 metres. The justification by the applicant that "the location and access to the stores is considered practical, and therefore the variation in the WIDTH (or Minimum Dimension) of the store is requested" is considered not a valid justification as the site is a vacant lot and the above store requirement could be achieved.

Height

The additional height of 7.2 metres, in lieu of 6 metres, is considered unacceptable, and would contribute to the overall bulk and scale of the proposal as stated in the report. The amount of additional height proposed is not considered necessary.

Garage Width

It is acknowledged that the entire internal width of the garage is in compliance; however, the Town's Engineering Services have advised that the width of proposed garage 3 between the piers is required to be 2.4 metres in lieu of 2.32 metres. It is considered that there is opportunity to alter the design to accommodate this minor variation.

Executive Manager Environmental and Development Services Comments:

The subject property is located within the Banks Precinct. As stated in the previous Agenda report, the dwellings are vertically above part of another dwelling; therefore they are classified as multiple dwellings, which are not permitted in the Banks Precinct.

The Town previously received legal advice from its solicitors, Minter Ellison, on a similar matter in the Hyde Park Precinct where multiple dwellings are also not permitted in that precinct. In correspondence dated 15 February 2002, Minter Ellison states the following:

"...any development application for multiple dwellings ... would not fall within the scope of clause 40(1)(a) and would not be a 'non-complying application' for those purposes...as it involves a prohibited use...In our view, the Town would need to effect a scheme amendment to facilitate the development of multiple dwellings on the ...land"

The contents of the above correspondence dated 15 February 2002 from Minter Ellison also applies to the Banks Precinct and the subject property.

LANDOWNER: M & E Kemeny
 APPLICANT: Team Architects Australia Pty Ltd
 ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 – Residential R60
 EXISTING LAND USE: Vacant Land

COMPLIANCE:

Use Class	Multiple dwelling
Use Classification	Not Permitted in Banks Precinct
Lot Area	556 square metres

Requirements	Required	Proposed
Ground floor setbacks		
Side (north)-stairs	1.5 metres	Nil to 3.525 metres
-garage	1.5 metres	Nil
-lounge	1.5 metres	1.0 metre
Side (south)-stairs	1.5 metres	Nil to 1.0 metre
-garage	1.5 metres	Nil
-lounge	1.5 metres	1.0 metre
Lower floor setbacks		
Side (north)-garage	1.5 metres	Nil
Upper floor setbacks		
- Side (north)	2.3 metres	Nil to 1.0 metre
- Side (south)	2.0 metres	Nil to 1.0 metre
Height - wall	6 metres	7.2 metres
Plot ratio for single bedroom dwelling	60 square metres	72 square metres
Length of store	1.5 metres	1.0 metre

SITE HISTORY:

The site is currently a vacant lot.

DETAILS:

The applicant proposes two (2) two-storey multiple dwellings and one (1) two-storey single bedroom dwelling, with basement carparking and stores. The lots front onto Lord Street, with vehicular access being proposed via an unsealed 4 metres wide, Town-owned rear right of way (ROW).

CONSULTATION/ADVERTISING:

The proposal was referred to the Western Australian Planning Commission (WAPC) with respect to the road widening requirement along Lord Street, which affects the above site. The road widening requirement along the frontage of the above site is five (5) metres wide. The WAPC has not objected to the proposal, as it complies with the 5 metres road widening requirements and notes that it would affect part of the front courtyard for the single bedroom unit.

The proposal was advertised in accordance with the Town's Community Consultation Policy and the Residential Design Codes. At the end of the 14 days advertising period, two submissions objecting to the proposal were received. The issues raised are summarised as follows:

- *The proposed setback variations would have an adverse impact on the lifestyle of adjoining owners with the feeling of being boxed as a result of the development.*
- *Height of wall at 7.2 metres is far too high.*
- *Length of store should be 1.5 metres in length.*
- *Boundary fence is far too high and long. Minimum height of wall should be 1.8 metres, if the boundary fence is to be removed.*
- *Paving of ROW should start from Marlborough Street to the rear of the development site.*

In support of the application, the applicant has provided a detailed submission, which has been summarised as follows and also attached to this report:

- *Site is quite narrow with a 12.19 metres frontage and due to the narrowness, it is essential to build to the boundaries. There are no windows on the walls on the boundaries.*
- *Proposed carparking dimensions are considered adequate.*
- *The areas for the stores comply with the 4 square metres requirements. The location and access to the stores is considered practical, and therefore the variation to the length of the store is requested.*
- *The single bedroom dwelling (studio unit) is to provide limited accommodation for one or two persons and complies with the acceptable development requirements of the R Codes including the provision of a high level of accommodation.*
- *Great care has been taken not to overshadow adjoining properties. No views are obstructed. The variation to the wall height requirement of 6.92 on the north and 6.8 metres on the south, in lieu of 6 metres, is considered minor and of no practical significance to anyone. The height of the walls on the boundary would vary from the adjoining lots due to the slope on the adjoining lots. It is to be noted that the pertinent walls are located 3.525 metres from the common side boundaries. The objection to these wall are considered not valid.*
- *The applicant is aware that the paving of the ROW at the rear to the property would be imposed by the Town by way of a condition.*

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Multiple dwellings

As the dwellings are vertically above part of another dwelling, they are classified as multiple dwellings, which are not permitted in the Banks Precinct. In light of the general design and intent of the proposal, it has been assessed under the grouped dwellings standards, which are more stringent when compared with the multiple dwellings requirements.

Lower floor northern side setback

The Residential Design Codes (R-Codes) require a setback of 1.5 metres from the side boundary, whereas the applicant proposes a nil setback. Most of this section of the wall is below ground and the setback variation is acceptable, as it will not unduly affect the amenity of the adjoining lot.

Ground floor northern side setback

The R Codes require this wall to be setback 1.5 metres from the boundary, whereas the applicant proposes a setback of between nil to 3.525 metres in distance. The setback variation is considered minor and will not unduly affect the amenity of the adjoining lot, being the ground floor.

Upper floor northern side setback

The R Codes require a 2.3 metres setback for this elevation and the applicant proposes a setback of between nil to 1.0 metre. It is considered that the upper level will have an undue impact on the affected neighbour with respect to a reduction in amenity. The length of the wall taken to calculate setbacks is 16.4 metres. The applicant has an opportunity to redesign the dwellings to comply with the R-Codes, being a vacant site at present.

Ground floor southern side setback

The applicant proposes a reduced setback to this boundary of between nil to 1.0 metre in lieu of 1.5 metres from the boundary. The setback variation is considered minor and will not unduly affect the amenity of the adjoining lot being the ground floor.

Upper floor southern side setback

The proposed setback is between nil to 1.0 metre, in lieu of 2.0 metres. It is considered that the upper level will have an undue impact on the affected neighbour with respect to a reduction in amenity. The length of the wall to calculate setbacks is 14 metres. The applicant has an opportunity to redesign the dwellings to comply with the R-Codes.

Plot ratio

The plot ratio proposed for the single bedroom dwelling is 72 square metres in lieu of 60 square metres. The Town in the past has consistently applied this 60 square metres requirement, and it is considered that there is no valid justification why this should be increased to accommodate this development.

Garage Width and ROW

The applicant proposes a combined garage and store area at ground level. The Town's Engineering Services have advised that from the plans submitted, the width of proposed garage 3 is 2.32 metres in lieu of 2.4 metres. The variation is not supported.

The comments raised in relation to the paving of the ROW from Marlborough Street to the rear of the above property is supported, due to the location of the existing bollards.

Stores and laundry

Stores 4 square metres in area with a minimum dimension of 1.5 metres are required to be provided for each dwelling proposed. The site is a vacant lot and the above store requirements should be complied with.

The Town's Health Services have advised that the ground floor laundry requires to be screened from the kitchen by means of bi-fold door or the equivalent.

Overshadowing

The proposal complies with the overshadowing requirements of the R Codes as demonstrated in the attached drawings.

Height

The R Codes also state that the maximum wall height for two storey developments is to be 6 metres. The proposed wall height is 7.2 metres at the highest point. The amount of additional height proposed is not considered necessary. In order to reduce the visual impact of the development to an acceptable level, such that it would not have an undue adverse affect on the amenity of the area, the wall height should be limited to 6.0 metres above the natural ground level in accordance with the R Codes.

Should the applicant/owner consider lodging a new development application for the above site, the design must ensure that buildings are not vertically above part of another dwellings, as defined in the R Codes

It is considered that the proposal will generally have an adverse impact on the amenity of the area, mainly in terms of the building wall height, setbacks, plot ratio and carparking standards. It is therefore recommended that the application be refused for these non-compliances."

10.1.5 No. 42 (Lot 101) London Street, North Perth – Proposed Two (2)-Storey Single House

Ward:	North	Date:	30 September 2003
Precinct:	North Perth, P8	File Ref:	PRO 2440; 00/33/1732
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant D Arkeveld and P Kalogeracos on behalf of the owners P and S Kalogeracos for proposed two (2)-storey single house on No. 42 (Lot 101) London Street, North Perth, and as shown plans stamp-dated 27 August 2003, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$880 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;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (viii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) driveway and crossover being a minimum width of 5.5 metres for adequate maneuvering area from the garage;*
 - (b) the solid front wall adjacent to London Street incorporating a minimum of two design features to comply with Town's Policy relating to Street Walls and Fences; and*

- (c) *the garage being setback behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like), by a minimum of 0.5 metre;*

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

- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the south side of the deck shall be screened with a permanent obscure glazing and 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; and*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 1, bath and bedroom 3 on the eastern 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. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

LOST (0-8)

(Cr Ker was an apology for the meeting.)

Reasons:

- 1. Concessions requested conflict with the Town Planning Scheme and Residential Codes.**
- 2. Loss of amenity.**
- 3. Non-compliance with setbacks.**
- 4. Overshadowing.**
- 5. Consideration of objectives received.**

FURTHER REPORT:

Overshadowing

There was a slight discrepancy of the overshadowing presented by the applicant as they did not take into account the angle that the shadow would cause as the property is not orientated directly north - south. As such, the overshadowing is slightly increased from 41.84 to 51.32 square metres. This equates to an increase from 12.4 to 15.3 percent. As stated within the report, the Residential Design Codes (R-Codes) stipulate that the shadow cast onto the adjoining property must not exceed 35% of the total site area. The overshadowing therefore complies with the requirements of the R-Codes and is considered acceptable.

Overshadowing only affects the property to the south. The property to the north will not be affected by any overshadowing from this proposal.

Decking - setback, privacy and noise

As stated within the report, the decking does not comply with the R-Codes setback requirement for visual privacy, which is 7.5 metres. However, in order to comply with potential overlooking, screening to a minimum height of 1.6 metres is proposed for the southern elevation as a condition of approval. With this in mind, the setback for the decking area can be treated as a wall without a major opening and as such the R-Codes require a 1.5 metre setback. The proposed setback is 1.0 metre, which is not considered to be an excessive variation, given there will be no potential overlooking, however an increased setback would reduce the visual bulk. The section of decking facing east should also be screened to a minimum height of 1.6 metres to negate any potential overlooking into the neighbouring property. The Compliance Table presented within the report should be amended as follows:

Requirements	Required	Proposed
Privacy Assessment Deck	7.5 metres to boundary or screening to 1.6 metres above finished floor level.	2.9 metres 1.0 metre to south boundary and 6.3 metres 5.0 metres to west boundary (London Street boundary)

The proposed screening to the southern and eastern elevation is considered appropriate to adequately protect the privacy of the adjoining property. Additional screening to the elevation of decking that faces London Street is not required as the potential overlooking, when utilizing the R-Code's cone of vision, only overlooks an area on the adjoining southern property that contains the existing garage and crossover. Screening to the southern and small section of eastern elevation of the decking will prevent overlooking into sensitive areas of the adjoining property and as such clause (ix) within the report remains valid. This clause however, should also refer to screening on the eastern side of the decking to adequately protect the reasonable privacy of the adjacent residents.

Section 3.8 of the R-Codes includes reference to Acoustic Privacy, however there are no performance criteria or acceptable development standards relating to acoustic privacy. Screening of the southern elevation of the decking may aide in reducing potential noise, however there are no specific requirements for protecting the neighbouring property in terms of acoustic privacy.

Open Space

Table 1 of the R-Codes requires the provision of 45 percent open space for this property. The proposal provides approximately 60 percent open space, therefore complying with this provision of the R-Codes. The deck area was not included within the open space calculation, although the R-Codes do allow the deck area to be included.

Submissions

A total of four submissions were received during consultation. It should be noted that the Executive Manager Environmental and Development Services allowed for an extra two weeks consultation, during which time two submissions were received. The main issues have been summarized within the report. A copy of the submissions have been provided separately to the Elected Members for their information.

LANDOWNER: P and S Kalogeracos
APPLICANT: D Arkelveld and P Kalogeracos
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks East Ground Floor (Laundry, WC, Store, Kitchen, Dining)	1.5 metres	1 metre (Applicable to Laundry and WC)
Garage	6 metres from the frontage street, or behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like)	5.2 metres; in line with front main building wall
Privacy Assessment Deck	7.5 metres to boundary or screening to 1.6 metres above finished floor level	2.9 metres to south boundary and 6.3 metres to west boundary

Use Class	Single House
Use Classification	"P"
Lot Area	323 square metres

SITE HISTORY:

The subject lot was granted subdivision approval on 11 March 2003 by the Western Australian Planning Commission as part of the subdivision of No. 54 Hobart Street.

DETAILS:

The applicant seeks approval for a two storey-single house with access and orientation towards London Street. The proposal generally complies with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies, with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

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

"...1st floor terrace of huge proportions overlooking directly into my private courtyard.

No coverage or screening off at all...I also feel that the house...would not be in keeping with the rest of the suburb."

The second letter raises the following points;

"Firstly we believe that a building of a two storey house on this block will have a significant affect on the level of privacy. This affects our back rooms and courtyard area but more importantly, our neighbours Mr & Mrs Terry who live directly behind us.

Secondly, the building of a two storey home so close will block a significant amount of light for both our homes at 52 Hobart St.

Finally, we believe the proposal to build a two storey home instead of a single storey is not consistent with the surrounding dwellings. The majority of surrounding blocks are not two storey, only single storey, older style homes."

The proposal abuts London Street, which is classified as an Other Regional Road (ORR) Reservation and as such the application was referred to the Department of Planning and Infrastructure (DPI) for comments. In the letter dated 5 August 2003, the DPI state that: *"Given the minor nature of the proposed development the Department raises no objection."*

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Nature of Development

The proposal is not affected by Amendment No. 11 for the Eton Locality, as it is a green title lot that has been through the subdivision process with titles issued. The proposal therefore represents a single house development on a green title lot.

Overshadowing

An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 54 Hobart Street. The outcome of this assessment established that a total of 41.84 square metres of the adjoining property will be overshadowed. This equates to 12.4 percent. This is considered to be within the requirements as per the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 35 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

East Side Setback

The proposed setback variation corresponds with the lower floor of the proposed residence and is applicable to the laundry and WC. The setback requirement is 1.5 metres. The total length of wall that does not comply is 5 metres and is non-compliant by 0.5 metre. This variation is not considered to be excessive and, being on the ground floor, is not deemed to cause undue impact to the amenity of the east neighbour. The setback variation is therefore considered acceptable.

