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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 8 July 2003, commencing at 6.10pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Rick Lotznicher Executive Manager, Technical Services

The Chief Executive Officer advised that Mr Lotznicher was unwell and unable to attend the meeting.

(b) Present:

Mayor Nick Catania, JP Presiding Member (until 9.57pm)

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 (until 9.55pm)

Cr Ian Ker (Deputy Mayor) South Ward

Cr Sally Lake South Ward

Cr Maddelena Torre South Ward

John Giorgi, JP Chief Executive Officer

Rob Boardman Executive Manager, Environmental & Development Services (until 9.30pm)

Mike Rootsey Executive Manager, Corporate Services (until 9.30pm)

Debbie Winfield Minutes Secretary (until 9.30pm)

Alia Bath Journalist - Voice News (in public gallery until 9.30pm)

Peta Rule Journalist - The West Australian (until 9.30pm)

Ryan Sturman Journalist – Guardian Express (until 9.30pm)

Approximately 35 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Lane Rietdijk of 48 Auckland Street, North Perth - Item 10.1.2. Stated that a green title had been refused and that the Town of Vincent and WAPC had advised that a Strata Title would be approved. He asked why in the Eton Locality subdivisions had to be considered by Council, and who paid for the additional work and wasted time.

Mayor Catania responded that the Eton Locality was undergoing a Town Planning Review to reduce the densities from R30/40 to R20 and Council had therefore requested Town staff that any relevant applications in that locality be referred to Council. The Mayor stated that the Council could then ensure that residents and ratepayers views were considered.

2. Mr Steve Scaffidi of Carr Street, West Perth - Item 10.1.10. Stated that he was one of the investors in the redevelopment of Brisbane Hotel, and referred to his own and Jeff Haywoods' experience in the hospitality industry. He also stated that their intention was to renovate the hotel to a quality standard, to have input from the community and the Town of Vincent, to provide an outdoor courtyard for dining and to pay cash-in-lieu of \$12,500 for twelve (12) carbays.
3. Mr Dan Caddy of 44B Fairfield Street, Mount Hawthorn, Chairman of the Mount Hawthorn Precinct Group - Item 10.1.7. Stated this development should not have been recommended for approval because it was a four (4) storey development and this did not comply with Town's Policy 3.1.2, the maximum being up to three (3) storeys. He also disagreed with the comments in the Town Officer's report on the impact of the increase in cars and the impact on the amenity of the area. He requested Councillors to refuse the application.
4. Mr Claude Ambrogio of 119 Maureen Road, Attadale, representing his client - Item 10.1.6. Stated that he had worked closely with the Town and asked that Council consider the following;
 - (i) amending clause (iv) (b) - to reduce the measurements to 3.3 metres x 3.3 metres, as there is in total 16 square metres of outdoor living area provided; and
 - (ii) allow the access leg to be 2.7 metres in lieu of the required 3 metres in consideration of the cost to modify and destroy an attractive part of an historical house.
5. Ms Kate Hall of 327 Pier Street, Perth - 10.4.3. Stated that she applauded the recording of the meeting and stated the first meeting of the new Council was not recorded as planned. Questioned why meetings behind closed doors were not recorded, as they would be available to meeting participants, and requested Councillors to consider doing this. Requested that Item 10.4.3 of tonight's Agenda be brought forward.
6. Mr Peter Collins of 9 Wilberforce Street, Mount Hawthorn - Item 10.1.5. Stated that the eastern wall which will be along his backyard is to be 11 metres long, 4½ metres high and 1.1 metres from his boundary, did not comply (3.3.3 of R Codes) and would have a severe negative visual impact due to its size and proximity. He referred to his concerns listed in the Town Officers report in the Agenda. He requested Councillors to amend the setback to 1.5metres, in compliance with the R Codes.
7. Mr Anthony Gosray of 3 Mile Place, Dianella on behalf of Mr and Mrs Michael Eades who own property at 437A & B Charles Street, North Perth - Item 10.1.6. Stated that the proposed development would result in the rear of Mr Eade's property being encased, thus creating a heat sink in summer and it would be dim and cold in winter, and this would affect the ability to rent the property. He requested Councillors to take this into consideration.

8. Mr Matt Buckles of 73 Bourke Street, Leederville - Item 10.1.7. Stated that as three storey was the maximum allowed, a four storey development should not be recommended for approval by Town Officers. Also asked why there was a palm tree in the middle of the roundabout at the end of Oxford Street.
9. Juliet Bruni of 71 Raglan Road, Mount Lawley, speaking on behalf of herself and her husband - Item 10.1.11. Stated that their house wall (master bedroom and family room) forms the boundary of the ROW at the rear of the proposed development site, and up to 24 cars using the access way will result in a loss of amenity to them in regard to noise, vibration, and risk of property damage. Also stated that the automatic gate will be opposite their living room. She referred Councillors to the previous submission stating their objections. She requested Council to approve the access to be via William Street, noting that access via the ROW was not mandatory.
10. Kevin Palassis, architect from Palassis Architects, of 353 Rockeby Road, Subiaco - Item 10.1.11. Stated that items that Council had highlighted had been dealt with as follows;
 - Fencing - opened up and now complies
 - Trees - space around trees modified to allow maintenance
 - Bins - located in each of store areas
 - Heritage report - provided evidence of difficulty in removing render from the walls, will affect building structure and damage brickwork
 - ROW - provided advice from Ken Adam, and the policy of Council to provide access off the ROW where possible, policy 3.2.6 Vehicular Access.

He also stated that the access gate would be sliding and not noisy and on heritage grounds this was a good use of a very difficult site.

11. Mr Dudley Maier of 51 Chatsworth Street, Highgate - Items 10.4.5, 10.1.7, and 10.1.10. Stated that he had attended the previous meeting when Cr Franchina had joined the public gallery, and although it was a breach of Standing Orders, he believed the frustration was understandable given that a ratepayer waited 4 months for a response from the Town. He requested Councillors to "go easy" on Cr Franchina as there were bigger concerns such as the Matlock Street development.

He referred to the Car Parking table on page 44 of the Agenda under Item 10.1.10 and stated he believed there was a mistake in the figures.

12. Ms Lucia Dedear, on behalf of the Mount Hawthorn Precinct Group, of 98 Buxton Street, Mount Hawthorn - Item 10.1.7 and 10.4.4. Stated that Councillors should have received an email or fax advising reasons this development should not be approved, with the following main points;
 - Development is in the heart of the commercial area, where only up to three storeys can be considered, and not in the district centre
 - Extra height adds to bulk and scale of building
 - Change streetscape to detriment of area
 - Carpark shortfall - will create a carparking problem
 - Removal of only street tree

She asked why, in regard to the letter from Main Roads WA under Item 10.4.4, IB01, the proposed reduced speed limit not be extended to beyond the Mount Hawthorn Primary School.

13. Ms Barbara Schenko of 393 King Drive, Woodridge, on behalf of her client Mr Robert Mead - Item 10.1.9. Stated that her client wanted a garage door for safety and to prevent vandalism, and that there were other garage doors in the street.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

The Chief Executive Officer advised that Councillor Doran-Wu had requested Leave of Absence from 14 to 18 July 2003, for personal reasons.

Moved Cr Lake, Seconded Cr Ker

That Council approve Councillor Doran-Wu's request for Leave of Absence from 14 to 18 July 2003.

CARRIED (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 24 June 2003.

Moved Cr Lake, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 24 June 2003 be confirmed as a true and correct record.

CARRIED (9-0)

6.2 Special Meeting of Council held on 1 July 2003.

Moved Cr Cohen, Seconded Cr Lake

That the Minutes of the Special Meeting of Council held on 1 July 2003 be confirmed as a true and correct record.

Cr Franchina asked whether he was precluded from voting as he did not attend this meeting.

Chief Executive Officer, John Giorgi advised that there was no obligation not to vote under the Local Government Act. However, all Elected Members in the Chamber are obliged to vote.

Cr Franchina departed the Chamber at 6.43pm.

CARRIED (8-0)

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

Cr Franchina returned to the Chamber at 6.43pm.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

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

He announced that for July 2003, the award was presented to Alison Bosworth, Senior Environmental Health Officer in the Health Services Section, and that Alison was nominated by the Executive Manager Environmental & Development Services, Rob Boardman.

Mayor Catania advised that Alison has been employed by the Town since 8 February 1999 she has received numerous letters complimenting her high standard of work, and in particular, Alison was complimented by Mr Ray Mason, Burser of Aranmore College, for coordinating the various Town's sections who assisted in the planning of the Aranmore College Centennial lunch held on the school oval and was attended by almost 1,000 people.