Deck

The proposed deck lies above the garage. The south facing side of the deck does not comply with the setback requirement of 7.5 metres as stipulated in the Residential Design Codes. In order to achieve compliance, the deck is required to be screened along the south side to 1.6 metres. The screening material should be obscure glazing to reduce the visual impact on the streetscape. This is reflected in the recommended conditions. The west facing component of the deck faces London Street and therefore is not considered to cause any undue impact to the amenity of adjoining or surrounding properties.

Garage

The garage is currently proposed to follow the same street setback distance as the front main building wall of 5 metres. The Town's Policy relating to Street Setbacks states: "*Garages setback 6 metres from the frontage street or behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like)...*" To achieve the intent of Town's Policy, the garage has been conditioned to be setback a minimum distance of 0.5 metre behind the main building wall.

Response to Objections

In both letters submitted, concern is raised regarding privacy and overlooking. All windows facing east have been conditioned to be obscured to a minimum sill height of 1.6 metres or modified to become minor openings, which is achieved by reducing the area of the window to 1 square metre. This would not allow for viewing into the eastern adjoining property. Screening to the south facing side of the deck eliminates all undue overlooking potential to the south adjoining property from the south elevation.

With reference to the statement relating to loss of light, an assessment of the overshadowing in accordance with the Residential Design Codes indicates that the amount of overshadowing is within an acceptable standard.

The two-storey nature of the proposed development is permitted within the Town, provided that it complies with the height and front setback requirements. In this case, compliance has been achieved.

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

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

Ward:	South	Date:	30 September 2003
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO1151; 00/33/1784
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

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

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

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

to the satisfaction of the Chief Executive Officer; and

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Lake, Seconded Cr Farrell

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

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

FURTHER REPORT:

Carparking

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

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

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

Commercial Car Parking Requirements

Requirements as per Parking and Access Policy	Required No. of Carbays
Eating House (restaurant): 1 carbay per 4.5 square metres of gross floor area (proposed 55 square metres)	12.22 carbays
Total carparking required before adjustment factor (nearest whole number)	12 carbays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of one or more public car parks in excess of 50 25 spaces) 	(0.646) 7.752carbays
Carparking provided on site for commercial component	3 carbays
Resultant shortfall	4.752 carbays

Facade

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

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

COMPLIANCE:

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

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

SITE HISTORY:

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

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

DETAILS:

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

- The applicant seeks approval for the part demolition of existing building and increasing the ground floor space to accommodate the eating house. There are to be six (6) employees including the applicant who intends to live on the upper floor. The times of operation are Tuesday to Sunday from 9am to 12 pm. All alterations will be in keeping with the original character of the building. A non-objection submission has been included with the submission from the adjoining owners to the south in relation to the parapet wall and the use of the rear of their property for access rights.
- Option 1 is the preferred option over option 2 as per the attachment. The applicants have advised that similar type front walls have been built for the "Must Wine Bar" at No. 519 Beaufort Street and at another development at No. 446 Beaufort Street.

CONSULTATION/ADVERTISING:

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

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

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

LEGAL/POLICY:

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

COMMENTS:

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

Commercial Car Parking Requirements

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

Residential Carparking and Access

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

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

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

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

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

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

Facade

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

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

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

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

Overshadowing

Not applicable as the upper floor is an existing building.

Demolition

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

Summary

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

10.1.1 Further Report- No. 10 (Lot 11) Marian Street, Leederville–Demolition of Existing Single House and Construction of a Two-Storey Single House

Ward:	North	Date:	25 September 2003
Precinct:	Leederville, P3	File Ref:	PRO 2394; 00/33/1685
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Anthony Rechichi Architect on behalf of the owners R and D Schairer-Vertannes for proposed demolition of the existing single house and construction of a two-storey single house at No. 10 (Lot 11) Marian Street, Leederville, and as shown on the amended plans stamp-dated 28 August 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town’s Technical Services Division;*
- (iii) a road and verge security 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;*
- (iv) the construction of crossovers shall be in accordance with the Town’s specifications;*
- (v) prior to the first occupation of the development, redundant or ‘blind’ crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town’s Technical Services Division, at the applicant’s/owner(s)’ full expense;*
- (vi) street trees will only be removed with the written consent of the Town’s Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) no fence exceeding a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Marian Street, including within the front setback area, being a maximum being height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
 - (b) the parapet wall on the western side being an average height of 3 metres, and a maximum height of 3.5 metres, in accordance with the Residential Design Codes acceptable development requirements;*

- (c) *the parapet wall on the eastern side being a maximum height of 3.2 metres, as indicated on the amended floor plans dated 28 August 2003;*
- (d) *the balcony being deleted, as indicated on the amended floor plans dated 28 August 2003; and*
- (e) *the garage and crossover being deleted from the front, and two car parking bays and vehicular access being provided off the right of way at the rear of the subject land;*

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

- (viii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*

- (a) *the western and eastern sides of the balcony on the upper floor; and*
- (b) *the eastern facing window to the study on the upper floor;*

shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so it is are not considered to be a major opening as defined in the Residential Design Codes 2002;

- (ix) *subject to first obtaining the consent of the owners of No. 12 and No. 8 Marian Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 12 and No. 8 Marian Street, in a good and clean condition;*
- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xii) *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;*

(xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.1

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

LOST (3-5)

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

(Cr Ker was an apology for the meeting.)

Reasons:

1. **Non-compliance with setbacks.**
2. **Parapet walls do not comply.**
3. **Lack of interaction with the streetscape.**
4. **Not the intent of the locality statement for the area.**

FURTHER REPORT:

The Council at its Ordinary Meeting (OMC) held on 9 September 2003 received a report relating to a proposed development of a single house on the subject land. The application was deferred at the applicant's request, and in an e-mail dated 24 September 2003, the applicant's requested that the matter be considered by Council at the OMC to be held on 7 October 2003.

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

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Anthony Rechichi Architect on behalf of the owners R and D Schairer-Vertannes for proposed demolition of the existing single house and construction of a two-storey single house at No. 10 (Lot 11) Marian Street, Leederville, and as shown on the amended plans stamp-dated 28 August 2003, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services Division;*
- (iii) *a road and verge security 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;*
- (iv) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *no fence exceeding a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Marian Street, including within the front setback area, being a maximum being height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
 - (b) *the parapet wall on the western side being an average height of 3 metres, and a maximum height of 3.5 metres, in accordance with the Residential Design Codes acceptable development requirements;*
 - (c) *the parapet wall on the eastern side being a maximum height of 3.2 metres, as indicated on the amended floor plans dated 28 August 2003;*
 - (d) *the balcony being deleted, as indicated on the amended floor plans dated 28 August 2003; and*
 - (e) *the garage and crossover being deleted from the front, and two car parking bays and vehicular access being provided off the right of way at the rear of the subject land;*

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

- (viii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
 - (a) *the western and eastern sides of the balcony on the upper floor; and*
 - (b) *the eastern facing window to the study on the upper floor;*

shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so it is are not considered to be a major opening as defined in the Residential Design Codes 2002;

- (ix) subject to first obtaining the consent of the owners of No. 12 and No. 8 Marian Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 12 and No. 8 Marian Street, in a good and clean condition;*
- (x) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xii) 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;*
- (xiii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (ix) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Cohen

That this item be DEFERRED as requested by the applicant.

CARRIED (7-0)

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

FURTHER REPORT:

Further to the applicant's letter of justification, dated 8 September 2003, promoting vehicular access from the primary street, it should be noted that several properties along Marian Street gain vehicular access via the primary street. However, the majority of the street does not have any vehicular access points from Marian Street.

Notwithstanding the above, the purpose of the Town's Street Setback and Vehicular Access Policies is to encourage vehicular access from the right of way, where possible, in order to protect the amenity of the streetscape, while promoting active interaction between the dwelling and the street and casual surveillance between the dwelling and the street and right of way.

Furthermore, even with parking from the right of way at the rear, there will still be sufficient space for an outdoor living area, with a northerly aspect.

In light of the Town's Policies, it is therefore recommended that the proposal be redesigned so that vehicular access is provided from the right of way at the rear of the subject land, as required in clause (vii)(e) of the Officer Recommendation.

LANDOWNER: R and D Schairer-Vertannes
APPLICANT: Anthony Rechichi Architect
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

<i>Use Class</i>	<i>Single House</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area</i>	<i>587 square metres</i>

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Setbacks:</i>		
<i><u>Ground Floor</u></i>		
<i>Eastern Side</i>	<i>3 metres</i>	<i>1.5 metres</i>
<i><u>Upper Floor</u></i>		
<i>Eastern Side</i>	<i>4.6 metres</i>	<i>1.7 metres</i>
<i>Cone of Vision Encroachments:</i>		
<i>Balcony (Upper Floor-Western Side)</i>	<i>7.5 metres</i>	<i>3.6 metres</i>
<i>Street Walls and Fences</i>	<i>In the front setback area, walls may be solid to 1.2 metres, and shall be visually permeable above, to 1.8 metres.</i>	<i>Solid wall to 1.8 metres in the front setback area and along the eastern side boundary.</i>
<i>Boundary Walls</i>	<i>One boundary wall is permitted with an average height of 3</i>	<i>3.2 metres maximum height for eastern boundary wall.</i>

	<i>metres and a maximum height of 3.5 metres, for 2/3 length of boundary.</i>	<i>Two boundary walls are proposed, one wall each on the eastern and western sides.</i>
<i>Vehicular Access</i>	<i>Vehicular access should be from the right of way.</i>	<i>Vehicular access from the primary street.</i>

SITE HISTORY:

The site currently supports a single storey single house.

The right of way that runs along the rear of the subject land, is privately owned, unsealed and 5.02 metres wide. Vehicular access is not proposed from the right of way.

DETAILS:

The applicant seeks approval to demolish the existing single house and to construct a new two-storey single house.

Amended plans were received on 28 August 2003, addressing some of the eastern neighbour's concerns.

CONSULTATION/ADVERTISING:

The proposal was advertised from 16 July 2003 to 30 July 2003.

Two submissions were received during the advertising period, being one objection and one letter of non-objection subject to conditions. Both submissions have been summarised below:

- The neighbour across the street at No. 9 Marian Street objects to the proposal due to the proposed setback variations, cone of vision encroachments, boundary walls and streetscape issues (refer to the attached submission - Attachment 1). The solid, front wall, with a total height of 1.8 metres, is not considered acceptable, however this issue has been addressed through a standard condition in the Officer Recommendation, thus bringing the fence into compliance with the Residential Design Codes (R-Codes) and Town's Policy. However, the privacy issues, side setback variations and boundary wall heights do not affect the neighbour across the road, and those neighbours that are directly affected have not objected to such variations. In light of the above, the proposal is not considered to create an undue, adverse impact on No. 9 Marian Street.*
- The affected, eastern neighbour at No. 8 Marian Street does not object to the proposal, subject to the 3.8 metres high parapet wall on the eastern boundary complying with the R-Codes acceptable height requirements, and the balcony being appropriately screened on the eastern side. Accordingly, conditions have been recommended to this effect.*

Following the above submission from No. 8 Marian Street, the applicants lodged amended plans on 28 August 2003, addressing some of the above mentioned concerns. The amended plans reduced the height of the parapet wall from 3.8 metres to 3.2 metres on the eastern side, and addressed the privacy issues on the eastern side by screening the balcony and study.

Given these changes, the adjoining neighbour signed the plans, and advised in writing that he no longer raises any concerns to the proposed development.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

A detailed heritage assessment is contained in the Appendix 10.1.11.

The subject dwelling is dated circa 1913 and represents a part of the building stock built during the late Gold Rush period of 1890-1910. The dwelling has a metal roof, is constructed of brick and follows the standard four-roomed plan, with central hallway, rear skillion and front verandah extending the length of the facade. The place has undergone a number of alterations, mostly in the 1930s when windows and decorative features were changed or added to 'modernise' the aesthetics of the dwelling.

As a relatively early dwelling constructed in Leederville during the late Gold Rush period, the place has little to some historic significance.

However, it is not considered that the place warrants consideration for listing on the Municipal Heritage Inventory and as such, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions. The subject dwelling contributes to the streetscape in terms of traditional setbacks, building style and proportion.

Eastern side setback variation- Ground Floor

The applicants are seeking a setback variation of 1.5 metres, in lieu of 3 metres, to the ground floor on the eastern side. In this instance, the setback requirement is slightly greater than "normal" for habitable spaces on the ground floor, due to the 4 metres height of the ground floor, dining, kitchen and alfresco area at the rear.

Although the above mentioned reduced setback seems like a significant variation, the neighbour has not objected to the proposed variation, and the proposal does not overlook, or overshadow this neighbour.

In light of the above, the proposal is not considered to create an undue, adverse effect on the adjoining neighbour, and approval is therefore recommended.

Front Setback Variation- Upper Floor

The applicants previously sought a setback variation to the balcony at the front, on the upper floor, of 5 metres in lieu of the required 6 metres. However, the amended plans dated 28 August 2003 have deleted the non-compliant section of the balcony, therefore, the front setbacks now comply with the Town's Leeder Locality Policy Statement.

Front Walls and Fences

Pursuant to the Town's Policy in relation to Street Walls and Fences, front walls and fences within the primary street setback should be visually permeable 1.2 metres above the adjacent footpath level.

The proposal represents a variation to this requirement, as a 1.8 metre high wall is proposed within the front setback area, 3.5 metres back from the front boundary, and along the eastern side boundary, right up to the front boundary line.

Accordingly, a condition has been recommended for both walls to be visually permeable above 1.2 metres.

Cone of Vision Encroachment

A cone of vision encroachment is proposed from the balcony on the western side, as mentioned in the above Compliance Table. However, this variation has been addressed through a standard privacy condition.

Although there are no cone of vision encroachments on the eastern side, a standard privacy condition has been recommended to ensure that the study and balcony on the eastern sides are appropriately screened to prevent overlooking.

Eastern side setback variation- Upper Floor

The applicants are seeking a setback variation of 1.7 metres, in lieu of 4.6 metres, to the upper floor, eastern side. In light of the above mentioned amendments, the study and balcony are now minor openings, therefore the setback requirement is 2.2 metres.

In light of this, and given that the neighbour does not object to the proposed setback variation, the proposal is not considered to unduly impact on the amenity of the adjoining, eastern property. Approval is therefore recommended.

Buildings on Boundary

The proposal also includes a variation to the height of the parapet wall on the eastern side, as the wall is 3.2 metres in height, in lieu of the 3 metres average height. Also, two parapet walls are proposed on the subject land.

The eastern neighbour raises no objections to the height of the wall at 3.2 metres, and given that the wall does not overshadow the eastern side, this variation is considered supportable. However, a standard condition has been imposed on the approval to ensure that this wall is 3.2 metres maximum height, as the elevation plans do not correctly reflect the height of this wall.

Additionally, given that the western boundary wall does not exceed the acceptable development requirements, nor does it overshadow the adjoining neighbours, the second parapet wall is therefore not considered to unduly impact on the amenity of the adjoining neighbours, or the area generally. Furthermore, the adjoining, western neighbour did not comment in writing on the proposed development during the advertising period.

Notwithstanding the above, a condition has been recommended to ensure that the parapet wall on the western side is constructed in compliance with the Residential Design Codes (R-Codes) acceptable height requirements.

In light of the above, the above variations are considered to be generally acceptable.

Vehicular Access

The Town's Policy relating to Vehicular Access, states that, "front setbacks areas are to be landscaped and preferably devoid of parking spaces. Where available, on-site parking to be accessed from a right-of-way". the requirement is also reflected in the Town's Policy relating to Street Setbacks.

Although the proposed garage is setback sufficiently from Marian Street, in accordance with the R-Codes setback requirements and the Town's Policies, there is sufficient space at the rear for vehicle parking to be provided off the right of way. Also, there is not a predominance in the existing streetscape of vehicular access from the primary street.

In light of the above, and given the requirements of the Town's Policies relating to Vehicular Access and Street Setbacks, it is therefore recommended that the garage and vehicular access be re-designed to be provided from the right of way at the rear of the subject land.

Conclusion

Given that conditions have been recommended to address the relevant neighbours concerns, and that the proposal complies with the R-Codes overshadowing requirements, it is considered that the proposal will generally have no unreasonable, detrimental impact on the amenity of the area, or adjoining neighbours.

Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters".

10.1.8 No. 3 (Lot 115) Primrose Street, Perth - Proposed Garage Door Addition to Existing Single House

Ward:	South	Date:	1 October 2003
Precinct:	Hyde Park, P12	File Ref:	PRO 2134; 00/33/1830
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	R Rasiah	Amended by:	R Boardman

**EXECUTIVE MANAGER ENVIRONMENTAL AND DEVELOPMENT SERVICES
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 the Streetscape requirements of the Residential Design Codes and the Town's Policy relating to Street Setbacks;*

the Council REFUSES the application submitted by the owner R L Mead for the proposed garage door addition to existing single house at No. 3 (Lot 115) Primrose Street, Perth , and as shown on plans stamp-dated 26 September 2003.

Moved Cr Cohen, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

LOST (3-5)

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

(Cr Ker was an apology for the meeting.)

Reasons:

- 1. Adjacent neighbours have been granted approval.**
- 2. Valid security issues raised.**
- 3. Street surveillance addressed with other design features.**

ALTERNATIVE RECOMMENDATION:

Moved Cr Cohen, Seconded Cr Chester

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 R Mead for the proposed garage door addition to existing single house at No. 3 (Lot 115) Primrose Street, Perth , and as shown on plans stamp-dated 26 September 2003, subject to;

- (i) the proposed garage door shall incorporate design features including twelve (12) permeable panels as depicted on the plans submitted by the applicant; and***
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;***

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Cohen

That the words "from 1.2 metres above grade" be inserted after the word "panels" in clause (i).

AMENDMENT CARRIED (7-1)

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

(Cr Ker was an apology for the meeting.)

Debate ensued.

Moved Cr Torre, Seconded

That the number of permeable panels be reduced from twelve (12) to four (4).

Mayor Catania ruled that the proposed amendment is not accepted as it will be negating the previous amendment.

Cr Farrell wanted it recorded that he did not want to appear to be compromising any resident or ratepayer's security of their residence or their property. Stated that in this particular case a roller door is not the only option to secure this particular property. Advised that he will not be voting in support of the alternative recommendation.

MOTION AS AMENDED CARRIED (6-2)

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

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner R Mead for the proposed garage door addition to existing single house at No. 3 (Lot 115) Primrose Street, Perth, and as shown on plans stamp-dated 26 September 2003, subject to;

- (i) the proposed garage door shall incorporate design features including twelve (12) permeable panels from 1.2 metres above grade as depicted on the plans submitted by the applicant; and*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: R L Mead
APPLICANT: R L Mead
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No. 1 – Residential R80
EXISTING LANDUSE: Single House
COMPLIANCE:

Use Class	Single House
Use Classification	“P”
Lot Area	178 square metres

Requirements	Required	Proposed
Garage	Garage not permitted within front setback unless open carport	Solid Garage Door

SITE HISTORY:

The site is occupied by a two storey single house. Condition (i) of the Planning Approval dated 9 October 2002 for a proposed two storey inclusive of loft single house, stated as follows:

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

At the Ordinary Meeting of Council held on 8 July 2003, the Council refused an application for a proposed garage door addition to existing single house.

DETAILS:

The proposed garage door is to be constructed in colour bond material. The applicant has proposed to install a garage door which incorporates four transparent panels at the top of the door. An example of the proposed door has been included as an attachment to this report.

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

"I am concerned about the safety issue. I need absolute privacy and full protection for my two vehicles to be housed at this address. My new Ford Falcon ute is often loaded with expensive equipment I need to carry in the course of my trade. My 1935 Hupmobile is a valuable vintage vehicle which I do not wish to display...Council has outlined concerns about aesthetics in the street... Other properties in the street with see through gates are not neat, offering views of garbage bins and other personal clutter in the carport. Whereas the houses with colourbond doors present a neat and attractive view from the street. Properties at lots 113 and 116, although not built yet have approvals for solid doors."

CONSULTATION/ADVERTISING:

No objections were received during the previous advertising period.

COMMENTS:

The subject garage/carport is 0.3 metre from the Primrose Street boundary and occupies 67 percent of the lot frontage width. The main dwelling is setback 4.2 metres on the ground floor and 2.2 metres (balcony) on the first floor, to Primrose Street.

The applicant has stated that Lots 113 and 116 Primrose Street, although not built yet, have approvals for solid doors. In relation to the above applications at No. 5 (Lot 113) and No. 1A (Lot 116), the respective Officer Recommendation required the carport/garage to be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling building wall(s) and boundary wall. This condition was deleted at the respective Ordinary Meetings of Council.

From the site inspection carried out along Primrose Street, it is evident that the majority of dwellings in the street incorporate solid garage doors located within the front setback area. All properties directly adjacent to the subject property also incorporate solid garage doors with the majority of the streetscape of Primrose Street being dominated by garage doors. The applicant has stated that he is prepared to install a garage door with eight (8) permeable panels to the satisfaction of the Town. Therefore, it is recommended that the proposal be approved subject to standard conditions, as follows:

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 R Mead for the proposed garage door addition to existing single house at No. 3 (Lot 115) Primrose Street, Perth , and as shown on plans stamp-dated 26 September 2003, subject to;

- (i) the proposed garage door shall incorporate design features, including twelve (12) permeable panels as depicted on the plans submitted by the applicant; and*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Executive Manager Environmental and Development Services Comments

The Town refused a similar application at the Ordinary Meeting of Council held on 8 July 2003 and has consistently recommended refusal for solid roller doors on Primrose Street in accordance with the requirements of the Town's Policy relating to Street Setbacks, and the Residential Design Codes.

The Town's Policy No. 3.2.4 relating to Street Setbacks does not permit garages, unless they can be accommodated without obstruction to views between street and house at ground level. Carports are acceptable, because they allow a clear view between public street and private dwelling. All garages are required to be setback at 6.0 metres from the frontage street, or at or behind the line of the front main building wall, to preserve and possibly enhance the streetscape.

Under the performance criteria of clause 3.2.3 of the Residential Design Codes, 2002, the setback of garages should not detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa. In addition, garages should be setback 4.5 metres from the primary street under the acceptable development standards.

As such, it is recommended that the proposal be refused.

11.2 Notice of Motion – Councillor Helen Doran-Wu- Community Visioning

That the Council:

- (i) authorises the Chief Executive Officer to invite representatives of the Hon. Minister for Planning and Infrastructure and the Department of Planning and Infrastructure to give a public presentation on the outcomes and implications of 'Dialogue in the City' and its relevance to the Town of Vincent; and*
- (ii) amends the Community Visioning brief to include in the timeframe section, a briefing to Elected Members on the terms of reference for the visioning process.*

COUNCIL DECISION ITEM 11.2

Moved Cr Doran-Wu, Seconded Cr Cohen

That the motion be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

10.1.10 No. 20B (Lot 23) (Strata Lot 2) Windsor Street, Perth – Proposed Two-Storey Single House with Basement

Ward:	South	Date:	30 September 2003
Precinct:	Banks P5	File Ref:	PRO2400; 00/33/1687
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme 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 setback requirements of the Residential Design Codes;*
- (iii) the non-compliance with the first floor setback requirements relating to "Norwood" Locality Plan; and*
- (iv) consideration of the objections received;*

the Council REFUSES the application submitted by the owner I Youll for proposed two storey single house with basement at No.20B (Lot 23) (Strata Lot 2) Windsor Street, Perth, and as shown on the plans stamp dated 22 September 2003.

COUNCIL DECISION ITEM 10.1.10

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

LANDOWNER: I Youll
APPLICANT: I Youll
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Vacant land

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	200 square metres

Requirements	Required	Proposed
Setbacks-		
Ground floor	4.0 metres	2.0 metres
First floor	6.0 metres	2.0 metres to verandah and 3.5 metres to main dwelling
East (ground floor)	1.8 metres	Nil
East (first floor)	3.0 metres	Nil
Wall height- East elevation	6.0 metres	6.3 metres

SITE HISTORY:

The subject site is vacant. There is a two storey single house located to the west of the subject site. The surrounding area is characterised by a mixture of single storey and two storey dwellings.

DETAILS:

Approval is sought for a proposed two storey single house with basement with its frontage to Windsor Street. In a letter dated 10 August 2003, the applicant has provided information in support of the application which is included as an attachment to this report.

CONSULTATION/ADVERTISING:

The proposal was advertised for 14 days from 4 September to 18 September 2003. There were two objection received during the advertising period. Issues raised included the proposed dwelling not being in keeping with the local area, the variations to setbacks and the elevations of the proposed dwelling.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

The setback variations to the east (parapet wall) are not supported as the parapet wall is 6.3 metres in height, and is considered to unduly impact the amenity of the area.

Front setbacks

The Residential Design Codes require a minimum setback of 4.0 metres to the ground floor and the Town's Policy relating to the "Norwood" Locality Plan requires a first floor setback of 6.0 metres. The development proposes a ground floor setback of 2.0 metres and first floor setback of 2.0 metres to 3.5 metres. As such, the proposal does not comply with the Town's requirements and the Residential Design Codes, and would unduly adversely affect the amenity of the area.

Wall height

The wall height on the eastern elevation measures 6.3 metres. If the Council were to approve the application, it should be reduced to 6.0 metres to comply with the Town's requirements.

Overshadowing

By virtue of the orientation of the property, the proposal will comply with the 'Solar Access for Adjoining Sites' provisions of the Residential Design Codes, such that the property will cast a shadow onto the Right of Way and the street and, as such, no adjoining lot will be in more than 35 percent shadow at noon on June 21 as a result of the development.

Summary

The proposal is considered to depart from the relevant requirements of the Residential Design Codes and the Town's requirements. The variations on the basis above are not supported and it is therefore recommended that the application be refused.

ITEM DEFERRED AT THE REQUEST OF THE APPLICANT

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

Ward:	North	Date:	30 September 2003
Precinct:	North Perth, P8	File Ref:	PRO2448; 00/33/1742
Attachments:	001		
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme 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 proposal's non-compliance with setbacks, privacy, open space, plot ratio, front fencing, store, on-site car parking for existing house and outdoor living area requirements of the Residential Design Codes; and*
- (iii) approval of the proposal would set an undesirable precedent for future development in the area;*

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

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

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Front (south) setback – upper level	6.0 metres	Minimum 1.5 metres to 5.9 metres
Eastern setback – upper level	1.5 metres	1.0 metre
Western setback – ground level	1.0 metre	Nil

Requirements	Required	Proposed
Cone of Vision		
Bedroom 3 window	4.5 metres	2.6 metres to northern boundary
Bedroom 2 window	4.5 metres	3.5 metres to eastern boundary
Balcony	7.5 metres	4.8 metres to eastern boundary
Plot Ratio	0.65	0.79
Open Space	45 per cent	43.5 per cent

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

SITE HISTORY:

The site is occupied by a single storey dwelling.

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

DETAILS:

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

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

Front (South) Setback – Upper Level

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

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

Eastern Setback – Upper Level

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

Western Setback – Ground Level

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

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

Cone of Vision

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

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

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

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

Plot Ratio

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

Open Space

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

Front Fence

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

Existing Dwelling

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

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

Mayor Catania advised that Cr Franchina declared a proximity interest in this Item. Cr Franchina departed the Chamber at 7.46pm and did not speak or vote on the matter.

10.1.3 No. 177 (Lot 26, Strata Lot 68) Oxford Street and Vincent Street, Leederville – Proposed Signage, Comprising One Illuminated Sign, One Wall Sign and Two Window Signs to Existing Office

Ward:	South	Date:	30 September 2003
Precinct:	Oxford Centre, P4	File Ref:	PRO2490; 00/33/1804
Attachments:	001		
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Gill, on behalf of the owner R Maras for proposed signage, comprising one illuminated sign, one wall sign and two window signs to existing office at No. 177 (Lot 26, Strata Lot 68) Oxford Street, Leederville, and as shown on the plans stamp-dated 4 September 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including relevant Australian Standards and noise regulations;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) the proposed projecting sign located under the awning on the Oxford Street frontage shall comply with the following;*
 - (a) to be a maximum of 50 kilograms in weight;*
 - (b) to be installed at right angles to Oxford Street;*
 - (c) to be sited so that the centre of its base longitudinally is equidistant from the outer edge of the awning and the vertical plane of the shop front being directly opposite the end of the sign; and*
 - (d) not to project beyond the outer frame or surround of the awning; and*
- (iv) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Franchina was absent from the Chamber and did not vote. Cr Ker was an apology for the meeting.)

LANDOWNER: R Maras
APPLICANT: J Gill
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Commercial
EXISTING LAND USE: Office

COMPLIANCE:

Requirement	Required	Proposed
All Signs	If illuminated to have a minimum clearance of 2.75 metres from finished ground level Total signage area not to exceed 10 per cent of the total area of the building wall in which that signage is located.	2.55 metres The proposed window films have an area of 4.2 square metres which represents 19.69 per cent of the wall

Use Class	Office
Use Classification	"P"

SITE HISTORY:

The site is approved for use as an office and a new tenancy intends to locate in the premises, being a travel business, which in turn requires new signage of the nature being proposed.

DETAILS:

The applicant seeks to install one illuminated sign (light box), one wall sign and two window signs to the premises to advertise the travel business, being "The Travel Directors".

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

All Signs

Under the provisions of the Town's Policy relating to Signs and Advertising, illuminated signage requires a minimum clearance of 2.75 metres from the finished ground level. In this instance, the applicant achieves a clearance of 2.55 metres. The proposed illuminated sign is only 400 millimetres deep and minimal clearance has been provided to the roof. As such, very limited ability exists to reduce the depth of the sign in order to increase clearance, without adversely affecting the benefit of the sign. The reduced clearance is not considered to

cause danger or hindrance to footpath users and the Town has previously supported reduced clearances of this nature. On this basis, the proposed clearance of 2.55 metres is considered suitable.

The above Policy also prescribes that signage should not cover more than 10 per cent of the total building wall upon which it is to be placed. The translucent window films proposed (incorporating the “The Travel Directors” and squared detail above and below) have a combined area of 4.2 square metres, which represents 19.69 per cent of the available building wall. As this signage is on a different façade frontage to the wall sign and illuminated sign, it is considered that the signage is not likely to dominate the streetscape. As the window signs are simply films, with the amount of writing limited and the remainder of the films being detailing, the proposal is not considered to have any undue impact on the appearance of the building within its locality.

It is considered that the proposal will generally have no undue detrimental impact on the streetscape or amenity of the area. Accordingly, the proposal is recommended for approval, subject to standard conditions to address the above matters.

10.1.12 Project Brief for Community Visioning

Ward:	Both	Date:	30 September 2003
Precinct:	All Precincts	File Ref:	PLA0100; PLA0140
Attachments:	001		
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the Project Brief relating to Community Visioning, as shown in Appendix 10.1.12.