Mayor Catania advised that in addition, the Local Health Authorities Analytical Committee complimented the Town's Health Services for their Food Monitoring Program and this is mainly due to Alison's dedicated work.

Mayor Catania congratulated Alison and advised that unfortunately Alison was unavailable to attend tonight's meeting and that congratulations, the voucher and certificate would be passed onto him at work tomorrow.

7.2. Vincent Secures Funding for Underground Power

Mayor Catania announced that the Town Of Vincent has been successful in obtaining funding for the undergrounding of power to approximately 851 lots in the area bounded by Summers, Lord, Parry, Beaufort, Bulwer, Smith, Curtis and Walcott Streets, Guildford Road, Stanley and Mitchell Streets, and the river.

Mayor Catania advised that the area earmarked for underground power is flanked to the north and south by segments of Mt Lawley and East Perth adjacent to the Vincent boundaries which have already received underground power.

The Town submitted nine areas to the State Government Underground Power Committee for consideration in this year's funding round, and successfully secured funding for the first time.

The Town's project, based on approximate costs of \$4,500 per lot, is estimated to cost \$4 million, of which 50% will be funded by the State Government. The Town will be required to contribute approximately \$800,000 towards the Town's portion of \$2 million – with the remainder being funded by the landowners in the area.

The next stage of the project will involve the town consulting with ratepayers and residents in the area about undergrounding power and developing different funding options.

Mayor Catania advised that putting power lines underground has an enormously beneficial effect on the amenity of an area in all sorts of ways – allowing trees to achieve their natural shape without being drastically pruned, enhancing the streetscape, minimising the possibility of storm damage. The reduced tree pruning will also produce a cost savings.

Mayor Catania thanked Executive Manager Technical Services, Rick Lotznicher, Manager Engineering Design Services, Craig Wilson, and the Technical Services staff for their excellent and successful submission.

7.3. Independent Organisational Review

Mayor Catania advised that on tonight's Agenda - Item 10.4.3 - relates to the Independent Organisational Review, which was carried out earlier this year.

He advised that as some may be aware, the Council approved of an Independent Organisational Review to be carried out covering all aspects of the Organisation.

Mayor Catania noted that this report has now been received and he advised the following;

"this review has concluded that the town has dedicated staff and is generally well managed and operating adequately.

The review has identified opportunities to improve the organisational performance in a cost effective manner that will result in the town of vincent providing improved standards of performance for the betterment of service delivery to its community. A number of recommendations have been made to realise those opportunities."

"the majority view of key stakeholders is that the Town Of Vincent is generally operating to a satisfactory standard of Local Government. Outstanding areas highlighted by key stakeholders included Beatty Park Leisure Centre, Parks Services, Engineering Operations and Works Services and Library Services."

"the majority of key stakeholders believe that the CEO and Executive Managers were performing satisfactorily."

"financially the Town Of Vincent is functioning well, is virtually debt free with reasonable balance of cash and reserve funds".

"the area of financial accountability relating to businesses and services was found to be very sound."

"the Town's existing allocation of resources and outsourcing practices, ensures that resources are not duplicated."

Mayor Catania advised that a Public Meeting will be held at 6.00 pm on Thursday 17 July 2003 whereby the consultants will present the findings of the report.

He advised that he had discussed this matter with the Chief Executive Officer and we both are of the opinion that this is a fair and objective report.

He noted that this report confirmed what many of us were already aware of and provides an opportunity to improve the Organisational performance in a cost effective manner that will result in the Town Of Vincent providing improved standards of performance for the betterment of service delivery to its community.

Mayor Catania advised that the challenge is now for the Elected Council and the Town's Administration to jointly work together for the betterment of the Vincent Community.

4. Heritage low interest loan scheme

Mayor Catania advised that he and the CEO and attended the Launch of the Western Australian Local Government Association and Heritage Council of Western Australia Launch of the Heritage Loan Scheme held at St Albans Church, Highgate.

He noted that, this scheme has been under consideration for several years and the Town Of Vincent has strongly supported it from its inception. The Town Of Vincent, along with a number of other Local Governments, both country and metropolitan, have already pledged their support for this scheme.

This scheme will enable owners to carry out quality restoration and conservation work to their properties and will allow the owners to access personal loans of up to \$50,000 at 3% below the standard rate offered by the lender, Statewest Credit Society.

Mayor Catania congratulated the Town's Planning and Heritage staff for their persistence in this important matter and look forward to Vincent's continuing participation in the scheme.

5. Development compliances

Mayor Catania advised that on tonight's agenda was a Notice of Motion relating to a property in Leederville whereby it is alleged that this development has been constructed contrary to the approved plans.

Mayor Catania noted that he had made enquiries on this matter and had been advised that;

1. Council Planning and Building Officers have carried out inspections of this development and are in the process of finalising a report for the consideration of the Council.
2. The developer has written to the Town acknowledging that variations to the approved plans have been carried out.
3. The Town has not issued any subsequent approvals under Delegated Authority.
4. The Chief Executive Officer is preparing a report which will include;
 - (a) a review of how the Town carries out final inspections of developments;
 - (b) current enforcement procedures;
 - (c) the possibility of employing a full-time Compliance Officer; and
 - (d) the requirement of a Certificate Of Occupancy for all buildings - unfortunately there is no longer a requirement for developments to obtain a Certificate of Occupancy as was previously the case under the former uniform Building Bylaws. A Certificate of Classification is required under the Building Regulations 1989, which certifies that the building has been inspected and is constructed in accordance with approved plans and the specifications. However, the Building Regulations 1989 states that a Certificate of Classification is not required for Class 1 (single houses and grouped dwellings) and Class 10 (non-habitable structures) Building of the Building Code of Australia. The Town cannot legally require a Certificate of Classification for Class 1 and Class 10 buildings. Notwithstanding, a Certificate of Classification is required for multiple dwellings (Class 2 buildings).

Mayor Catania advised he made this announcement to provide the Council with information.

8. DECLARATION OF INTERESTS

- 8.1 Cr Sally Lake declared an impartiality interest in Item 10.4.3 - Amended Policy – Elected Member Allowances, Fees and Reimbursement of Expenses. Her interest being that her partner had provided a submission on this matter.
- 8.2 Cr Franchina declared an impartiality interest in Item 10.4.5 - Confidential Report - Alleged Breaches of Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct - Councillor Basilio (Basil) Franchina. Details of his interest were not advised.
- 8.3 Mayor Catania declared an impartiality interest in Item 10.4.5 - Confidential Report - Alleged Breaches of Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct - Councillor Basilio (Basil) Franchina. His interest being that the matter relates to his position as Mayor.

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

**9.1 Question from Cr Simon Chester re Cash-In-Lieu Contribution For Car
Parking Chronology**

Q1 In the history of the Town's Cash- in- Lieu Policy regarding carparking what
have been the amounts of monies required per carbay.

Chief Executive Officer's Response

12 June 1995 - Ordinary Meeting of Council

On 12 June 1995, the Council rescinded its Policy No. 13 relating to Cash-in-lieu
Contribution for Car Parking which was adopted on 21 March 1988 and 2 May 1995.

At this Meeting a new Policy relating to Cash-in-lieu Contribution for Car Parking was
considered, which included provision for a payment rate of \$4,500 per car bay. This
was adopted with amendments relating to provision for a payment rate of a minimum
of \$4,500 to a maximum of \$10,000 per car bay, and each case to be determined by the
Council.

Council resolution relevant clause:

*"That the rate of cash-in-lieu for each bay is to be set at a minimum of \$4500 and a
maximum of \$10,000 and each case is to be decided by Council."*

14 August 1995 - Ordinary Meeting of Council

On 14 August 1995, the Council rescinded its Policy relating to Cash-in-lieu
Contribution for Car Parking which was adopted on 12 June 1995.

At this Meeting, a revised Policy relating to Cash-in-lieu Contribution for Car Parking
was considered, which included provision for a payment rate of \$6,000 per car bay in
the 1995/1996 financial year (such value to be updated annually on the basis of the
value of commercial land) and adopted accordingly.

Council resolution relevant clause:

*"(c) except as provided for below, the full number of bays of any shortfall shall be the
subject of cash-in-lieu contributions, calculated at the rate of \$6000 per bay, in
1995/96, such value to be updated annually on the basis of the value of
commercial land in the Town of Vincent."*

20 January 1997 - Ordinary Meeting of Council

On 20 January 1997, a Notice of Motion was considered and resolved by the Council to
review the Policy relating to car parking requirements. It was also resolved that the
current practice for dealing with cash-in-lieu would continue until the new Policies
were developed and adopted by the Council.

Council resolution relevant clause:

*"(ii) until new policies are developed and adopted, the Council will continue its
current practice of applying its cash in lieu policy, using its discretion with
regard to the circumstances and merit of each individual case."*

11 August 1997 - Ordinary Meeting of Council

On 11 August 1997, the Council rescinded its Policy relating to Cash-in-lieu Contribution for Car Parking which was adopted on 14 August 1995.

At this Meeting, a draft Policy relating to Cash-in-lieu Contribution for Car Parking was advertised and included provision for a payment rate of that would be determined by the Council, on an annual basis as part of the Adopted Schedule of Fees and Charges in the Budget, which was \$3,000 per car bay in the 1997/1998 financial year and adopted accordingly.

Council resolution relevant clause:

"(b) The amount of cash-in-lieu to be paid shall be calculated at the rate determined annually by the Council when adopting the Fees and Charges set out in the Annual Budget for the full number of bays of any net shortfall as calculated above."

Council Report relevant clause:

"In relation to Clause (b) of the Draft Policy, the rate determined by the Council at its Special Meeting held on 4 August 1997 for the amount of cash-in-lieu per car parking bay for the 1997/98 Annual Budget is at \$3,000 per car bay."

9 June 1998 - Ordinary Meeting of Council

On 9 June 1998, the Council received a report relating to the draft Policy relating to Cash-in-lieu Contribution for Car Parking which was adopted on 11 August 1997, and to report back to the Council.

29 September 1998 - Ordinary Meeting of Council

On 29 September 1998, a Notice of Motion was considered by the Council and the Council rescinded its Policy relating to Cash-in-lieu Contribution for Car Parking which was adopted on 11 August 1997.

18 January 1999 - Ordinary Meeting of Council

On 18 January 1999, the Council resolved that the Chief Executive Officer report back to Council regarding the draft Policy relating to Cash-in-lieu Contribution for Car Parking, and that the draft Policy would be considered as part of the Planning and Building Policy Manual.

Council resolution relevant clause:

"That the Council;

- (i) authorises the Chief Executive Officer to report back to the Council regarding the review of the Draft Parking and Access Policy as part of the Planning and Building Policies to be referred to the Council for adoption pursuant to the Town of Vincent Town Planning Scheme No. 1."*

21 March 2001 - Ordinary Meeting of Council

On 21 March 2001, the Council received and adopted the Planning and Building Policy Manual which contained a Policy relating to Parking and Access, including provision for Cash-in-lieu Contribution for Car Parking. The Policy included provision for a payment rate that would be determined by the Council, on an annual basis as part of the Adopted Schedule of Fees and Charges in the Budget. This was set at \$2,500 per car bay in the 2001/2002 financial year and adopted accordingly.

Summary Table

Year	Contribution Cost
2002/2003	\$2,500 per car bay
2001/2002	\$2,500 per car bay
1998/1999 2000/2001	- Nil - Policy rescinded
1997/1998	\$3,000 per car bay
1996/1997	\$6,000 per car bay
1995/1996	\$6,000 per car bay
As at 12 June 1995	Min of \$4,500 to max of \$10,000 per car bay

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 10.1.2, 10.1.10, 10.1.7, 10.1.6, 10.4.3, 10.1.5, 10.1.11, 10.1.9 and 10.4.4.

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 10.2.4 and 10.1.12.

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

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

Cr Ker	10.1.4
Cr Lake	Nil
Cr Chester	10.3.1 and 10.2.5
Cr Torre	Nil
Cr Doran-Wu	10.1.3
Cr Farrell	Nil
Cr Cohen	10.3.2
Cr Franchina	Nil
Mayor Catania	Nil

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

Nil.

10.5 **Unopposed items which will be moved en bloc:**

Items 10.1.1, 10.1.8, 10.2.1, 10.2.2, 10.2.3, 10.2.6, 10.3.3, 10.4.1 and 10.4.2.

10.6 **Confidential Reports which will be considered behind closed doors at the conclusion of other items and the following was advised.**

Item 10.4.5.

The **New Order** of which items to be considered, was follows:

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

Items 10.1.1, 10.1.8, 10.2.1, 10.2.2, 10.2.3, 10.2.6, 10.3.3, 10.4.1 and 10.4.2.

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

Items 10.1.2, 10.1.10, 10.1.7, 10.1.6, 10.4.3, 10.1.5, 10.1.11, 10.1.9 and 10.4.4.

Moved Cr Torre, Seconded Cr Farrell

That the following unopposed items be moved en bloc;

Items 10.1.1, 10.1.8, 10.2.1, 10.2.2, 10.2.3, 10.2.6, 10.3.3, 10.4.1 and 10.4.2.

CARRIED (9-0)

10.1.1 Further Report - No. 131 (Lot 282) Coogee Street, Mount Hawthorn – Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	North	Date:	1 July 2003
Precinct:	Mount Hawthorn, P1	File Ref:	PRO 2321; 00/33/1589
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner A Van Der Feltz for proposed partial demolition of and alterations and two storey additions to existing single house at No. 131 (Lot 282) Coogee Street, Mount Hawthorn, and as shown on amended plans stamp-dated 13 June 2003 (elevations of residence) and 27 June 2003, subject to:

- (i) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) 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) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*

- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
 - (viii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (ix) *subject to first obtaining the consent of the owners of No.133 Coogee 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. 133 Coogee Street, in a good and clean condition;*
 - (x) *no future fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Coogee Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
 - (xi) *no further plumbing or sanitary facilities or fixtures, than those shown on the approved plans shall be provided to or within the outbuilding/shed structure without the prior approval of such by the Town ;*
 - (xii) *the outbuilding structure/shed shall not be used for industrial, commercial or habitable purposes and not for the parking of vehicles;*
 - (xiii) *a tree of an evergreen species to the satisfaction of the Town's Parks Services and with a minimum height of 3 metres when planted, shall be planted and thereafter maintained along the southern boundary in the location of potential overlooking from the balcony onto No. 129 Coogee Street; and*
 - (xiv) *prior to the issue of a Building Licence, a free standing uncovered car parking bay shall be provided at the rear of the property with access and adequate manoeuvring area from the right of way. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

FURTHER REPORT:

The application was considered at the Ordinary Meeting of Council held on 24 June 2003, where the Council resolved that "*this item be DEFERRED until the next Meeting as requested by the applicant.*"

The application was deferred in order to address some concerns relating to the conditions of the previous Officer Recommendation.

Privacy Assessment - Balcony

The screen wall condition (clause (xii)) previously placed in the Officer Recommendation was addressed with the owner. Initial plans proposed a balcony extending a total length of 4.7 metres, ceasing 1.4 metres away from the south boundary. To assist in alleviating the objection received from the south affected neighbour, the applicant provided amended plans that demonstrated a relocation of and reduction in the extent of the balcony on the upper floor. The privacy setback variation was subsequently reduced and, as a result, it was determined that a maximum of 1.5 square metres of the neighbouring property would be overlooked.

The applicant has indicated an evergreen tree in the location of the overlooking area to the neighbouring property. The screening measures applied are deemed to be acceptable in this instance and therefore supported.

Car Parking

As the dwelling is currently only serviced with one car parking bay via a rear garage off the right of way, it is reasonable to allow such provision to continue. This therefore require one bay to be accommodated off the right of way on the subject lot. The owner is willing to accommodate a free standing bay to the south of the proposed shed. The owner has expressed the view that providing a free standing car bay is preferable to modifying the shed for parking purposes, and will not compromise the size of the existing back yard area. This is considered acceptable and supported in this instance.

On this basis, the reduced car parking provision, which maintains the status quo for the site, is supported.