Cr Franchina returned to the Chamber at 7.47pm.

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 7.50pm.

Cr Chester requested that it be recorded that he believes that Council should put together a schedule that demonstrates how these projects are related, including delivering a brief for the visioning to determine when we should be delivering the Scheme review to the Minister.

The Mayor advised that he would accept a motion to be considered under Urgent Business on tonight's Agenda.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Doran-Wu, Seconded Chester

That the Item be DEFERRED.

CARRIED (7-0)

(Cr Torre was absent from the Chamber and did not vote. Cr Ker was an apology for the meeting.)

BACKGROUND:

The Council at its Ordinary Meeting held on 27 May 2003 resolved to adopt the following in regard to Community Visioning:

- " (i) the Council allocates \$40 000 for consideration in the 2003/4 draft budget for the purposes of "Community Visioning" prior to the Town Planning Scheme Review;*
- (ii) the Chief Executive Officer be requested to prepare a report for the Ordinary Meeting of Council to be held in June 2003 on "Visioning", the "Visioning Process", the Town Planning Scheme Review and the Town Strategic Planning Process; and*

- (iii) *the "Visioning" include;*
- (a) *but not be limited to, public workshops, telephone polls, written surveys; and*
 - (b) *all stakeholders, including but not limited to, residents, ratepayers, Elected Members and Council staff."*

A further resolution at the Council's Ordinary Meeting held on 24 June 2003 resolved the following :

" That the Council;

- (i) *receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) *receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No.1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*
- (iii) *pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process."*

24 September 2003

The Town invited Mr Steven Ames to give a presentation on Community Visioning on 24 September 2003. The presentation was attended by the Mayor, Councillors Doran-Wu, Torre, Chester, Cohen, Farrell, the Executive Management Team, Mr Neil Foley, Department of Planning and Infrastructure representative, Manager Planning and Building Services, Manager Community Development and other Town Officers.

DETAILS:

In accordance with the above resolution, a Project Brief, for the purpose of appointing a consultant/s to design and facilitate the Community Visioning process, has been prepared.

STRATEGIC IMPLICATIONS:

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

"1.3 Develop, implement and promote sustainable urban design.

Action Plans to implement this strategy include:

- a) *Develop and implement sustainable building design guidelines.*
- b) *Review urban design policies and guidelines to enhance amenity, accessibility, neighbourhood interaction and aesthetics.*

- c) *Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision, to:*
- *encourage hubs or centres of community within the Town;*
 - *review residential densities;*
 - *review zoning.*
- d) *Incorporate sustainability into the Building and Design Awards to raise community awareness.*
- e) *Develop a policy to encourage a proportion of affordable housing, in partnership with the State Government.*
- f) *Participate in initiatives and incentives to foster sustainable building and urban design."*

FINANCIAL IMPLICATIONS:

The current 2003/2004 Budget lists \$130,000 for Town Planning Scheme Amendments and Policies, and \$40,000 for a Community Visioning process.

COMMENT:

The Project Brief outlines that the community visioning process shall be designed with the express purpose of establishing a vision for the Town of Vincent, and more specifically to guide the review of the Town Planning Scheme. Principally, the community visioning process will produce a vision and goals for the Town and ensure that all subsequent plans support that vision. The broad objectives of a Community Visioning process for the Town of Vincent are listed as:

- to engage and retain maximum public involvement particularly inclusive of 'silent voices';
- provide a clear, deliverable and realistic direction and basis for the Town Planning Scheme Review;
- the creation of a deliverable, sustainable vision;
- to develop a 'culture change' in resident's perceptions of local government;
- to build consensus among residents, key stakeholders, Elected Members and the Town's staff to achieve the goals and vision; and
- to incorporate the principles of the Town of Vincent's Vision as detailed in the Draft Strategic Plan 2002-2007.

The Community Visioning Project will be largely designed and developed using the Oregon Model through stages as a basis.

The project brief is attached for the Council's consideration.

10.2.2 State Underground Power Program - Round Three (3) Major Residential Project - Progress Report No 1

Ward:	Both	Date:	1 October 2003
Precinct:	All	File Ref:	TES0313
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the State Underground Power Program - Round Three (3) Major Residential Project - Progress Report No1;*
- (ii) *NOTES the timeline for the proposal, as outlined in the report, and in particular the proposed November 2005 physical project commencement date; and*
- (iii) *NOTES that further progress reports and other detailed reports will be submitted to the Council as required.*

Cr Torre returned to the Chamber at 7.53pm.

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted with additional clauses (iv) and (v) as follows:

- "(iv) not limit the funding options to assessment based on GRV but considers other options to apportion costs fairly between different types of properties; and*
- (v) receives a report outlining the full range of available funding options for the project by no later than December 2003."*

Moved Cr Chester, Seconded Cr Lake

That the words "including those that have been most successfully implemented by other WA councils" be added after the word "options" in clause (v).

AMENDMENT CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the report on the State Underground Power Program - Round Three (3) Major Residential Project - Progress Report No1;*
- (ii) *NOTES the timeline for the proposal, as outlined in the report, and in particular the proposed November 2005 physical project commencement date;*

- (iii) *NOTES that further progress reports and other detailed reports will be submitted to the Council as required;*
 - (iv) *not limit the funding options to assessment based on GRV but considers other options to apportion costs fairly between different types of properties; and*
 - (v) *receives a report outlining the full range of available funding options including those that have been most successfully implemented by other WA councils for the project by no later than December 2003.*
-

BACKGROUND:

A report on the State Underground Power Program (SUPP) proposed Round Three (3) Major Residential Projects expression of interest submission was presented to the Council on 11 February 2003 where the following resolution was adopted.

That the Council;

- (i) *receives the report on the current status of the State Underground Power Program;*
- (ii) *endorses in principal the nine (9) areas, as shown on attached drawing 99070, being nominated for consideration as Major Residential Projects;*
- (iii) *APPROVES the submission of an expression of interest, nominating all nine (9) areas to the Office of Energy for consideration for inclusion in Round Three (3) of the State Underground Power Program as shown on attached Plan No. 99070;*
- (iv) *WILL FURTHER CONSIDER the Office of Energy prioritising the order of implementation of the nine (9) areas and endorses the Office of Energy's decision as to which, if any, area(s) are successful;*
- (v) *receives a further report once expressions of interest for Round three (3) submissions for the State Underground Power Program have been assessed and the Town has been advised of the outcome;*
- (vi) *if invited to proceed receives a further report on the implications to the Town; and*
- (vii) *that two submissions be made to the Office of Energy, one of approximately 1250 lots and the other of approximately 800 lots.*

Note: The 800 lot areas are outlined on attached Plan No. 99070-2.

This report is presented to the Council in accordance with clause (v) of the above resolution.

DETAILS:

Expression of Interest (EOI) Submission

In accordance with clauses (iii) and (viii) of the Council's resolution a detailed expression of interest was submitted to the office of energy on 10 March 2003. The submission included two submissions, one of approximately 1250 lots and the other of approximately 800 lots.

On 25 March 2003 the Town was requested to provide additional information with regards the submission and on 1 April 2003 the following additional information was requested.

Q1 For each of the proposed areas, how many are commercial/industrial lots?

Q2. Of the total number of lots in your proposed areas, how many lots are greater than 1000m².

Response

In respect of the above the Town's GIS and Town Planning Scheme has enabled us to isolate and calculate the requested data which has been added to the enclosed (21) area submission drawings.

Q3. Are there any major infrastructure projects planned for your proposed areas (e.g. infill sewerage and drainage, council works, main roads, railway etc...)

Response

The Town is not embarking on any large projects, and aside from those already announced by the State Government, is unaware of any significant works in the vicinity of the Town the near future. Projects such as the Perth - Mandurah Rail Link and East Perth Power Station redevelopment fall outside the Town's boundaries.

While it is anticipated that infill residential development will continue a majority of these projects are relatively small in scale.

Q4. What strategies do you have for raising over budgeted funding, if necessary.

Response

In the report presented to the Council at its Ordinary Meeting of 11 February 2003 the Council was advised that the Town was directly responsible for 50% of the project cost during the life of the project. It was also emphasised that in all probability there would be unforeseen additional costs over and above those that could be recouped via rates and/or resident contributions. A 10% contingency was suggested requiring Council to allow for an additional \$280,000 for a 1250 lot project.

In respect of a specific strategy to cover such a contingency the Council is yet to adopt a final funding model, i.e. borrowings versus rates levy however the Council will be made fully aware that because of the nature of the works final costs will only be established at the completion of the project.

Therefore if the Town is invited to participate in the Detailed Proposal Stage a further report would be presented to the Council emphasising not only the projected cost(s) but also the need to allow adequate funds for contingencies.

In addition the further report would outline the various funding scenarios and the full long term financial implications for the Town and its residents. This would enable the Council to make a fully informed decision regarding the proposal.

Office of Energy Notification

On 12 September 2003 the Town was formally notified that one of its areas, the Highgate East project (refer Plan No. 99070-2A attached), had been approved for selection in Round 3 of the SUPP. An extract from the advice is outlined below.

“As you are aware, the Highgate East project has been approved by the Minister of Energy for selection in Round 3 of SUPP subject to satisfying the requirements contained in the Detailed Proposal Stage Guidelines (‘Guidelines’).

Final project selection is dependent on the successful resolution of all the associated issues of the Detailed Proposal Stage by Western Power, the Town of Vincent and Office of Energy, with approval by the Steering Committee.

The Detailed Proposal Stage program has been adjusted due to the extended Expression of Interest selection process. This resulted from the large number of proposals received and the extra projects being considered. Timetable details for this stage previously advised in the Guidelines have been amended. For the Highgate East project, completion of the Detailed Proposal Stage is now February 7, 2005.

It is paramount that the parties achieve this date to enable the Highgate East project to provisionally commence November 14, 2005, subject to final selection and approval for funding.

The Detailed Proposal Stage will also need to address the issue of co-location with SUPP, of infrastructure such as telecommunications conduits for broad band fibre optics. Advice on this matter will be provided separately in the near future.”

Detailed Proposal Stage Timeline and Responsibilities

The following table outlines the time lines and responsibilities with regards the SUPP - Round 3, Proposed Highgate East project. As can be seen from the table the project start date falls within the 2005/2006 financial year.

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

Detailed Proposal Stage

Progress on the activities as outlined in the above table will be reported on as matters progress or when a Council decision is required to coincide with the required "action dates".

To date, a letter has been sent to all precinct groups and favourable responses have been received. In addition the Town has engaged the services of Mr Peter Shropshall from P&B Engineering Services Pty Ltd to assist in developing and delivering the Town's submission.

Mr Shropshall, an engineer, has had over 28 years experience in the Supply and Development of electricity supply and held various positions with Western Power before forming his own company. He has been involved with a number of LGs assisting them with underground power projects including the Cities of Joondalup, Stirling, Nedlands, South Perth and the Towns of Cottesloe, Claremont, Cambridge and East Fremantle.

Mr Shropshall, in conjunction with officers from both Technical and Corporate Services will be required to carryout the following:

- Finalise the project boundaries, the number of lots included, and gain the approval of the SUPP Steering Committee.
- Agree on the charging method to be used to recoup funds from ratepayers, either fixed charge or GRV.
- Conduct an inspection of the proposed project area to confirm the type of properties present (single residence, duplex, multi unit dwellings, vacant land, commercial properties etc.), and the power supply arrangements. Some properties will have overhead connections, others underground services, pillars, and/or underground mains may also be present. These details will need to be available when levying the ratepayer charges, as discounts are usually given for these facilities.
- Prepare a newsletter and survey document, for conducting a ratepayer survey. (*refer attached for reduced scale copy of survey form distributed to the Town of Cambridge residents*)
- Conduct the survey, either in-house or using an external market research company, to obtain the views of the ratepayers.
- Prepare a final submission to the SUGPS to gain final approval for the project to proceed.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In line with Key Result Area One of the Draft Strategic Plan 2003-2008 1.4 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment and f) Develop a strategy for the implementation of underground power - investigate alternative mechanisms for funding (e.g. loans, differential rates, deferred charges, etc. - develop a mechanism for assigning priorities to areas.*

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

It is therefore recommended that the Council receives the report on the State Underground Power Program - Round Three (3) Major Residential Project - Progress Report No. 1, notes the timeline for the proposal, as outlined in the report, and in particular the proposed November 2005 physical project commencement date; and receives further progress reports and other detailed reports, as required.

Cr Doran-Wu departed the Chamber at 8.00pm.

Mayor Catania advised that he had declared a financial interest in this item. He departed the Chamber at 8.00pm. He did not speak or vote on the matter.

Cr Chester assumed the Chair.

10.3.1 Investment Report

Ward:	Both	Date:	01 October 2003
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Russell	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 September 2003.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Torre, Seconded Cr Franchina

That the recommendation be adopted.

CARRIED (6-0)

(Mayor Catania and Cr Doran-Wu was absent from the Chamber and did not vote. Cr Ker was an apology for the meeting.)

BACKGROUND:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date. Details are attached. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 30 September 2003 were \$8,855,825 compared with \$7,355,692 at 31 August 2003. At 30 September 2002, \$11,819,875 was invested.

Total accrued interest earned on Investments as at 30 September 2003:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	38,589	12.86
Reserve	342,000	86,002	25.15

COMMENT:

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

Mayor Catania returned to the Chamber at 8.01pm and resumed the Chair.

The Mayor advised that Cr Franchina had declared a proximity interest in this matter and Cr Franchina departed the Chamber at 8.01pm. He did not speak or vote on the matter.

Cr Doran-Wu returned to the Chamber at 8.01pm.

10.4.1 Progress Report No. 4 - Multi Purpose Sports Stadium and Redevelopment of Perth Oval; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre

Ward:	South	Date:	2 October 2003
Precinct:	Oxford Centre, P4; Beaufort, P13	File Ref:	RES0051, RES0052, RES0061
Attachments:	Nil		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 4 as at 2 October 2003, relating to the Multi Purpose Sports Stadium and Redevelopment of Perth Oval; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre; and*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of various projects.*

COUNCIL DECISION ITEM 10.4.1

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (7-0)

(Cr Franchina was absent from the Chamber and did not vote. Cr Ker was an apology for the meeting.)

BACKGROUND:

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

Multi Purpose Sports Stadium and Redevelopment of Perth Oval

1. Loan Payments:

The first loan payment was made by the Town on 1 September 2003 and occur on the first day of each month. Allia Holdings P/L have made payments to the Town on both occasions, as required.

2. Timeline

The builder has advised that good progress has been made to date and is making every endeavour to have the facility ready for 5 December 2003. However, in accordance with the contract, an extension of time has been claimed until 14 December 2003 for industrial action (Tuesday 2 and Monday 8 September 2003) and inclement weather (22 and 23 August 2003, 20 September 2003 (half day) and 24 September 2003).

It is important to note that this claim may result in the facility not being available for the scheduled game of 6 December 2003 and Perth Glory Soccer Club have been advised in writing that an alternative venue should be considered.

A decision will be deferred until late October on whether the venue will be available for 6 December 2003.