The revised proposal is considered acceptable and the previous conditional approval Officer Recommendation remains unchanged, except for the deletion of previous conditions/clauses (xi) and (xii) as they are no longer required, subsequent renumbering of the conditions/clauses, the application of an updated version of previous condition/clause (xiii) which is numbered (xi) in the current Officer Recommendation, and the inclusion of the new clauses (xiii) and (xiv) to reflect the above requirements.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 June 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 the owner A Van Der Feltz for proposed partial demolition of and alterations and two storey additions to existing single house at No. 131 (Lot 282) Coogee Street, Mount Hawthorn, and as shown on amended plans stamp-dated 10 April 2003 (floor plan and elevations of outbuilding/shed) and 13 June 2003, subject to:

- (i) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) 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) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
 - (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
 - (viii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (ix) *subject to first obtaining the consent of the owners of No.133 Coogee 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. 133 Coogee Street, in a good and clean condition;*
 - (x) *no future fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Coogee Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
 - (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom 4 and bedroom 6 on the east elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
 - (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a wing wall extension on the southern side of the balcony to a maximum protrusion length of 1.0 metre, a minimum height of 1.6 metres above the first floor level and to be of a permanent obscure material. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
 - (xiii) *no plumbing or sanitary facilities or fixtures shall be provided to or within the outbuilding/shed structure without the prior approval of such by the Town ;and*
 - (xiv) *the outbuilding structure/shed shall not be used for industrial, commercial or habitable purposes and not for the parking of vehicles;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Lake, Seconded Cr Doran-Wu

That this item be DEFERRED until the next Meeting as requested by the applicant.

CARRIED (8-0)

(Cr Ker on approved leave of absence.)

FURTHER REPORT:

Privacy Assessment - Bedroom 4 and Bedroom 6 - East Facing Windows

The east facing windows have been re-assessed as to the likely overlooking impact caused to both adjacent side neighbours. As a result of this, the windows are not considered to pose an undue adverse impact as the general view from the windows will occur over the roof cover of both residences. Therefore, it is not necessary to apply the screening condition to either of these windows.

Request for Deferral

The Town has received an email from the owner of the subject property on 24 June 2003, requesting that this item "to be deferred to 8-7-03 to address the conditions of the officers recommendation".

LANDOWNER: *A Van Der Feltz*
APPLICANT: *As above*
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>468 square metres</i>

<i>Setback</i>	<i>Required</i>	<i>Provided</i>
<i>South Ground Floor (Laundry, WC)</i>	<i>1.5 metres</i>	<i>1.1 metres</i>
<i>North Ground Floor (Family)</i>	<i>1.5 metres</i>	<i>1.0 metre</i>
<i>West Ground Floor (Shed)</i>	<i>1 metre</i>	<i>0 metre</i>
<i>Privacy Assessment</i>	<i>Required</i>	<i>Provided</i>
<i>Balcony</i>	<i>7.5 metres to South Boundary or Privacy Screening Implemented</i>	<i>4.5 metres to South Boundary</i>
<i>Bedroom 5 - West Facing Window</i>	<i>4.5 metres to North Boundary or Privacy Screening Implemented</i>	<i>3.5 metres to North Boundary</i>
<i>Bedroom 4 - East Facing Window</i>	<i>4.5 metres to North Boundary or Privacy Screening Implemented</i>	<i>3.5 metres to North Boundary</i>
<i>Bedroom 6 - East Facing Window</i>	<i>4.5 metres to South Boundary or Privacy Screening Implemented</i>	<i>3 metres to South Boundary</i>

SITE HISTORY:

The site is occupied by a single storey single house. A right of way abuts the lot on the western side. The right of way is sealed at 4.6 metres in width, and is classified as resumed and vested as per the Town's records.

DETAILS:

The proposed development involves a two storey addition to the rear of the existing dwelling with partial demolition to accommodate the addition. 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 was advertised by the Town and one objection was received. The objection received pertains to the proposed balcony. The balcony is addressed in the comments section below.

COMMENTS:

Overshadowing

An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected southern property. The outcome of this assessment established that a total of 45 square metres of the adjoining property will be overshadowed. This equates to 9.8 percent. This is considered to be within the requirements as per the R Codes. The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 35 percent. Furthermore, the shadow affects yard area where there is no notable outdoor living used by the adjoining neighbours. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

South Setback for Ground Floor

The setback variation pertains to the WC and laundry. The addition represents a variation, as the entire wall length of the residence had to be accounted for in order to determine the setback requirement for the addition. The applicant has merely opted to continue the wall of the existing portion of the residence to create a seamless construction as opposed to a jagged construction, which would not promote efficient use of space.

Furthermore, the setback is deficient by 0.4 metre, which is considered to be minor in this instance and affects the single storey aspect of the proposal, imposing virtually no adverse undue impact to the adjoining affected neighbour. The setback variation is therefore considered acceptable and thus supported.

North Setback for Ground Floor

The applicant is seeking a setback variation for the northern wall of the ground floor, which is similar in nature and principle to the variation sought for the south setback. The setback is deficient by 0.5 metre and pertains to the family room addition. Once again, to enforce a 1.5 metres setback unnecessarily creates "dead" unusable land and compromises the overall design and outcome of the development. No objection has been received in relation to this variation from the north neighbour and the variation applies only to the ground floor, which is not deemed to cause adverse undue impact to the affected neighbour. On this basis, the variation is considered acceptable and therefore supported.

Boundary Wall Development

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height of the boundary wall. In this instance, the proposed development involves boundary walls on two side boundaries of single storey nature. One boundary wall abuts a right of way whilst the second boundary wall affects the north boundary. It is a deviation from the requirements of the R Codes, which has and can be varied.

The boundary wall on the north boundary occupies a minimal length, whilst the west boundary wall has no direct impact upon the western neighbour as the right of way separates the two properties by a distance of 4.6 metres. The boundary walls comply with the height requirement and are not considered to be over imposing, rather they help to make effective use of space for the existing residence on the site. The boundary walls are considered acceptable and therefore supported.

Privacy Assessment - Balcony

The privacy assessment of the balcony results in a setback variation pertaining to the south boundary. The setback deviates from the requirement by 3 metres. The R Codes require a setback of 7.5 metres from all boundaries. The general view available from the balcony to the south neighbour is contained to a view of a shed and yard area, which is not considered to be active outdoor living area. Given that the total width of the lot is 11.26 metres, the 7.5 metres clearance from the boundary is considered very difficult to achieve from each side. Screening is evident from the south and north via the bathroom and bedroom 5 effectively screening these two sides. In light of the objection received from the southern neighbour, a wing wall can be applied to the southern side of the balcony to reduce the setback variation and further concentrate the view from the balcony to the extreme rear of the lot. The variations are considered acceptable in this instance and therefore supported subject to a wing wall being implemented.

Privacy Assessment - Bedroom 5 - West Facing Window

The window on the west elevation of proposed bedroom 5 on the upper floor does not comply with the privacy assessment to the north boundary. The non-compliant window is proposed to be setback 3.5 metres from the north boundary, posing a setback deficiency of 1.0 metre. Viewing to the northern neighbour would take place at an angle as the positioning of the window does not allow for a direct north view. Therefore, viewing will take place to the rear of the property where there is no noted active outdoor living area to impact upon. No objection has been received from the adjoining affected north neighbour and the setback variation is considered to be minor. On this basis, the setback variation is considered acceptable and therefore supported.

Privacy Assessment - Bedroom 4 and Bedroom 6 - East Facing Windows

Both east facing windows do not comply with the setback requirement to the north and south boundaries by a maximum variation distance of 1.5 metres. The variation is not considered to be excessive, however, the east orientation of the windows does present a possible overlooking concern as viewing will be directed towards the north and south residences. It is considered appropriate therefore to appropriately screen these two windows to the requirements of the R Codes, to discount the possibility of undue overlooking to the adjoining affected neighbours.

Compliance has been met in most areas and the variations that do exist are considered to be minor in nature and justified. 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."

10.1.8 No. 586 (Lot 2) Newcastle Street, West Perth - Proposed Change of Use from Office to Shop and Associated Alterations and Additions

Ward:	South	Date:	1 July 2003
Precinct:	Cleaver, P5	File Ref:	PRO 2332; 00/33/1604
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M J Smith on behalf of the landowner Riolane Nominees Pty Ltd for proposed change of use from office to shop and associated alterations and additions at No.586 (Lot 2) Newcastle Street, West Perth, and as shown on the plans dated 24 April 2003, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Newcastle Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) prior to the first occupation of the development, one (1) class three bicycle parking facility and one (1) class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facilities;*
- (iii) 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;*
- (iv) 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;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) a road and verge security deposit bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (viii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: M J Smith
APPLICANT: Riolane Nominees Pty Ltd
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R80
EXISTING LAND USE: Office Building

COMPLIANCE:

Commercial Car Parking:

Car parking requirement (nearest whole number) -94.45 square metres of pharmacy (shop) requires 6 car parking bays	6 car bays
Apply the adjustment factors.	(0.81)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (parking facilities for bicycle users)* 	4.86 car bays
Minus the car parking provided on site.	7 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant surplus	2.14 car bays

* This adjustment factor reflects condition/clause (ii) of the Officer Recommendation.