3. Works:

The builder commenced on site on 14 July 2003 and good progress has been made on the project as follows;

- (i) Playing Pitch Drainage - perimeter drainage has been completed. This work includes the installation of "mega flow" drainage on the perimeter of the northern half of the pitch and two additional "mega flow" drains across the northern end of the playing pitch which has significantly lowered the ground water level. The ground water level is now well below the acceptable level for proper turf maintenance. This additional drainage cost approximately \$64,950 extra and was funded from the project contingency monies.
- (ii) Stormwater drains have been installed and connection to the Council drainage in Brewer Street is due to be carried out on 7 October 2003;
- (iii) Major earthworks are 99% completed and approximately 75-80,000m² of sand have been carted in to form the perimeter bowls and public open space levels; and
- (iv) Demolition works within the grandstand have now been completed. The Mazda Stand was delivered to the Aboriginal community at Clontarf and Mogumber (as a condition of consultation with the Aboriginal community) at a cost of \$5,412. This extra cost was funded from the project contingency monies.

4. Asbestos Removal

This work has been completed and a clearance certification has been issued. Additional asbestos was found in the front of the grandstand and approximately \$11,764 was required for this to be removed. This was funded from the project contingency monies.

5. Tenders for Temporary Toilets and Temporary Southern Stand

Tenders closed on Wednesday 24 September 2003 and a report is contained on this Agenda.

6. Pitch Maintenance

The ground levels have been finalised and new turf installed on 25 September 2003. Most of the pitch is now in place. Allia Holdings Pty Ltd have engaged Kim Gorey of Turf Master Facility Management for ground maintenance for a term of five (5) years. Turf Master have been carrying out this work since 1995.

7. Perth Glory Soccer Club (PGSC) Offices

PGSC have accepted the quotation of \$18,246.27 from John Holland Group for the fit-out of their offices.

8. Public Open Space

The concept plan for Loton Park approved at the Ordinary Meeting of Council held on 9 September 2003 and works will commence in late October/early November 2003.

Expressions of interest for the project are currently being assessed and a report will be submitted to the Ordinary Meeting of Council to be held on 21 October 2003.

9. Brewer Street Embayed Parking

Work commenced by the Town on 30 September 2003.

10. Asset Management Program

The Council has approved of an Asset Management Program for the Stadium at its meeting held on 9 September 2003. This was prepared by Quantity Surveyor Rawlinsons.

11. Photographs and Archival Records:

The Town is taking photographs on a weekly basis and these will be placed in the archival records.

Leederville Oval Redevelopment

1. Works:

Subiaco Football Club (SFC) clubrooms and offices are progressing on target and are now at lock-up stage. It is anticipated that the clubrooms will be completed by the end of October 2003.

2. Leederville Oval Working Group:

The Working Group comprising of the Town, Department of Sport and Recreation (DSR), WA Football Commission and League, EPFC and SFC has been meeting on a monthly basis. No problems have been encountered.

3. Leases:

Draft leases were issued to both Clubs on 29 August 2003.

4. Floodlighting:

At the Ordinary Meeting of Council held on 23 September 2003 the tender to install floodlighting was approved. This work will take approximately 12 weeks to be completed. Application has now been made to the West Australian Planning Commission for planning approval.

State Indoor Multi Use Sports Centre

This project has been placed "on hold" whilst the DSR carries out a feasibility study on Challenge Stadium. This study is almost complete and the findings may have an impact on the final composition of this project. It is proposed that work will recommence in September 2003.

LEGAL/POLICY IMPLICATIONS:

N/A.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

STRATEGIC IMPLICATIONS:

These projects are in keeping with the Town's Strategic Plan 2000-2002, Key Result Area 3 - The Physical Infrastructure - "3.5 - *Develop and implement strategies to improve the Town's physical infrastructure, including buildings and land*"; and "3.6 - *Develop and implement strategies to improve the Town's Parks and Reserves*".

COMMENT:

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

10.4.3 Delegation to the Chief Executive Officer 2003-2004 - Residential Parking Permits

Ward:	All	Date:	1 October 2003
Precinct:	-	File Ref:	ADM0018
Attachments:	<i>Included in Report</i>		
Reporting Officer(s):	Jim Maclean, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in Appendix 10.4.3.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Torre, Seconded Cr Chester

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Franchina was absent from the Chamber and did not vote. Cr Ker was an apology for the meeting.)

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The CEO exercises the delegated authority in accordance with the Council's policies.

The CEO has reviewed the current delegation register. The register is the same as that adopted last year and includes delegations which have been approved during the year by the Council.

A need has arisen to formalise the issuing of Residential and/or Visitor Parking Permits. This follows the review of Council Policy Number 3.9.8 which relates to this matter.

The Town of Vincent Local Law Relating to Parking Facilities, at Clauses 59-66 relate to Parking Permits.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the delegation be approved by the Council.

APPENDIX 10.4.3

7.8 Residential and Visitor's Parking Permits

Function Delegated:

That the Chief Executive Officer, be authorised to:-

- (i) issue Residential Parking Permits, to occupiers of residential property;
- (ii) issue Visitor's Parking Permits, to occupiers of residential property; and
- (iii) exercise discretionary authority in a fair, firm and consistent manner and also prescribe sub-conditions which may arise, with respect to the issue of additional permits, as required by Clause 66 of the Local Law Relating to Parking Facilities.

Conditions:

Authority to be in accordance with the Town of Vincent Local Law Relating to Parking Facilities and Council Policy 3.9.8.

Assignee:

CHIEF EXECUTIVE OFFICER

The Chief Executive Officer has further delegated this to also include the Executive Manager Environmental and Development Services and the Manager Law and Order Services.

10.4.4 Tender No 280/03 - Supply, Delivery and Installation of Tiered Modular Steel Grandstand Seating (Southern Stand) and Tender No. 281/03 - Supply, Delivery and Installation of Transportable Toilet Facilities at the Multi Purpose Sports Stadium, Pier Street, Perth

Ward:	South	Date:	2 October 2003
Precinct:	-	File Ref:	TEN0287, TEN0288
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender as submitted by AKA Seating Systems Pty Ltd as being the most acceptable to the Town for the provision of supply, delivery and installation of tiered modular steel grandstand seating at the Southern Stand at the Multi Purpose Sports Stadium, Pier Street, for a price of \$459,215 (excluding Goods and Services Tax);*
- (ii) *ACCEPTS the quotation as submitted by Ausco Building Systems Pty Ltd as being the most acceptable to the Town for the provision of supply of transportable toilet facilities at the Multi Purpose Sports Stadium, Pier Street, for a price of \$163,000 (excluding Goods and Services Tax) and notes that funds of \$21,500 will be required for installation and connection to services (total \$184,500); and*
- (iii) *AUTHORISES the signing and affixing of the Council Common Seal to the contracts between the Town and AKA Seating Systems Pty Ltd and also Ausco Building Systems Pty Ltd;*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY the borrowing of \$275,000 for the purchase of tiered modular steel grandstand seating at the Multi Purpose Sports Stadium, Pier Street, Perth; and*
- (v) *AUTHORISES the Chief Executive Officer to;*
 - (a) *give one (1) month's notice of the Council's intention for a loan fund, in accordance with Section 6.20 of Subdivision 3, Part 6 of the Local Government Act 1995;*
 - (b) *call a tender/quotation for the loan funding;*
 - (c) *accept the most suitable loan rate available for the repayment of the loan, finalise the loan documentation and affix the Common Seal (subject to prior approval by the State Treasurer, under the Local Government Act, Section 6.21); and*
 - (d) *service the loan from the Multi Purpose Sports Stadium (Perth Oval) Reserve Fund, subject to the monies from the sale of the transportable toilets and tiered grandstand seating being returned to the Multi Purpose Sports Stadium Reserve Fund when the sale of the items occurs.*

Cr Franchina returned to the Chamber at 8.02pm.

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Cr Franchina queried which item was under consideration. He departed the Chamber at 8.03pm and did not vote.

Moved Cr Chester, Seconded Cr Farrell

That;

- (i) *clauses (i), (iv) and (v) be DEFERRED and the remaining clauses renumbered; and*
- (ii) *existing clause (iii) be amended to read as follows:*
 - (iii) *AUTHORISES the signing and affixing of the Council Common Seal to the contracts between the Town and ~~AKA Seating Systems Pty Ltd and also Ausco Building Systems Pty Ltd.~~*

AMENDMENT CARRIED (7-0)

(Cr Franchina was absent from the Chamber and did not vote. Cr Ker was an apology for the meeting.)

Cr Chester requested that it be recorded that he has real concerns about any proposal to use the Reserve Funds to fund Capital Works in this project and would find it difficult to support.

MOTION AS AMENDED
CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Franchina was absent from the Chamber and did not vote. Cr Ker was an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.4

That the Council;

- (i) *ACCEPTS the quotation as submitted by Ausco Building Systems Pty Ltd as being the most acceptable to the Town for the provision of supply of transportable toilet facilities at the Multi Purpose Sports Stadium, Pier Street, for a price of \$163,000 (excluding Goods and Services Tax) and notes that funds of \$21,500 will be required for installation and connection to services (total \$184,500); and*
 - (ii) *AUTHORISES the signing and affixing of the Council Common Seal to the contracts between the Town and Ausco Building Systems Pty Ltd;*
-

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on the Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by East Perth and Subiaco Football Clubs. The Town has also approved of the construction of an office building on Leederville Oval to house the Department of Sport and Recreation.

At the Ordinary Meeting of Council held on 13 May 2003, the Council resolved to approve of the redevelopment of Perth Oval at an estimated cost of \$10,548,000.

On 10 September 2003, tenders were advertised calling for;

- (a) the supply, delivery and installation of tiered modular steel seating (southern stand); and
- (b) the supply, delivery and installation of transportable toilet facilities;

at the Multi Purpose Sports Stadium.

At 2pm on 24 September 2003, tenders were received. Present at the opening were Craig Grant (A/Purchasing/Contracts Officer), Mike Rootsey (Executive Manager Corporate Services) and the Chief Executive Officer, John Giorgi. The three tenderers for the supply, delivery and installation of tiered modular steel seating (southern stand), were also present.

TENDER EVALUATION

Tender No. 280/03 - Supply, Delivery and Installation of Tiered Modular Grandstand Seating

Three (3) Tenders were received. One tender arrived after the closing time and therefore was rejected.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of John Giorgi - Chief Executive Officer, and Project Architect, Con Lampropoulos of Peter Hunt Architect.

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

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

(Scoring was calculated using the criterion weighting)

Selection Criteria

The following weighted criteria were used for the selection of the contractor for this tender;

Criteria	%
Price: Include in the lump sum price all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)	65
Adequate resources available to carry out the works	15
Overall compliance with the tender specifications	15
References	5
TOTAL	100%

Tender Assessment

Tenderer	Price 65%	Adequate Resources to complete the Tender 20%	Overall Tender Compliance 10%	References 10%	Total	Ranking
AKA Seating Systems	65	15	15	5	100	1
Roam P/L	21.66	15	10	5	51.66	3
Construction Sales & Hire P/L	43.33	15	15	5	78.33	2

Tender Summary

Price	AKA Seating Systems	Roam P/L	Construction Sales & Hire P/L
Option 1:	\$	\$	\$
<u>Outright Purchase</u>			
Supply	448,215	352,000	402,400
Installation	<u>11,000</u>	<u>238,000</u>	<u>81,790</u>
Total	<u>459,215</u>	<u>590,000</u>	<u>484,190</u>
Option 2			
<u>2 Year Hire</u>			
Supply and Hire	185,392	<i>Did not submit offer</i>	150,000
Installation	11,000		81,790
Removal	<u>9,030</u>		<u>69,000</u>
Sub-Total	205,422		300,790
<u>Further 2 Year Hire</u>			
Hire	132,988	<i>Did not submit offer</i>	170,000
Removal	<u>11,000</u>		<u>70,540</u>
Sub-Total	<u>143,988</u>		<u>240,540</u>
Total	<u>349,410</u>		<u>541,330</u>
Option 3			
<u>2 Year Hire</u>			
Hire	185,392	<i>Did not submit offer</i>	150,000
Installation	11,000		81,790
Removal	<u>9,030</u>		<u>69,000</u>
Total	205,422		300,790
<u>Outright Purchase after 2 years</u>	<u>386,600</u>		<u>370,000</u>
Total	<u>592,022</u>		<u>670,790</u>

Tender No. 281/03 - Supply, Delivery and Installation of Transportable Toilets

Selection Criteria

The following weighted criteria were used for the selection of the contractor for this quotation;

Criteria	%
Price: Include in the lump sum price all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)	65
Adequate resources available to carry out the works	15
Overall compliance with tender specifications	15
References	5
TOTAL	100%

Assessment

Company	Price 60%	Adequate Resources 15%	Overall Compliance 15%	References 5%	Total	Ranking
Ausco Building Systems	65	15	12	5	97	1
Aussie Portables	32	15	12	5	64.5	2

Price	Ausco Building Systems			Aussie Portables
Option 1	Quote 1	Quote 2	Quote 3	\$
	\$	\$	\$	
Supply	173,440	163,000	163,000	217,000
Installation, delivery, set-up	<u>33,800</u>	<u>33,800</u>	<u>by others</u>	<u>33,000</u>
Subtotal	207,240	196,800	163,000	250,000
Connection to power, water, sewerage	by others	26,360	by others	34,000
Total		223,160	163,000	284,000
Option 2				
Hire, installation for a 2 year period	201,546			<i>Did not quote</i>
Option 3				
Hire, installation for a 5 year period	591,168			<i>Did not quote</i>

Preliminary quotations have been received by the architect from other contractors for the installation, delivery, set-up and connection to services. These amount to \$21,500, which is considerably lower than that quoted by the suppliers of the transportable toilets. Therefore the cost of purchase (\$163,000) plus installation and set-up costs of \$21,500 give a total of \$184,500.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for the Multi Purpose Sports Stadium is \$10.548 million. The budget contains an amount of \$185,000 for the tiered southern stand and an amount of \$145,000 for transportable toilets.

(These amounts were the hire costs for a two year period - as the eastern stand was originally to be constructed within 2 years.)

Grandstand Seating

The difference between outright purchase and the hire of the grandstand seating for a four year period is \$109,805.

It is estimated that after a five year period, the tiered seating could be sold for approximately 40-50% of their cost (i.e. \$183,686-\$224,100). There is limited demand for used grandstand seating, however there is a good market for scaffolding systems. The lowest tenderer, AKA Seating Systems have offered to buy back the grandstand after 5 years for a net price of \$170,000. In view of the limited demand, this proposal is recommended.

The recommended tenderer, AKA Seating Systems Pty Ltd, are a long established Western Australian company and supply grandstand seating systems throughout Australia. They have previously provided temporary grandstand seating to the Sydney Olympic Games, Telstra Rally Australia and numerous one-off sporting events.

The Town has a contractual arrangement under the Heads of Agreement to provide a stadium capacity of 17,850. The southern stand has a capacity of 2,420 seats and it is therefore essential to ensure that the capacity remains at 17,850 persons.

Whilst it may appear cheaper to hire for a four year period, it is an unknown factor when the permanent eastern stand will be built. There is a requirement for the Town and State Government to carry out a feasibility study for the construction of the eastern stand, within 5 years.

When the eastern stand is built, the current temporary eastern stand is proposed to be relocated and used as the southern stand. The current eastern stand is owned by the Town and has an approximate value of \$500,000. When the permanent southern stand is constructed, the temporary stand can be sold or relocated to another venue.

To ensure that the Town does not face additional costs within the next 5 years (or until the permanent eastern stand is built), it is preferable for the Town to purchase outright the southern stand at a cost of \$459,215. If this option is pursued, the project budget shortfall would be \$274,215. However, this amount would be reduced when the southern stand is eventually sold for a guaranteed amount of \$170,000.

Transportable Toilets

As no tenders were received by the due closing time and date, the Local Government Act tender requirements prescribe that the Town is legally authorised to obtain quotations. Three (3) written quotations were requested from the list of tenderers who originally collected the tender documentation, prior to the close of tender. Two (2) written quotations were subsequently received (as detailed in this report) and the third company declined to submit a quotation - they cited heavy work load as their main reason. These quotations were assessed in accordance with the advertised tender requirements and criteria.

The lowest quotation received is from Ausco Building Systems Pty Ltd. This is a Western Australian company and is a leading provider of modular portable buildings. This company also operates a hire service for temporary toilets.

There is a cost saving of \$17,046 if the Town purchases the transportable toilets instead of hiring for a two year period. Therefore, it is most cost effective to purchase the units and for these to be sold, after they are no longer required.

It is estimated that after a 5 year period, the transportable toilets could be sold for approximately 60-70% of their current value (i.e. \$97,800-\$114,000). There is a strong demand for these types of facilities from mining companies, mineral exploration firms and rural communities.

To purchase the facilities would require additional funds of \$39,500.

Funding Option

	Toilets \$	Grandstand \$
Available Funds	145,000	185,000
Required Funds	<u>184,500</u>	<u>459,215</u>
Additional Funds Required	<u>39,500</u>	<u>274,215</u>

The additional funds required for the outright purchase of the toilets can be sourced from the project contingency budget.

To purchase the grandstand facilities outright would require additional funds of \$275,000. The State Government has advised that it cannot provide any further funds for Stage 1, due to their forward estimate funding commitments.

The option to obtain a short term loan, to be serviced from the Multi Purpose Stadium Reserve Fund has been explored and would meet the obligations of all stakeholders.

Loan Option

A loan for \$275,000 can be obtained at an interest rate of approximately 5.6% over 6 years. This will require annual repayments of approximately \$18,000. A lump sum payment of \$270,000 could be made in the last quarter of year six.

The Heads of Agreement require an amount of \$100,000 to be paid into the Stadium Reserve Fund - (\$80,000 by Allia Holdings P/L and \$20,000 Town). This money is paid on 1 January and 1 July of each year.

This Reserve Fund would contain the following funds;

	Opening Balance	Annual Amount Increased by CPI (Estimated @ 3%)	Opening Balance and Annual Payment (Invested @ 4%)	Closing Balance
Year 1 (2004)		100,000	104,000	104,000
Year 2 (2005)	104,000	103,000	211,120	211,120
Year 3 (2006)	211,120	106,090	321,454	321,454
Year 4 (2007)	321,454	109,273	435,097	435,097
Year 5 (2008)	435,097	112,551	552,150	552,150
Year 6 (2009)	552,150	115,927	672,715	672,715
Year 7 (2010)	672,715	119,405	796,896	796,896
Year 8 (2011)	796,896	122,987	924,803	924,803
Year 9 (2012)	924,803	126,677	1,056,547	1,056,547
Year 10 (2013)	1,056,547	130,477	1,192,243	1,192,243
Year 11 (2014)	1,192,243	134,392	1,332,011	1,332,011
Year 12 (2015)	1,332,011	138,423	1,475,971	1,475,971
Year 13 (2016)	1,475,971	142,576	1,624,250	1,624,250
Year 14 (2017)	1,624,250	146,853	1,776,978	1,776,978
Year 15 (2018)	1,776,978	151,259	1,934,287	1,934,287
Year 16 (2019)	1,934,287	155,797	2,096,316	2,096,316
Year 17 (2020)	2,096,316	160,471	2,263,205	2,263,205
Year 18 (2021)	2,263,205	165,285	2,435,101	2,435,101
Year 19 (2022)	2,435,101	170,243	2,612,154	2,612,154
Year 20 (2023)	2,612,154	175,351	2,794,519	2,794,519

At the Ordinary Meeting of Council held on 9 September 2003, the Council approved of an Asset Management Plan (Capital Works and Maintenance Program) for the Stadium.

The Capital Works and Maintenance Program indicates that funds will be required in the first six years as follows;

Year	Cost	Item
2004-05	\$ 40,000	Replace Function Room 2
<i>CEO Comment:</i>		
<i>Due to the poor condition of the roof (due to airconditioning chemical corrosion and damage by previous workers maintenance) Function Room No. 2 has been replaced as part of the current works, at a cost of \$36,547. Function Room No. 1 is also being replaced at a cost of \$9,609. These costs are being made from the current building contract contingency sum.</i>		
2009	\$ 60,000	Replace Grandstand roof
	\$ 11,000	Redecorate Outbuilding interiors
	\$ 6,000	Service Bore Pump
Total	\$77,000	

At the end of 2009, it is projected that the Reserve Fund would contain \$672,715. Assuming that \$77,000 is used for planned asset works, an amount of \$595,715 would be available to service the loan. This would require \$18,000 per annum for a period of six years (total \$108,000). After all costs have been utilised, the Reserve Fund would still contain approximately \$487,715 in 2009.

If the eastern stand is built in 5-6 years and the temporary toilet transportables and grandstand are sold, approximate funds of \$270,000 would be used to pay off the bulk of the loan.

If the Council purchases the facilities outright, the total net cost over six (6) years is approximately \$86,000 (\$14,333 per year). This is the borrowing costs of \$356,000, less anticipated monies from the sale of the facilities of \$270,000. If the eastern stand (Stage 2) is built earlier, the monies can be recovered earlier.

The hire costs for the grandstand for a two (2) year period is \$205,422 and for a four (4) year period \$349,410. However, if Stage 2 construction does not eventuate as planned, additional costs of \$102,500 (approximate) will be required per annum for the continuing hire of the grandstand. However, as it is an unknown factor when the permanent eastern grandstand will be constructed, it is more cost effective and prudent for the Council to outright purchase the facilities. Therefore the Town will not be faced with unknown additional costs at the end of the four to five year period.

LEGAL/POLICY IMPLICATIONS:

The tenders were called in accordance with the Local Government (Functions and General) Regulations 1996, Part 4.

It is a requirement to give one month's notice of the Council's intention to borrow monies (Section 6.20 of the Local Government Act).

PRINCIPAL ACTIVITIES PLAN:

The upgrade of Perth Oval is listed in the Town's Principal Activities Plan.

STRATEGIC IMPLICATIONS:

The upgrade and redevelopment of Perth Oval is in accordance with the Town's previous Strategic Plan 2000-2002 Key Result Area 3.6 *"Develop and Implement Strategies to improve the Town's Parks and Reserves"*, in particular, Key Result Area 3.6(a) - *"Investigate and Develop the future of Perth Oval"*.

This is in keeping with the Town's Draft Strategic Plan 2003-2008 - Key Result Area *"Economic Development"*.

COMMENT:

The Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan will be a major benefit to the Town, its residents and taxpayers. The Council's approval of this recommendation is therefore requested.

10.4.5 Review of Policies - Adoption

Ward:	-	Date:	1 October 2003
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	Various, A Smith, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of the following;

- (i) *Policies to be amended as shown in Appendix 10.4.5:*
 - (a) *2.1.1 - Maintenance - Naturally Vegetated Areas of Public Open Space;*
 - (b) *2.1.5 - Memorial or Commemorative Planting of Trees and Erection of Plaques in Public Reserves;*
 - (c) *2.1.6 - Street Trees - Planting, Pruning and Removal - Amalgamated with; Policies 2.1.2 and 2.1.3;*
 - (d) *2.2.1 - Memorial Footpath Plaques - Laying of;*
 - (e) *2.2.2 - Verge Maintenance and Cleaning;*
 - (f) *2.2.3 - Grading of Verges to Building Line;*
 - (g) *2.2.5 - Plant Containers on Commercial Paved Areas;*
 - (h) *2.2.7 - Reinstatement of Roads and Footpaths;*
 - (i) *3.9.8 - Residential and Visitors Parking Permits; and*
- (ii) *Policy 3.9.9 - Parking in Residential Developments be deleted.*

Cr Franchina returned to the Chamber at 8.06pm.

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

That the recommendation be adopted subject to clause (i)(e) - Policy 2.2.2 - Verge Maintenance being amended as follows::

"(e) 2.2.2 - Verge Maintenance and Cleaning being further amended as follows:

"1. Mowing

(ii) Street verges in residential areas shall be maintained by the adjacent owner/occupier and will only be mowed by the Town where, in the opinion of the Chief Executive Officer or Executive Manager Technical Services or his/her representative, they represent either a:

- (a) Fire hazard;*
- (b) Visibility problem; ~~or~~*
- (c) ~~or~~ Cases of hardship; or*
- (d) Safety issue."*

Moved Cr Lake, **Seconded** Cr Chester

That clause (i)(i) - Policy 3.9.8 - Residential and Visitors Parking Permits be DEFERRED to allow further consideration.

AMENDMENT CARRIED (7-1)

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

(Cr Ker was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

COUNCIL DECISION ITEM 10.4.5

That the Council APPROVES of the following;

- (i) *Policies to be amended as shown in Appendix 10.4.5:*
- (a) *2.1.1 - Maintenance - Naturally Vegetated Areas of Public Open Space;*
 - (b) *2.1.5 - Memorial or Commemorative Planting of Trees and Erection of Plaques in Public Reserves;*
 - (c) *2.1.6 - Street Trees - Planting, Pruning and Removal - Amalgamated with; Policies 2.1.2 and 2.1.3;*
 - (d) *2.2.1 - Memorial Footpath Plaques - Laying of;*
 - (e) *2.2.2 - Verge Maintenance and Cleaning being further amended as follows:*
 - "1. **Mowing**
 - (ii) *Street verges in residential areas shall be maintained by the adjacent owner/occupier and will only be mowed by the Town where, in the opinion of the Chief Executive Officer or Executive Manager Technical Services or his/her representative, they represent either a:*
 - (a) *Fire hazard;*
 - (b) *Visibility problem; ~~or~~*
 - (c) *~~or~~ Cases of hardship; or*
 - (d) *Safety issue;"*
 - (f) *2.2.3 - Grading of Verges to Building Line;*
 - (g) *2.2.5 - Plant Containers on Commercial Paved Areas;*
 - (h) *2.2.7 - Reinstatement of Roads and Footpaths;*
- (ii) *3.9.8 - Residential and Visitors Parking Permits be DEFERRED to allow further consideration; and*
- (iii) *Policy 3.9.9 - Parking in Residential Developments be deleted.*

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to Elected Members for decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. As the policy manual contains a large number of policies a program of review has been prepared for the matter to be considered between July and December 2003. The Town's Administration has commenced the process and has provided the comments as outlined in this report.

The policies included in this report were considered at the Ordinary Meeting of Council held on 26 August 2003. Copies of the policies to be amended, deleted or recommended for re-adoption were advertised for public comment and sent to all community and precinct groups. The following submissions were received:

1. Dudley Maier of Chatsworth Road, Highgate

(i) 2.1.1 - Maintenance - Naturally Native Vegetated Areas of Public Open Space

- The policy makes reference to 'public open space in residential developments'. The 'in residential developments' is unnecessarily limiting and should be dropped.
- We should only use Western Australian plants and preference should be given to local plants. Plant selection should be based on water and soil requirements.
- Watering over the first summer may be considered.
- Plantings over 300mm next to fence lines should be allowed if appropriate (see point 5). The hedge on the fence line in Venables Park is attractive and does not appear to be causing a fire or security risk.
- Clause 12 should be removed from the body of the policy. However, as a general rule, the box at the end of the policy (with review dates etc) should be amended to include the position of the person responsible for the policy.
- Clause 13 can be removed as it is not relevant to the maintenance procedures.

CEO's Comment

These comments are supported and the amended policy is attached. The reference to including a person responsible at the end of the policy is not supported. The policies are categorized into various sections. However, a number of persons may have responsibility for a policy.

(ii) 2.1.5 - Requests for Planting of Commemorative Trees, Erection of Plaques or Distribution of Ashes in Public Parks and Reserves

The start of Clause 2 refers to "the following criteria" yet only point (i) refers to criteria. It is suggested that the start of Clause 2 is restructured and a few other minor changes be made.

CEO's Comment

These comments are supported and the amended policy is attached.

- (iii) 2.1.6 - Street Trees - Planting, Pruning and Removal - Amalgamated with Policies 2.1.2 and 2.1.3

There is a slight typo in clause 3 iii) e)

- e) history ~~for~~ of requests and associated actions in the street

CEO's Comment

This change has been made and the amended policy is attached.

- (iv) 2.2.1 - Memorial Footpath Plaques - Laying of

The title should be changed to make it more natural English.

Clause (ii) should be rephrased to make it consistent with the language of the introductory sentence.

- ~~(ii) the West Australian Historical Society or any other organisation may be asked by the Town to comment upon any application received;~~

- (ii) comments received from the Heritage Council, West Australian Historical Society or other relevant organisation

Also, clause (iii) should be made a separate sentence (ie remove the (iii)) as it is not a criteria that should be taken into account – it is a design element.

CEO's Comment

The comments are supported and the amended policy is attached.

- (v) Policy 2.2.2 - Verge Maintenance and Cleaning

- The wording of the previous policy is better. I can not see a justification for treating main arterial roads differently from other roads, and there could be confusion where main arterial roads run through residential areas - which applies 1 (i) or 1 (ii)? Also, 'main arterial roads' is not defined as per the Functional Road Hierarchy.
- I'm not sure if there is any action the Council can take if a verge becomes a fire or visibility hazard. If there is, it should be noted.
- We should not ask people to remove leaves or grass clippings unless they create some form of hazard – one man's build up of leaves is another man's mulch.
- People should not be responsible for rubbish placed on their verge by other people.
- Consideration should be given to having a comprehensive policy on verges which lists responsibilities and roles of adjacent land owners/residents. This could cover parking, mowing, cleaning and planting.

CEO's Comment

Generally the comments are supported and have been included. With respect to main arterial roads - this has been amended to give the Executive Manager Technical Services discretion in this regard. Fire hazards are dealt with by the Town's Rangers under the Bush Fires Act and there is no need to include this in the policy.

(vi) 2.2.3 - Grading of Verges to Building Line

The name of this policy should be changed to "Levelling of Verges to Property Line".

The policy should only deal with the area between the property line and the kerb. What goes on between the property line and the building line should not form part of this policy. In fact there may be cases where the policy should only deal with the verge between the road-side edge of the footpath and the kerb.

The policy should also deal with filling as well as the removal of soil. As an example, there is a property on the corner of Chatsworth Rd and Beaufort Street that has had the kerb replaced. The new kerb is considerably higher than the old kerb and therefore the old verge is lower than the kerb. This may prove to be a safety issue in the future.

Where the level of a kerb has been altered the Town should take all reasonable steps to reinstate the old verge.

CEO's Comment

In the main the comments are supported and the amended policy is attached.

(vii) 2.2.5 - Plant Containers on Commercial Paved Areas

The policy should contain a clause to state that, in accordance with universal access principles, the specified gap must be provided for "pedestrian access". I, not sure what the size of this gap is.

CEO's Comment

This comment is supported and the amended policy is attached.

(viii) 2.2.7 - Reinstatement of Roads and Footpaths

I think that two further statements need to be entered.

- Reinstatement work is to be at least to the same standard as the existing road or footpath.
- Reinstatement is to take place with the minimum of delay.

There have been examples where reinstatement has not been up to scratch (eg the speed hump in Primrose Street, and some of the areas where Alinta Gas replaced gas mains under slab footpaths).