Bicycle Parking Facilities:

Required	Provided
One Class 3 bicycle parking facility for visitors/shopper	Nil shown on plans
One Class 1 or 2 bicycle parking facility for employee/resident	Nil shown on plans

DETAILS:

Approval is sought for a proposed change of use from office to shop (pharmacy) and associated alterations, additions and signage.

The development proposes 94.45 square metres of general shop space. Seven (7) car parking bays have been shown at the rear of the building with access directly off Kingston Avenue. The applicant has submitted a certificate of title for the subject lot, which demonstrates that the lot has a right of carriageway access over adjoining Lot 13, onto Kingston Avenue. A privately owned sealed right of way runs along the rear of the lot.

CONSULTATION/ADVERTISING:

One submission was received during the consultation period. The comments received raise the issue of fence damage on a neighbouring property, and the proposed hours of operation of the pharmacy. The fence damage issue is not considered a valid planning matter and, as such, is not considered as part of this application.

COMMENTS:

The majority of land uses along Newcastle Street are a mixture of commercial and residential. The proposed change of use has proposed to utilise the existing office for the use of a shop. The use of the building as a shop (pharmacy) is considered to have a minimal impact on the surrounding properties.

Carparking

The carparking provision for the development complies with the Town's Policy relating to Parking and Access, as there is a 2.14 carbay surplus for the proposed development.

Bicycle Parking

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for all commercial properties and these facilities should be provided accordingly.

Hours of Operation

The applicant has advised the Town that the shop will operate during the following times; 8.30am to 6.00pm Monday to Friday and 8.30am to 2.00pm Saturday. This is not expected to unduly affect the amenity of the surrounding residential area.

Partial Demolition

The proposed partial demolition to the rear of the dwelling is considered minor and does not impact the amenity and streetscape of the area.

Summary

Given the above information and that the subject property is located within an immediate area which currently accommodates commercial development, the proposed use is not considered to have an undue detrimental impact on the residents' amenity and streetscape of this area.

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

10.2.1 Proposed Parallel Walk Crossing - Intersection of Vincent St and Charles Street, North Perth

Ward:	South	Date:	1 July 2003
Precinct:	Smith's Lake P6	File Ref:	TES0001
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed Parallel Walk Crossing - Intersection of Vincent St and Charles Street, North Perth;*
- (ii) *ADVISES Main Roads WA that it concurs with the proposal to remove the right turn signal phase for traffic turning from eastbound Vincent Street into southbound Charles Street to facilitate the installation of Parallel Walk Crossings subject to Main Roads WA giving an undertaking that should the proposal result in an adverse affect on the adjoining streets west of Charles Street and east of Loftus Street, they will reassess the matter;*
- (iii) *installs vehicle classifiers in the adjoining streets west of Charles Street and east of Loftus Street to monitor the situation before and after the proposed modifications have been implemented and advises Main Roads WA of any adverse findings so the matter can be further determined as outlined in clause (ii) above. and*
- (iv) *REQUESTS Main Roads WA to provide it with a program for the installation of Parallel Walk Crossings on all of the Town's signalised intersections with priority being given to the intersection of William Street and Vincent Street.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

In 2000 the traffic signal phasing at a number of key intersections in the Perth CBD were modified to include parallel walk crossings, allowing pedestrians to walk parallel with the flow of traffic.

The changes were implemented to improve safety for pedestrians, provide a more efficient use of the intersection for all road users, and reduce waiting times for motorists and pedestrians alike.

It is envisaged that eventually most existing signalised intersections will be modified to include parallel walk crossings over a number of years.

In 2002/2003 the Town was advised that two of its intersections would be modified to include parallel walk crossings including the intersection of Vincent and Charles Street and the intersection of Summer, Bulwer and Lord Streets

DETAILS:

Parallel Walk Crossings

Parallel walk signals operate at the same time as the motorists green signals travelling in the same direction and indicate to pedestrians when they may cross the intersection.

To cross at the traffic lights, pedestrians must press the pedestrian push button in the direction they wish to cross and wait for the green walk signal (symbolic green or red figure) to light up before stepping onto the road.

Pedestrians are given a head start before motorists are given their green light, however, they are still urged to exercise caution prior to stepping onto the road, by ensuring that motorists see them and stop their vehicle.

Other safety initiatives associated with Parallel Walk Crossings

Audible tactile devices will be installed for the sight and hearing impaired. The audible/vibration devices emit a beeping sound that notify pedestrians that the signals have changed and the walk phase has been activated.

Tactile paving on the pavement adjacent to the traffic signals will make pedestrians with impaired vision aware of the close proximity of the road. In addition, the audible signals have volume control that when the background traffic noise increases, the audible sound also increases so that the pedestrians hear it above the traffic noise.

Vincent Street / Charles Street Intersection

This is one of the intersections that Main Roads WA (MRWA) will soon modify to include parallel walk crossings.

As part of the proposed installation of parallel pedestrian walk signals at this intersection, MRWA are seeking the Town of Vincent's agreement for the removal of the right turn signal (green arrow) phase for traffic turning from eastbound Vincent Street into southbound Charles Street.

The request is based on the following:

- Greatly improved traffic efficiency by virtue that the right turn pocket in eastbound Vincent Street allows vehicles to store while waiting for an opportunity to turn right as a filter movement without impeding eastbound traffic flow, rather than providing right turners with the extra signal timing required for the current exclusive right turn phase. (There is no right turn pocket in the westbound Vincent Street approach.)
- Morning and afternoon traffic counts show low numbers of vehicles involved in this movement. In the AM peak only 37 vehicles turned right between 0745 and 0830, and 49 vehicles turned right in the PM peak between 1615 and 1645. These figures compare with a warrant of 200 right turn movements per hour to justify the installation of an exclusive right turn phase.

- A review of the crash data for the last five years has indicated relatively low numbers of crashes involving this movement. Over this time three crashes (1 property damage crash in 1998 and two crashes requiring medical attention in 1999), have occurred.
- Adequate sight distance is available to drivers undertaking this turn.
- This right turn movement is not part of a Trans Perth bus route.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

It is illegal in Western Australia for motorists turning left or right to not give way to pedestrians at intersections. If motorists do not give way to pedestrians, they will face a fine and gain demerit points.

Parallel walk crossings will provide a safe crossing for pedestrians and will improve the road system for all road users.

As part of the proposed installation of parallel pedestrian walk signals at the intersection of Charles and Vincent Streets, MRWA are seeking the Town's agreement for the removal of the right turn signal (green arrow) phase for traffic turning from eastbound Vincent Street into southbound Charles Street.

The traffic statistics indicate that very few vehicles turn right at this intersection during the AM and PM periods.

It is therefore recommended that the Council advises Main Roads WA that it concurs with the proposal to remove the right turn signal phase for traffic turning from eastbound Vincent Street into southbound Charles Street, subject to Main Roads WA ensuring that the proposal does not have a detrimental affect on the adjoining residential streets.

It is also recommended that the Council carries out traffic counts in the adjoining streets west of Charles Street and east of Loftus Street to monitor the situation before and after the proposed modifications have been implemented and advises Main Roads WA of any adverse findings so the matter can be further determined

10.2.2 Planet Ark National Tree Day - East Parade

Ward:	South	Date:	30 June 2003
Precinct:	Banks Precinct, P15	File Ref:	TES0234
Reporting Officer(s):	K Godfrey		
Checked/Endorsed by:	J van den Bok, R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the report on the Town's participation in Planet Ark National Tree Day to be held along East Parade Road Reserve on Sunday, 27 July 2003;*
- (ii) invites Precinct and Community groups to participate in the planting; and*
- (iii) actively promotes the annual event through the local media and other available means.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary meeting of Council held on the 28 August 2001 it was resolved:

"That the Council;

- (i) receives the report on the Town's participation in National Tree Day planting projects;*
- (ii) invites Precinct and Community groups to participate in planting projects; and*
- (iii) actively promotes the annual event through the local media and other available means."*

DETAILS:

Planet Ark is an Australian organisation, initially set up by tennis player Pat Cash, and international charity campaigner, Jon Dee in 1991. During this period of time many Australian celebrities, the likes of Olivia Newton-John and Jimmy Barnes have supported Planet Ark's National Tree Day Campaign.

This year, Jamie Durie from Back Yard Blitz is combining with Australian and international celebrity, Olivia Newton-John, to spearhead the publicity campaign.

In 2002 National Tree Day saw an estimated 225,000 volunteers plant over two (2) million trees/shrubs around Australia. This year Planet Ark aims to eclipse this figure.