CEO's Comment

These comments are supported and the amended policy is attached.

(ix) 3.9.8 - Residential and Visitors Parking Permits

- This policy should be completely rewritten. It is unclear, incomplete and inconsistent. As a resident of a single home I can not work out how many residential permits I may be entitled to and how many visitor's permits I may be entitled to.
- Clause 1 contains a combination of 'not', 'and' and 'or' which is logically confusing. In addition, the restriction against 'large commercial vehicles' is too restrictive. I would assume that there would be other local laws that stopped people parking a semi-trailer in a residential street.

A clearer wording would be:

1. A Residential Parking Permit will only be issued:
 - i) in respect to a place of residence and where proof of residency is given; and
 - ii) in respect to a nominated vehicle and where ownership of the nominated vehicle(s) is given; and
 - iii) in accordance with clauses 58,59, 60, 61 and 66 of the Town's Parking Facilities Local Law.
- Clause 2 (i) needs to be rewritten – it's meaning is convoluted and contradictory, and only deals with visitor's permits and not residential permits.
- Clauses 2 (ii) and (iii) both have typos which need correcting
- Clause 2 (iii) does not comply with clause 1 – the need to identify the owner and vehicle. It should be written so that the strata management needs to identify tenants who may apply for permits and who in turn will need to prove residency and ownership of a nominated vehicle.
- There should be a clause 2 (iv) which deals with strata titles where the number of bays is greater than the number of residential units.
- Clause 3 dealing with delegation should be removed. Delegation is covered by a separate process and should not be included in a specific policy.

CEO's Comment

The comments are noted. The policy has been substantially amended to address the comments. The amended policy is attached.

Mr Maier also made comments on the following policies:

- 1.2.10 - Percent for Art Scheme
- 2.2.4 - Footpaths
- 2.2.8 - Crossovers
- 2.2.11 - Waste Management
- 2.2.27 - Street Parties
- 4.1.11 - Purchase of Fax Machines and Mobile Phones by Retiring Elected Members

These comments are being assessed by the relevant officers and a further report will be submitted to Council.

2. Andrew Main of Alfonso Street, North Perth

Made comments pertaining to the following policies:

- Policy 2.2.4 Footpaths - Upgrading of
- Policy 2.2.7 Reinstatements of Roads and Footpaths
- Policy 2.2.8 Crossovers

Mr Main did not make any specific comments about policy 2.2.7 - Reinstatement of Roads and Footpaths, therefore, this policy has been included for re-adoption with several amendments.

Comments relating to the other policies are being assessed by the relevant officers and a further report will be submitted to Council.

Policy for deletion

3.9.9 - Parking in Residential Developments

It is recommended that this policy be deleted as parking requirements are now covered by the Planning and Building policies relating to "Parking and Access".

CONSULTATION/ADVERTISING:

Not applicable. These policies have already been advertised for public comment.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters. The Independent Organisational Review identified the need for the Town's Policy Manual to be reviewed (Recommendation Number 11).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policy Manual will be progressively reviewed and amended over the forthcoming six months. This is the second group of policies to be reviewed. These will reflect the Council's position and also any community attitude changes which have occurred over the previous five years.

10.4.6 Information Bulletin

Ward:	-	Date:	2 October 2003
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi	Amended by:	-

RECOMMENDATION:

That the Information Bulletin dated 7 October 2003, as distributed with the Agenda, be received.

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Cr Doran-Wu referred to Item IB02. Requested that it be noted that her comments on page 8 that the intent of what was said was slightly missed. Requested that the wording be amended to read:

"Councillor Doran-Wu noted that the Town has problems with through traffic however, acknowledged that the Town needs plans to overcome those problems of being a throughfare to the City and Northern Suburbs."

Cr Chester referred to Item IB02. Requested that the wording in his comments on page 7 be amended to read:

"Councillor Chester noted the opportunity for building on established transit-orientated nodes in the proximity of or adjacent to Banks Precinct and that it was ironic that the down-zoning amendment was not questioned."

Cr Cohen referred to Item IB02 page 6. Advised that she had put in an apology for the meeting and this was not recorded. Requested that her apology be recorded. Apologies to read:

*"Apologies
Councillor Cohen
Councillor Torre
John Giorgi, Chief Executive Officer"*

Cr Chester referred to Item IB07 page 20.

Debate ensued.

Cr Farrell departed the Chamber at 8.18pm.
Cr Farrell returned to the Chamber at 8.19pm.

It was agreed that Item IB07 be DEFERRED and a further response provided to Cr Chester.

Cr Cohen departed the Chamber at 8.21pm.
Cr Cohen returned to the Chamber at 8.23pm.

The Mayor put the Item inclusive of the above changes.

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.6

That the Information Bulletin dated 7 October 2003, as distributed with the Agenda, be received subject to the following changes being recorded:

(i) *Cr Doran-Wu's comments on page 8 of IB02 being amended as follows:*

"Councillor Doran-Wu noted that the Town has problems with through traffic however, acknowledged that the Town needs plans to overcome those problems of being a throughfare to the City and Northern Suburbs.";

(ii) *Cr Chester's comments on page 7 of IB02 being amended as follows:*

"Councillor Chester noted the opportunity for building on established transit-orientated nodes in the proximity of or adjacent to Banks Precinct and that it was ironic that the down-zoning amendment was not questioned.";

(iii) *Apologies listed on page 1 of IB02 be amended as follows:*

*"Apologies
Councillor Cohen
Councillor Torre
John Giorgi, Chief Executive Officer";*

(iv) *Item IB07 be DEFERRED and a further response provided to Cr Chester.*

DETAILS:

The items included in the Information Bulletin dated 7 October 2003 are as follows:

ITEM	DESCRIPTION
IB01	Western Australian Planning Commission Planning Bulletin No. 60 - September 2003
IB02	Review of Town Planning Scheme No 1 - Meeting with Department of Planning and Infrastructure
IB03	Register of Petitions - Progress Report - October 2003
IB04	Register of Notices of Motion - Progress Report - October 2003
IB05	Register of Reports to be Actioned - Progress Report - October 2003
IB06	Letter to Mr D Maier, 51 Chatsworth Road, Highgate – Response to Questions Taken on Notice asked at the Ordinary Meeting of Council – 23 September 2003
IB07	Supplementary Information relating to Questions by Members of which due notice has been given (without discussion) - Ordinary Meeting of Council - 12 August 2003 - Memo to all Elected Members

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Councillor Helen Doran-Wu - Review of Council Policy No. 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings

That;

- (i) *the Town's Policy No 3.5.15 - Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, be reviewed, with regard to its appropriateness and effectiveness in respect of:*
- (a) *experience with the application of the current policy; and*
- (b) *awareness of commercial proprietors within the Town with respect to the current policy; and*
- (ii) *the Chief Executive Officer report back to the Council no later than 2 December 2003 recommending whether the Policy should remain unaltered, be amended, or revoked.*

Moved Cr Doran-Wu, Seconded Cr Lake

That the motion be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Lake

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

"(ii) the report:

(a) considers:

- methods of measuring permeability;*
- the ability to enforce policy;*
- increase permeability from 50%;*
- listing outstanding breaches/non-compliances;*

(b) should not consider decreasing permeability;

(iii) the above re-affirms the Council's commitment to Objective 2 of the Policy;"

AMENDMENT CARRIED (8-0)

Moved Cr Chester, Seconded Cr Farrell

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

"(v) the Town consult with the Town's businesses, the Insurance Council of Australia and the Police Department of WA during the policy review."

AMENDMENT CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

COUNCIL DECISION ITEM 11.1

That;

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

11.3 Notice of Motion – Councillor Caroline Cohen – Policy for the Control of Foxes and other Non-Indigenous Vermin

That the Town of Vincent, in consultation with other Local Governments in the Perth Metropolitan area and in conjunction with the Department of Conservation and Land Management (CALM), the Department of Agriculture and any other appropriate Agencies;

- (i) formulates a policy on the control of foxes and other non-indigenous species of predators, within the Town;*
- (ii) determines appropriate procedures to deal with foxes and other non-indigenous species of predators, which kill domestic fowl; and*
- (iii) further considers a report at the Ordinary Meeting of Council to be held on 16 December 2003.*

Moved Cr Cohen, Seconded Cr Lake

That the motion be adopted.

Moved Cr Cohen, Seconded Cr Lake

That the words "or indigenous fauna" be added after the word "fowl" in clause (ii).

AMENDMENT CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker was an apology for the meeting.)

COUNCIL DECISION ITEM 11.3

That the Town of Vincent, in consultation with other Local Governments in the Perth Metropolitan area and in conjunction with the Department of Conservation and Land Management (CALM), the Department of Agriculture and any other appropriate Agencies;

- (i) formulates a policy on the control of foxes and other non-indigenous species of predators, within the Town;*
- (ii) determines appropriate procedures to deal with foxes and other non-indigenous species of predators, which kill domestic fowl or indigenous fauna; and*
- (iii) further considers a report at the Ordinary Meeting of Council to be held on 16 December 2003.*

11.4 Notice of Motion – Councillor Simon Chester - Len Fletcher Pavilion - Request for Structural Report

That the Council;

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

Moved Cr Chester, Seconded Cr Doran-Wu

That the motion be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Ker was an apology for the meeting.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

The Mayor advised at Item 10.1.12 - Project Brief for Community Visioning that he would accept the following motion from Cr Chester under Urgent Business.

Moved Cr Chester, Seconded Cr Lake

That Council require delivery of a Timeline/Gantt Chart on those projects relating to Community Visioning and those required for delivery of the Town Planning Scheme Review as soon as possible.

CARRIED (8-0)

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.54pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre`	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant
Andrea Tsovleas	Journalist – Guardian Express
Alia Bath	Journalist – Voice News (in public gallery)
1 Member of the Public	

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 7 October 2003.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2003

10.4.7 Confidential Report - Chief Executive Officer's Annual Performance Appraisal 2002-2003 and Contract of Employment - This Report was considered at the Ordinary Meeting of Council held on 9 September 2003 - Report released (in part) for public information by the Chief Executive Officer on 7 October 2003.

Ward:	-	Date:	3 September 2003
Precinct:	-	File Ref:	
Attachments:			
Reporting Officer(s):	Mayor Nick Catania and CEO, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

COMMITTEE RECOMMENDATION:

That;

- (i) *the report of the Mayor (and Committee of the Council) authorised to conduct the Chief Executive Officer's Performance Review 2002-2003 and Contract of Employment, be received;*
- (ii) *the Contract of Employment for the Chief Executive Officer, John Giorgi, be renewed for a further period of five (5) years (in accordance with Clause 8.3 of the Contract of Employment), subject to;*
 - (a) *the Contract of Employment (Clause 5) being varied and to determine with the Council (and an external facilitator/consultant if required) key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement and these be qualitative and quantitative in nature (as recommended in the Independent Organisational Review, Recommendation 16);*
 - (b) *the Contract of Employment (Clause 5) being varied to allow the Council to determine the most appropriate method of conducting the CEO Annual Performance Appraisal and that this process include the use of an external facilitator/consultant, in conjunction with the Mayor and Elected Members; and*
 - (c) *the Chief Executive Officer's salary being increased to \$136,896; and*
- (iii) *the Mayor and Deputy Mayor be authorised to finalise the contract negotiations between the Town and the Chief Executive Officer.*

Moved by Cr Doran-Wu, Seconded by Cr Chester

That the following amended recommendation be adopted;

"AMENDED COMMITTEE RECOMMENDATION:

That;

- (i) *the report of the Mayor (and Committee of the Council) authorised to conduct the Chief Executive Officer's Performance Review 2002-2003 and Contract of Employment, be received;*

- (ii) *the Contract of Employment for the Chief Executive Officer, John Giorgi, be renewed for a further period of five (5) years (in accordance with Clause 8.3 of the Contract of Employment), subject to;*
- (a) *the Contract of Employment (Clause 5) being varied and to determine with the Council (and an external facilitator/consultant ~~if required~~) key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement and these be qualitative and quantitative in nature (as recommended in the Independent Organisational Review, Recommendation 16);*
 - (b) *the Contract of Employment (Clause 5) being varied to allow the Council to determine the most appropriate method of conducting the CEO Annual Performance Appraisal and that this process include the use of an external facilitator/consultant, in conjunction with the Mayor and Elected Members; and*
 - (c) *the Chief Executive Officer's salary being increased to \$136,896; ~~and~~*
- (iii) the Chief Executive Officer;
- (a) be authorised to obtain written quotations and engage an external facilitator (in liaison with the Mayor and Deputy Mayor);
 - (b) engage the external facilitator to undertake to fulfil the requirements of Clause (ii)(a) and (b) above;
 - (c) arrange for the appointed facilitator to conduct a briefing session for Elected Members on;
 - 1. the Elected Members' roles and responsibilities and the Council's role as an employer; and
 - 2. the proposed Key Performance Outcomes for the Chief Executive Officer;
- (iv) the external facilitator (in liaison with the Chief Executive Officer) completes the above no later than 31 October 2003, and that a report be submitted to the Ordinary Meeting of Council to be held on 4 November 2003; and
- (v) the Mayor and Deputy Mayor be authorised to finalise the contract negotiations between the Town and the Chief Executive Officer."

Debate ensued.

Moved by Cr Chester, Seconded by Cr Doran-Wu

That a new Clause (vi) be added as follows;

"(vi) Council NOTES potential benefits in engaging consultants to facilitate the CEO's appraisal on an ongoing basis."

AMENDMENT CARRIED (7-0)

MOTION AS AMENDED CARRIED (7-0)

(Crs Franchina and Torre were absent from the Meeting and did not vote.)

COUNCIL DECISION ITEM 10.4.7

That;

- (i) the report of the Mayor (and Committee of the Council) authorised to conduct the Chief Executive Officer's Performance Review 2002-2003 and Contract of Employment, be received;*
- (ii) the Contract of Employment for the Chief Executive Officer, John Giorgi, be renewed for a further period of five (5) years (in accordance with Clause 8.3 of the Contract of Employment), subject to;*
 - (a) the Contract of Employment (Clause 5) being varied and to determine with the Council (and an external facilitator/consultant) key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement and these be qualitative and quantitative in nature (as recommended in the Independent Organisational Review, Recommendation 16);*
 - (b) the Contract of Employment (Clause 5) being varied to allow the Council to determine the most appropriate method of conducting the CEO Annual Performance Appraisal and that this process include the use of an external facilitator/consultant, in conjunction with the Mayor and Elected Members; and*
 - (c) the Chief Executive Officer's salary being increased to \$136,896;*
- (iii) the Chief Executive Officer;*
 - (a) be authorised to obtain written quotations and engage an external facilitator (in liaison with the Mayor and Deputy Mayor);*
 - (b) engage the external facilitator to undertake to fulfil the requirements of Clause (ii)(a) and (b) above;*
 - (c) arrange for the appointed facilitator to conduct a briefing session for Elected Members on;*
 - 1. the Elected Members' roles and responsibilities and the Council's role as an employer; and*
 - 2. the proposed Key Performance Outcomes for the Chief Executive Officer;*
- (iv) the external facilitator (in liaison with the Chief Executive Officer) completes the above no later than 31 October 2003, and that a report be submitted to the Ordinary Meeting of Council to be held on 4 November 2003;*
- (v) the Mayor and Deputy Mayor be authorised to finalise the contract negotiations between the Town and the Chief Executive Officer; and*
- (vi) Council NOTES potential benefits in engaging consultants to facilitate the Chief Executive Officer's appraisal on an ongoing basis.*

BACKGROUND:

The Chief Executive Officer's Annual Performance Review is 8 August 2003. The Contract of Employment is due to expire on 8 August 2004.