The Town of Vincent has registered East Parade roadside embankment between Guildford Road and Gardiner Streets, East Perth as the site for Planet Ark's 2003 National Tree Day.

The Town has some eight (8) thousand native tube stock shrubs to be planted along the embankment at East Parade. Pine bark mulch will be applied upon completion of the planting to suppress any weed growth and also to assist in water retention to aid the new shrubs during the dry summer months.

To ensure the safety of the volunteers on the day, road traffic management will be in place for the duration of the event. Parks Services staff will be on site to coordinate the planting and attend to any issues that may arise.

The day's event will commence at 8.30am and the estimated time for completion of the planting would be 2.30pm.

Car parking is available at the Westrail Terminal in East Perth, and the planting site can be easily accessed via the new dual use path adjacent to the railway line

CONSULTATION/ADVERTISING:

An advertisement will be placed in both community newspapers advising of the site details for National Tree day. Planet Ark also has a web site that has a list which includes site details relevant to each state within Australia.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007: 1.4 Maintain and Enhance the Town's Infrastructure to Provide a Safe, Healthy, Sustainable and Functional Environment. *"b) Develop and implement streetscape enhancements and wider street initiatives."*

FINANCIAL/BUDGET IMPLICATIONS

A specific budget allocation was listed in the 2002/03 budget for this project. This money has been carried forward into the 2003/04 financial year and all costs associated with the event including plants and traffic management will be sourced from this account.

COMMENTS:

National Tree Day has become an important event Australia, raising the awareness of issues concerning our environment. It also plays a vital role in bringing together the various community groups, family and friends enabling them all to participate in this special day.

10.2.3 Removal of Street Verge Tree - 27 Burt Street, North Perth

Ward:	North	Date:	23 June 2003
Precinct:	Norfolk, P10	File Ref:	TES0234
Reporting Officer(s):	K Godfrey		
Checked/Endorsed by:	J van den bok/R Lotznicher		
Amended by:	R.Lotznicher, John Giorgi		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Removal of Street Verge Tree location adjacent to 27 Burt Street, North Perth;*
- (ii) *APPROVES the removal of the Hills Fig (Ficus hillii) located on the street verge adjacent 27 Burt Street, North Perth for reasons outlined in the report; and*
- (iii) *ADVISES the owners of 27 Burt Street, North Perth that a replacement tree (Jacaranda) will be planted to continue the new theme of tree species being replanted in Burt Street, North Perth.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

On 26 March 2002 a report was presented to Council following receipt of a letter received from the resident of 47 Norfolk Street, North Perth, requesting the removal of the street verge tree located on the Burt Street frontage of the property.

The tree concerned was a Ficus species, able to attain a height of approximately 20 metres and a canopy spread of approximately 15 metres.

The Council was advised that the tree in question had caused cracking along the northern wall of the house and, a section of kerbing and road was badly damaged due to major root activity.

A section of footpath had previously been damaged and relaid, however further lifting was evident.

The Council was also advised that in view of the tree's significant size, aesthetic value and future potential damage to private property and Council assets, an arboricultural consultant was engaged to and made the following recommendations.

"the subject tree will always have root associated problems and its crown area will continue to expand. The tree is able to reach a maximum height of 22 metres (60 feet) and have an ultimate crown spread of 16 metres.

There is always a time, certainly in a street tree's life, where it can be considered to have outgrown its site.

This tree then is considered to be at this stage, and its removal is advised. A new tree planting is essential on this site to continue the age class variation in this street."

After considering the report the following resolution was adopted:

"That the Council;

- (i) receives the report on the Removal of Street Verge Tree – 47 Norfolk Street, cnr Burt Street, North Perth*
- (ii) APPROVES the removal of the Hills Fig (Ficus hillii) located along the Burt Street frontage of the corner property at 47 Norfolk Street, North Perth for the reasons as recommended in the Arboricultural report (as laid on the table), and*
- (iii) advises the owners of 47 Norfolk Street that a replacement tree (Jacaranda) will be planted to continue the new theme of tree species being created in Burt Street, North Perth."*

DETAILS:

A letter was received from the resident of No. 29 Burt Street, North Perth, requesting the removal of the street verge tree located adjacent to the neighbouring property at No. 27 Burt Street, North Perth.

As with the tree previously removed outside No. 47 Norfolk Street, the tree in question is also a Ficus species, capable of attaining a height of approximately 20 metres with a canopy spread of 15 metres.

This species of tree is also located in Mary, View, Eton, Daphne and Ashby Streets within the Town. They have been progressively removed/replaced with a more suitable tree species in all of the above streets excluding Daphne and Mary Streets because of their aggressive root systems.

Note: A survey of all the residents in both Mary and Daphne Streets is currently in progress seeking owner/occupier feedback on the various options presented by the Town to manage the street verge trees in the long term and minimise any potential damage to property.

The tree concerned is located on the southern side of Burt Street and is not located under power lines. It is growing vigorously and is approximately 10 metres in height with a similar canopy spread.

The resident who has requested the tree be removed resides at No. 29 Burt Street and on 4 April 2003 submitted an insurance claim to the Town for costs incurred for the damage to the property's sewerage line. The resident also recently telephoned the Town to advise that the sewerage line has again blocked, and has once more requested that this tree be removed.

The owner of No 29 Burt Street has spoken with the neighbour at 27 Burt Street where the street verge tree is located and the neighbour agrees the tree should be removed due to the damage that has occurred previously and is likely to occur in future.

The owners concerns as outlined in the letter received are listed below:

- Blocking the sewerage line;
- Breaking the water main on two occasions;
- Cracking the front fence;
- Damaging the street kerbing and lifting the footpath slabs;
- Possibly responsible for cracking the front of the house.

An inspection of this location by Parks Services Officers has confirmed damage to concrete kerbing, raised footpath slabs and visible cracking of the wall adjacent to property number 27 Burt Street. In addition to this, part of the road surface has been raised by the root growth from this tree.

CONSULTATION/ADVERTISING:

As per Council Policy 2:1:6, adjacent residents will be advised of the removal of the tree if its removal is approved by Council.

LEGAL/POLICY/IMPLICATIONS:

The Town's Insurance Policy requires the Council to act prudently and take due diligence in appropriate action to remove any hazards.

The ficus tree has been identified and acknowledged by the Town's technical staff as being an unsuitable species for this location. It is therefore essential that the appropriate action be taken to remove the tree (hazard) and "remedy the situation" as soon as practicable.

The Town has a legal responsibility and a "duty of care" to act responsibly and promptly. Failure to do so will expose the Town to potential legal action and liability for compensation, in the event that a successful claim is made against the Town.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007: - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. b) Develop and implement streetscape enhancements and wider street initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

It is estimated that the cost for the removal and replacement of this tree would be \$1,700.00. This amount may be sourced from the 2003/2004 Street Tree Management and Enhancement budget.

COMMENTS:

To the layman, this tree appears ideally suited at this site. However, as also noted, this species will always have root associated problems when planted in a location such as a verge upon reaching maturity.

The original streetscape consisting of what would have been only the Ficus species is no longer intact. The former City of Perth and the Town of Vincent have now removed the majority of this species from Burt Street and owner/occupiers have replanted with various other species of tree. The Town, in an effort to gain some continuity and uniformity along Burt Street has undertaken the planting of Jacarandas where trees have previously been removed or on verges where no trees existed.

The arboricultural consultant has previously advised (Ordinary Meeting of Council 26 March 2002) that root pruning is not recommended, nor are root barriers likely to be effective in inhibiting these large roots.

It is therefore recommended that, as with previous such requests in this street, the Council approve removal of this tree and replace it with a more suitable species (Jacaranda), as previously planted in the street.

CHIEF EXECUTIVE OFFICER'S COMMENTS:

The Chief Executive Officer amended this report to include comments under the heading "Legal/Policy Implications".

10.2.6 Proposed Revised 2003 / 2004 Right of Way Upgrade Program

Ward:	Both	Date:	2 July 2003
Precinct:	All	File Ref:	TES0451
Reporting Officer(s):	R. Lotznicher, A. Munyard,		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) ADOPTS the 2003/2004 Rights of Way Upgrade (and Acquisition) Program as outlined in the report and as indicated on plans contained in Attachments 10.2.6A to H.; and*
- (ii) RECEIVES a further report outlining a revised schedule for the Right of Way Acquisition and Upgrade program commencing with the 2004/2005 Right of Way upgrades.*

COUNCIL DECISION ITEM 10.2.6

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary Meeting of Council held on 25 June 2002, a comprehensive report relating to proposed amendments to the current Right of Way Upgrade Program and policies, including the introduction of possible future development Right of Way Management Options, was presented to the Council.

At this meeting it was reported that in October 2001 the Town acquired in excess of 40 private ROWs from a development company, and the Roman Catholic Church also transferred ownership of approximately 10 private ROWs to the Town.

It was also reported that ongoing development and the increased demand for ROW access had resulted in the accelerated degradation of unsealed ROWs and therefore, the data collected on ROW use in 1991 was possibly out of date.

The above factors, including the increase in the annual ROW budget allocation, had resulted in the need to review the current ROW Upgrade Program schedule.

At the meeting of 25 June 2002, the Council resolved to re-assess the current program and receive a further report outlining the revised schedule for the Right of Way Acquisition and Upgrade Program, commencing with the 2003/2004 Right of Way upgrades.

DETAILS:

As the upgrade works for the 2003/2004 year must commence shortly, it is proposed that the following recently acquired ROWs be prioritised for upgrade. Although the survey has not yet been completed it is known that these ROWs are in very poor condition, frequently require remedial works and are the subject of continuing upgrade requests and complaints regarding their condition.

File	North Street	West Street	Estimated Cost	Drawing No.
TES0353	Anzac Road	Commonwealth Ave	\$57,000	2177-RP.01
TES0336	Grosvenor Road	Ethel Street	\$36,000	2178-RP.01
TES0352	Scarborough Bch	Pennant Sreet	\$37,000	2179-RP.01
TES0211	Malborough Street	Lord Street	\$44,000	2180-RP.01
TES0065	Anzac Road	Loftus Street	\$57,000	2181-RP.01
TES0291	Chertsy Street	Lord Street	\$23,000	2182-RP.01
TES0255	Chelmsford Road	Fitzgerald Street	\$31,000	2183-RP.01
TES0371	Anzac Road	Kalgoorlie Street	\$15,000	2184-RP.01
		TOTAL:	\$300,000	

A report outlining the revised Acquisition and Upgrade Schedule for the remainder of the ROWs within the Town will be presented to the Council immediately the survey is completed and the data analysed.

CONSULTATION / ADVERTISING:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The Council has allocated \$300,000 in the 2003/2004 draft budget for ROW upgrades.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "*d) Develop a Right of Way management and upgrade strategy*".

LEGAL/POLICY IMPLICATIONS:

Nil

COMMENTS:

The ROWs proposed for inclusion in this years program have presented maintenance problems for the Town prior to and since their acquisition. Unsealed ROWs are frequently prone to flooding in winter or becoming impassable in the drier months due to the soft sand.

Once owned by the Town, remedial action is taken when possible, however these are temporary measures, and a drain on the Town's operational budgets.

It is therefore recommended that the Council adopts the revised 2003/2004 ROW Upgrade (and Acquisition Program) as outlined in the report and that the Council receives a further report outlining a revised schedule for the Right of Way Acquisition and Upgrade Program commencing with the 2004/2005 Right of Way upgrades.

10.3.3 Tender No. 253/03 - Lease Lee Hops Cottage

Ward:	South	Date:	1 July 2003
Precinct:	Hyde Park, P12	File Ref:	PRO1490/TEN0268
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the awarding of the Tender No. 253/03 as submitted Great Mates WA, as listed for \$4,800 per annum excluding GST for the first year with scheduled increases for the subsequent years of rental according to the Consumer Price Index (CPI); and
- (ii) **APPROVES** the grant of a lease to Great Mates WA over the premises 176 Fitzgerald Street, North Perth for a term of three (3) years, subject to final satisfactory negotiations being carried out by the Chief Executive Officer

COUNCIL DECISION ITEM 10.3.3

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: Town of Vincent
ZONING: Metropolitan Region Scheme: Urban
Town of Vincent Town Planning Scheme No.1:
Scheme Reserves – Parks and Recreation
EXISTING LAND USE: Vacant Dwelling

SITE HISTORY:

- 1903 Construction of the dwelling at No.176 Fitzgerald Street, Perth (approximate date only).
- 1928 The cottage is owned by the City of Perth for the purposes of Caretakers Residence and renovations to the dwelling take place (approximate date only).
- 1955 Further adaptations and renovations occur at the cottage (approximate date only).
- 1992 Park caretaker no longer required and the cottage becomes vacant (approximate date only).
- 1994 Town of Vincent take ownership of the cottage.
- 1995 Cottage is placed on the Town's Municipal Heritage Inventory.
- 2000 Town commissions a Conservation Plan for the cottage in March 2000.
- 2001 Council at the Ordinary Meeting held on 13 February 2001 adopts the recommendations and guidelines contained in the Conservation Plan for the purposes of the retaining and conserving the cultural heritage significance of the place.

The Town applies for funding assistance for the conservation of the cottage in the 2001/2002 Heritage Council of Western Australia (HCWA) Grants Program. The application is unsuccessful in receiving funding.

Council at the Ordinary Meeting held on 8 May 2001 resolved to nominate the cottage to the Heritage Council of Western Australia for consideration for listing on the State Register of Heritage Places.

2002 The Town receives correspondence dated 25 February 2002 from the Heritage Council, notifying receipt of the Town's nomination of Robertson Park and advising that the place has been included on HCWA's assessment program in order to consider it for the state Register of Heritage Places.

The Town commences preliminary discussions with Central TAFE in relation to the proposed Live Works Program at the cottage.

2003 The Town project manages the works at Lee Hops to completion. Expression of Interest advertised. Successful applicants to be invited to submit a tender for the lease/licence of the cottage. A lease/licence will be negotiated with the successful tenderer with full occupation of premises expected in the latter half of the year.

DETAILS:

The Town advertised notices inviting expressions of interest to lease the premises of 176 Fitzgerald Street, North Perth (also referred to as Lee Hops Cottage) in the West Australian on 30 April 2003 and in the local newspapers in the following two weeks.

The Town received one expression of interest from Great Mates WA. At the Council meeting of 27 May 2003, approval was given to invite Great Mates WA to submit a tender for the lease/licence over the premises. Tender submissions closed on 25 June 2003, with one submission received from Great Mates WA.

Great Mates WA was launched in May 2001 with the goal to assist disadvantaged and at risk young people to achieve adulthood and independence.

The platform for the strategies used to achieve outcomes is built on positive role models such as celebrity WA athletes helping the disadvantaged young person. The proposed use for the building is to accommodate the management team of the organisation.

Currently the organisation's ongoing programs consist of **one on one mentoring** which is designed to develop relationships with others who hold the personal and professional qualities that the young person admires and respects. Other programs run by the organisation include **Transitional Housing** and an **Alternative Education** programme. Recently the organisation was successful in bidding for two government tenders for services to provide crisis and transitional accommodation for young people between the ages of fifteen (15) and twenty (20) years in the Fremantle area.

Assessment of the submitted tender has determined that the applicant adequately meets the following selection criteria set out by the Town of Vincent:

- Financial return and/or implications for Council
- Benefit to ratepayers and wider community
- Financial viability of the proposal
- Concept for buildings/facilities

- Public accessibility of the buildings/service
- Impact on the amenity of the locality
- Financial position of the Tenderer
- Performance of the Tenderer as a tenant (including references)

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

The Expression of Interest was conducted in accordance with Section 3.57 of the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 Part 4 Tenders for Providing Goods or Services.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 1.2 - *“Develop, Promote and Implement Cultural Heritage Management Practices, Policies and Guidelines”*; and Key Result Area 3.6 - *“Develop and Implement strategies to improve the Town's Parks and Reserves.”*

FINANCIAL/BUDGET IMPLICATIONS:

The tender submission proposes rental at an amount of \$400 (four hundred) per month. The lease will be drafted on similar terms to the Town's standard lease agreement for community agencies with the costs for variable outgoings being borne by the Lessee. The rent payments will be subject to the percentage increase in the Consumer Price Index (All Groups Perth) and the Goods and Services Tax (GST).

COMMENTS:

The Tender from Great Mates WA is recommended for the premises. The submission includes financial statements from the previous financial year and is adequately priced. The organisation has considerable experience in the delivery of services and mentor programmes for disadvantaged and 'at risk' young people. Accepting their tender submission will provide a good opportunity for the Town to house another valuable community services in its municipality, which ultimately benefits the local community.