The CEO's Performance Review is specified in the Contract of Employment at Item 5.0 as follows;

"5.0 Performance Review

- 5.1 *The Town shall give to the Officer at least 14 (fourteen) days' notice in writing that a performance review is to be conducted.*
- 5.2 *Any performance review will be conducted on behalf of the Town by the Mayor and a Committee of the Council.*
- 5.3 *A performance review conducted under this clause shall follow the following procedure:*
 - (a) *as soon as practicable after receipt of notice, the Officer shall prepare a report assessing his own performance of the duties as Chief Executive Officer measured against the Position Description and the Performance Criteria;*
 - (b) *the Officer will present his report to the Mayor and the Committee, as the case requires, and make himself available for interview;*
 - (c) *the Mayor shall prepare a report, in consultation with the Officer, to be signed by both the Mayor and the Officer;*
 - (d) *the Committee shall submit the report, with an appropriate recommendation to the Council.*
- 5.4 *The report referred to in clause 5.3(c) shall include:*
 - (a) *any conclusions about the Officer's performance during the period the subject of the performance review;*
 - (b) *any proposal to vary the Performance Criteria as a consequence of the performance review and any comments by the Officer contrary to those proposals;*
 - (c) *any directions or recommendations made to the Officer in relation to his or her future performance of the duties as Chief Executive Officer; and*
 - (d) *details of the extent, if any, to which the Officer disagrees with the statements in the report.*
- 5.5 *A performance review shall not be conducted by the Town more often than once in every 12 months."*

Appraisal Process and Timeline

On 28 July 2003, Mayor Catania wrote to all Councillors advising of the appraisal process and an indicative timetable and seeking comments for the following areas;

1. Organisational Management
2. Statutory Compliance
3. Human Resources
4. Relationships
 - (a) Elected Members
 - (b) Others
5. Other Comments

Indicative Timetable

14–30 July 2003	Mayor to circulate feedback forms to Councillors for comment
4 August 2003	CEO to provide Appraisal 2003 to Mayor and Councillors
4-15 August 2003	Mayor and Deputy Mayor assess Councillor's feedback
4-15 August 2003	Elected Members to review CEO's Appraisal
20 August 2003	CEO Appraisal Committee first meeting
2 September 2003	Appraisal Committee second meeting (if required)
9 September 2003	Council to consider Committee report

The Chief Executive Officer submitted a copy of his written performance review to the Mayor and Councillors on the 4 August 2003, in accordance with the contract. A copy is attached at Appendix 1.

This report was prepared in accordance with Clauses 5.3(c) and 5.4 of the Employment Contract of the Chief Executive Officer John Giorgi and related to his performance for the 2002-2003 period. On 15 August 2003, the Mayor and Deputy Mayor met with the CEO and asked a number of questions and requested additional information and clarification to several items in the review. Comments received on a confidential basis from Councillors were raised with the CEO. The CEO provided additional information on 18 August 2003 and a copy is attached at Appendix 2.

Performance Appraisal Committee Meeting - 20 August 2003

The CEO Performance Appraisal Committee, consisting of Mayor Catania and all Councillors met on 20 August 2003, to satisfy the Local Government Act requirement for Council to undertake an annual CEO review. Councillors Cohen and Farrell were on approved leave of absence. The CEO was not requested to attend the Committee meeting.

Committee Comments

CONFIDENTIAL - NOT RELEASED FOR PUBLIC INFORMATION PURSUANT TO LOCAL GOVERNMENT ACT SECTION 5.95(5)

2. Committee Recommendation

(A letter was issued by the Mayor to all Councillors on 2 September 2003 concerning the recommendation and matters raised by Councillors.) The Committee agreed that following amended recommendation will be submitted to the Ordinary Meeting of Council to be held on 9 September 2003. (Changes are shown by ~~strike through~~ for deletion and underlining for additional information.)

"That;

- (i) *the Contract of Employment for the Chief Executive Officer, John Giorgi, be renewed for a further period of five (5) years (in accordance with Clause 8.3 of the Contract of Employment), subject to;*
- (a) *~~the Chief Executive Officer consenting to~~ the Contract of Employment (Clause 5) being varied ~~to jointly~~ and to determine with the Council (and an external facilitator/consultant if required) key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement and these ~~may~~ be qualitative and quantitative in nature (as recommended in the Independent Organisational Review, Recommendation 16);*
- (b) *~~the Chief Executive Officer consenting to~~ the Contract of Employment (Clause 5) being varied to allow the Council to determine the most appropriate method of conducting the CEO Annual Performance Appraisal and that this process ~~may~~ include the use of an external facilitator/consultant, ~~if required,~~ in conjunction with the Mayor and Elected Members; and*
- (c) *the Chief Executive Officer's salary being increased to \$136,896;*
- (ii) *the Mayor and Deputy Mayor be authorised to finalise the contract negotiations between the Town and the Chief Executive Officer."*

3. Report Timeline

The Committee agreed that a report would be submitted to the Ordinary Meeting of Council to be held on 9 September 2003. This report will be prepared in consultation with the CEO and will be signed by both persons.

The report will include will include;

- (a) any conclusions about the Officer's performance during the period the subject of the performance review;
- (b) any proposal to vary the Performance Criteria as a consequence of the performance review and any comments by the Officer contrary to those proposals;
- (c) any directions or recommendations made to the Officer in relation to his or her future performance of the duties as Chief Executive Officer; and
- (d) details of the extent, if any, to which the Officer disagrees with the statements in the report.

Conclusion about the CEO's Performance

Having given consideration to the matters identified by various Elected Members, the Committee is of the overall opinion that the CEO has performed in a satisfactory manner and meets the Contract of Employment criteria. The CEO has delivered his services in a professional manner. The CEO has worked hard over the previous year. A number of major projects are in progress.

CEO's Comments:

The CEO notes the comments made. Areas identified will be addressed , in conjunction with the implementation of the Independent Organisational Review recommendations.

Performance Criteria

The Committee recommends that *“the Contract of Employment (Clause 5) being varied and determined with the Council (and an external facilitator/consultant if required), Key Performance Outcomes (Indicator's) being included into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement and these be qualitative and quantitative in nature (as recommended in the Independent Organisational Review, Recommendation 16).“*

CEO's Comments:

The CEO concurs with this recommendation.

Directions or Recommendations

The Committee recommends to the Council the recommendation, as detailed in this report.

CEO's Comments:

The CEO concurs with this recommendation.

Term of Contract and Salary

The Committee recommends the Contract of Employment for the Chief Executive Officer John Giorgi, be renewed (as detailed in the Committee Recommendation) for a further period of five (5) years (in accordance with Clause 8.3 of the Contract of Employment). The Committee has reviewed the salary package information provided and recommends that the Chief Executive Officer's salary being increased to \$136,896, for the reasons detailed in this report.

CEO's Comments:

The CEO concurs with this recommendation.

Independent Organisational Review

The Town of Vincent Independent Organisational Review dated April 2003 included the following objective for Senior Executives;

"Objective No. 10 - Human Resources - Senior Executives

To review and align the role of Senior Executives with reference to the future direction of the organisation."

The report stated; *"The majority of key stakeholders believed the Chief Executive Officer and the Executive Managers were performing satisfactorily."* (Clause 1.13 - Page 10.)

The Consultants made two recommendations relating to the Chief Executive Officer, namely;

"Recommendation 15

Following Council's adoption of the 2003/04 annual budget, the elected Council, assisted by an experienced external person meet with the Chief Executive Officer to jointly determine key performance outcomes for the Chief Executive Office for the next 12 months. Those outcomes to be strategic in nature and include a focus on goal setting and continuous improvement. The Chief Executive Officer's consent is required to any change, as this constitutes a contract variation."

The other Recommendation No. 53 relates to embarking on an Organisational Improvement Program. This Recommendation does not impact on the renewal of the Contract of Employment and can be implemented at a later stage.

Advantages and Benefits of Contract Renewal

The request for a renewal of contract is recommended for the following reasons;

1. The Chief Executive Officer is of the view that he has provided professional, conscientious, loyal and diligent service to the Town and is currently performing in a most satisfactory manner. Over the previous 9 years he has always received satisfactory Performance Reviews.
2. The Town's recent Independent Organisational Review, dated April 2003, has reported that; *"The majority of key stakeholders believed the Chief Executive Officer and the Executive Managers were performing satisfactorily."* (Clause 1.13 - Page 10.)
3. To retain the CEO's extensive background and intellectual knowledge. The CEO has accumulated extensive and comprehensive background knowledge of the Town over a period of 30 years (23 years at Perth City Council and 9 years as CEO). He is the inaugural CEO and was instrumental in setting up the Town and therefore has intimate knowledge about the Organisation's operations and history.
4. To ensure a continuity of service and avoid the need for contract re-negotiation during the extremely busy period which lies ahead.
5. To continue providing and maintaining leadership stability in the Town's Executive Team over the forthcoming years.
6. To avoid unnecessary disruption to the Executive Management Team, which works in a most positive, harmonious and cohesive manner with obvious positive benefits to achieving the Town's strategic objectives.

7. To ensure that the Town's Senior Management Team, (namely the CEO and Executive Managers) are in the best position to achieve the objectives in the Town's Strategic Plan 2003-2008 and implement the recommendations of the Independent Organisational Review.
8. To ensure stability and a continuation of direct involvement for the Town's major Capital works projects (valued at multi-million dollars), including the State Sporting Facilities Projects as follows;
 - construction of the Multi Purpose Rectangular Sports Stadium and redevelopment of Perth Oval (current – January 2004);
 - redevelopment of Leederville Oval into a "Football Centre of Excellence" (current – March 2004);
 - construction of a State Indoor Multi Use Sports Centre (current – December 2004); and
 - construction of the administration building for the Department of Sport and Recreation (current - December 2004).
9. To ensure a continuation of the work to progress the redevelopment of the Tamala Park (Lot 118) Land. The CEO fought for over 7 years for the Town to be given joint ownership of this strategic land, which is potentially worth \$10-20 million to the Town. The CEO has extensive background knowledge, having been involved in the matter for over 9 years.
10. To avoid the need for the Town to advertise and recruit a new CEO. The direct cost savings to the Town for the usual recruitment costs of advertising/recruitment are estimated at up to \$10,000 if carried out internally and \$20,000-\$25,000 if a recruitment agency is used.

Remuneration

As part of the process, the Chief Executive Officer has provided the information of comparable Local Governments' remuneration details. This is shown in Appendix 2.

As this Review also is at the same time as a contract renewal, it is appropriate to renegotiate the contract conditions-which include new salary and KPI's, outcomes required and the like.

The Chief Executive Officer salary or remuneration package is shown in Appendix 2

Justification for Salary Increase

The CEO has requested an increase in salary, for the following reasons;

- (i) to maintain parity with other comparable Local Governments - it is considered the CEO's salary has fallen below the benchmark of other similar Local Governments;
- (ii) to reward for the additional workload carried out;
- (iii) in recognition of the work in achieving many projects during the previous contract period – for example;

- (a) finalisation of all City of Perth Restructuring matters;
 - (b) fighting for and achieving the Town's equity in Tamala Park - this is potentially worth \$10-20 million to the Town;
 - (c) negotiating the purchase of our new Works Depot-achieved at minimal cost to the Town and resulting in a much improved asset, current valued at approximately \$5.5 million (previously valued at \$3 million);
 - (d) instigation and completion of "Richmond-on-the-Park" subdivision-to remove an industrial use from the residential area (and to pay for the new depot);
- (iv) Maintaining an unblemished Industrial Relations and safety record; and
- (v) State Sporting Facilities Plan - the CEO has personally lead the negotiations for these major sporting facilities projects which have reaped significant financial benefits to the Town;
- (a) the Town will receive over \$8.5 millions in Government grants;
 - (b) cost savings to the ratepayers (Perth Oval estimated to cost \$3million to refurbish, Leederville Oval estimated at \$2.5million);

LEGAL/POLICY IMPLICATIONS:

The current Contract of Employment, Clause 8.0 states;

"8.0 *Renewal of Employment*

- 8.1 There is no compulsion on either the Town or the Officer to agree to an extension of the Term.*
- 8.2 The Town shall invite the Officer in writing not later than 12 months prior to the expiry of the Term to discuss the possibility of the parties entering into a new agreement for a further term with the intent of finalising those discussions not later than 6 months prior to the end of the Term.*
- 8.3 In the event that the Town and the Officer agree to an extension of the Term then the terms and conditions of this Agreement will continue to apply unless varied in writing by the parties."*

The Local Government Act 1995, Section 5.38 requires the performance of each employee to be reviewed at least once every year.

FINANCIAL/BUDGET IMPLICATIONS:

If the Council increases the CEO's salary, this will require the budget to be adjusted accordingly, to reflect the change.

STRATEGIC IMPLICATIONS:

The review of the salary and conditions is in accordance with the Town's Strategic Plan 2000-2002, Key Results Area 4: Leadership and Management, Item 4.3 – Enhanced Staff Empowerment, Career Development and Job Satisfaction; Clause (f), *“Review staff Remuneration/Conditions including benchmarking against industry standards”* and Draft Strategic Plan 2003-2008, Clause 4.4, *“Maintain and enhance a positive work environment that encourages employees to give their best and work in safety.”* Clause (e) states; *“Maintain employee remuneration and conditions according to industry standards.”*

CEO'S COMMENT:

The Chief Executive Officer is of the view that he is performing in a professional, loyal, conscientious and diligent manner. The Independent Organisational Review (April 2003) recognises the Officers' performance. Over the previous years he has conducted himself in a professional manner and has provided excellent service to the Town. His background knowledge and experience is considered invaluable to the Town.

The CEO looks forward to the challenge which lies ahead.

.....
NICK CATANIA, JP
MAYOR

.....
JOHN GIORGI, JP
CHIEF EXECUTIVE OFFICER

APPENDIX 2

CEO'S REMUNERATION COMPARISON 2003

Remuneraton Comparison

The Chief Executive Officer has obtained the following information of comparable local governments;

Medium Size Local Governments Comparison							
	Vincent	Cambridge	Victoria Park	Belmont	South Perth	Subiaco	Bunbury
Budget	\$23.90m	\$23.276m	\$15.80m	\$26.71m	\$26.3m	\$18.03m	\$26.432m
Rates	\$13.12	\$10.127	\$12.80	\$15.81	\$14.71	\$8.51	\$12.90
Population	25,795	24,047	28,001	31,000	37,684	15,673	30,836
Electors	18,353	17,091	17,675	19,916	26	10,989	20,822
Area	10.4	22	17.6	40	19.9	7.1	61.2
No. of Dwellings	15,514	9,785	13,526	13,500	17,530	8,311	14,232
	Vincent	Cambridge	Victoria Park	Belmont	South Perth	Subiaco	Bunbury
No. of Crs	8	8	8	12	15	13	13
FTEs	173	140	127	174	209	123	197
CEO Salary	\$126,896	*\$.....	**\$128,500	\$142,660	\$140,350	\$135,500	\$149,096
Total Package	\$163,875	*\$.....	\$187,500	\$186,620	\$178,700	\$174,150	\$180,515

* *Confidential*
** *Under Review*

SOURCE: This information has been obtained from the Western Australian Local Government Association (WALGA). Salary Survey dated 1 May 2003.