10.4.1 Use of Common Seal

Ward:	-	Date:	30 June 2003
Precinct:	-	File Ref:	ADM0042
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

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

Date	Document	No of copies	Details
11/06/03	Deed	7	Town of Vincent and G.J. Hansen & Co Pty Ltd, Michael Yat Ching Ho, Philip William George Olsen, Winlore Pty Ltd, Jaci Joanne Harper, John Richard Rolston, Philip Ronald Ewen and Linley Anne Donaldson, c/o McLeods Barristers and Solicitors, Stirling Law Chambers, 220-222 Stirling Highway, Claremont re: Nos. 110, 112, 116 and 118 (Lots 3B, 2B, 1B and 54) Richmond Street, Dual Frontage with Raglan Alley, Leederville
11/06/03	Deed	3	Town of Vincent and Michael John Gerald Rootsey re: Appointment as Executive Manager Corporate Services for a term of 5 years commencing on 1 December 2003
11/06/03	Deed	3	Town of Vincent and Robert Eric Boardman re Appointment as Executive Manager Environmental & Development Services for a term of 5 years commencing on 1 December 2003
11/06/03	Deed	3	Town of Vincent and Richard Peter Lotznicher re Appointment as Executive Manager Technical Services for a term of 5 years commencing on 1 December 2003
11/07/03	Town of Vincent Local Law Amendment	1	Town of Vincent Parking Facilities Local Law Amendment to Clause 12
26/06/03	Expressed Easement Document	3	Town of Vincent and N. and T.J. Christie of (Lot 25) 34 Flinders Street, Mount Hawthorn regarding <u>Right of Access over Right of Way</u>
30/06/03	Deed of Partial Surrender of Lease	8	City of Perth, City of Joondalup, City of Stirling, City of Wanneroo, Town of Cambridge, Town of Victoria Park, Town of Vincent and Mindarie Regional Council of Marmion Avenue, Tamala Park, WA Re: Tamala Park

10.4.2 Amended Policy – Elected Member Allowances, Fees and Reimbursement of Expenses

Ward:	Both	Date:	2 July 2003
Precinct:	All	File Ref:	ADM0051/ORG0023
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council APPROVES the amended Policy "4.1.16 - Elected Member Allowances, Fees and Reimbursement of Expenses" as shown at Appendix 10.4.2.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary Meeting of the Council held on 27 May 2003 the Council reviewed, as part of the 2002-03 Draft Budget deliberations, Policy 4.1.16 - Elected Member Allowances, Fees and Reimbursement of Expenses.

CONSULTATION/ADVERTISING:

The amended policy was advertised in the West Australian newspaper on 30 May 2003, in a local newspaper on 7 June 2003, on the Town's website and public noticeboard.

At the conclusion of the comment period, one (1) submissions was received as follows:

Dudley Maier of Chatsworth Road, Highgate

2. *Mayoral Vehicle*

Objects to this proposal. Is concerned that the Town may be locked into a four year lease yet a mayor may resign prior to the expiry of his/her term, and the new mayor may not want the vehicle.

Also concerned that it is proposed that the mayor's vehicle be a "petrol guzzling Ford Fairlane". Believes that given that the Town has made a point about reaching Cities for Climate Protection milestones, this proposal seems somewhat ill-advised, sets a bad example, and sends a very bad signal to the community - 'do as I say, not as I do'. Suggests that a smaller, fuel-efficient, vehicle should be nominated. Also believes that if a mayor wishes to lease a vehicle then he/she can do it privately, the Town's officers should not have to spend time managing this.

CEO's Comment

The cost of the lease will be deducted from the Mayoral Allowance. It is therefore no additional cost to the Town. If a lease requires to be cancelled during the term, this would be negotiated with the lease company. In essence, the Mayor would be paying for the vehicle and the only advantage of the Town taking out the lease is to receive the Local Government fleet price. The petrol consumption is 15.5l/100km as compared to a 4 cylinder vehicle (eg Focus) of 9.0l/100km. The Ford Fairlane (Ghia) is a prestigious vehicle, befitting the Office of the Mayor.

3.3 *Telecommunication Expenses*

Believes the current level for refunding internet connections is reasonable as it is sufficient to obtain an efficient connection for emails and occasional web browsing. Also believes the suggested increase in the level of this allowance to pay for upgrades to an ADSL connection should not be supported.

CEO's Comment

The comment is noted. The Telecommunication Expenses are the same as 2002/03 and have not changed. The policy does not propose any upgrade to an ADSL connection.

8 *Consumables and Stationery*

Suggested the wording at the start needs to be modified as follows:

"The cost of consumables and stationery and postage associated with the role as Councillor will be reimbursed to Elected Members, to a maximum ..." should be changed to:

"The cost of consumables, stationery and postage associated with the role as an Elected Member will be reimbursed, to a maximum ..."

Stated that it is not clear if this allowance includes the cost of fax print cartridges. He assumes that it does not.

Also believes it is not clear if the suggested allocation of the business cards and letterheads will come out of the \$150 allowance or not. It may make more sense to say that the Council will arrange for the printing of any business cards and letterheads, and to leave it up to the elected members to determine how many they need.

CEO's Comment

The comment is supported and the changes have been included into the draft policy. Elected Member business cards are in addition to the \$150 allowance. Fax cartridges are included in clause 3.1(c) of the policy and are in addition to the Consumables and Stationery allowance.

9(b) *Formal Hire*

Stated:

"There are two problems with this proposal. Firstly, there is no upper limit suggested. Secondly, it is too open to abuse. An elected member could be reimbursed for wearing clothing that they had already purchased for non-Council related purposes. In effect, the Council would be paying for the hire of the clothing from the elected member. How many times would an elected member be able to claim for the same item of clothing? The simplest solution is to simply reimburse the hire costs and encourage elected members to use local suppliers."

CEO's Comment

The formal hire is limited to two (2) occasions per financial year (clause 9(b). However, to simplify matters, it is suggested that a limit of \$150 per member is inserted. For information, the number of occasions for events of this type would be very low. For example, there have been a total of two (2) occasions in 2002/03 where "black tie" or equivalent attire was required for the Mayor or Deputy Mayor.

The comment relating to "it is too open to abuse" is noted. However, any claims will need to be supported by receipts and certification by the Elected Member.

9(c) *Office Furniture*

Suggests that the wording could be simplified to read:

"office furniture to a maximum value of \$250 (one off during term of office);"

Believes the term "term of office" is unclear. Does it refer to each 4 year term, or the overall term that an elected member serves? Eg how many 'terms of office' has Cr Ker served?

CEO's Comment

Agreed. To refine the Clause further I suggest that the words "each four (4) year" be inserted after the word "during".

10. *Pro-rata allocations (additional Clause)*

Believes the final sentence of the policy appears to relate to section 9 alone. Suggested it should be made a separate section dealing with pro-rata apportionment for all sections of the policy.

Stated a number of sections in the policy (3.3 b, 8 and 9) refer to annual limits. Also, the current wording only deals with members starting and finishing in May. Members can be elected or finish their term at any time during the year.

Suggested wording:

"Where an elected member serves for only part of a financial year, the limit for any allowance or payment which has an annual limit specified, is to be determined on a pro rata basis based on the number of months, or part of a month, that a member serves."

CEO's Comment

Agreed. Wording has been included into the draft policy.

LEGAL/POLICY IMPLICATIONS:

The Local Government Act provides that a Member has a legal right to be reimbursed for rental on one telephone line and one facsimile line and in addition, can claim child care costs incurred whilst attending to Council business.

The Act also allows for specific allowances to be paid and also for details to be prescribed by the Council. Section 5.98 allows Councils to prescribe the kind of expenses to be reimbursed.

The Local Government (Administration) Regulations also provide:

"The extent to which an expense ...can be reimbursed is the actual amount, verified by sufficient information".

The above criteria must be met before any reimbursement can be made. That is:

- the Council must first approve the types of expenses which can be reimbursed (and may set limits to these);
- the expense must be incurred in performing a function as a Council member;
- reimbursement is limited to the actual expense incurred; and
- the expense must be verified by sufficient information.

STRATEGIC IMPLICATIONS:

The Council's budget process is in accordance with the Council's Strategic Plan, Key Result Area 4.3 – "*Strategic Plan - Continue to improve financial management*", 4.3(a) – "*Develop short-medium term financial plan.*"

FINANCIAL/BUDGET IMPLICATIONS:

COMMENTS:

It is recommended that the Council approve the amended policy.

ITEM 10.4.2

POLICY NO: 4.1.16

**ELECTED MEMBER ALLOWANCES, FEES AND
RE-IMBURSEMENT OF EXPENSES**

OBJECTIVES

1. To clearly outline the financial support that will be provided to Elected Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover within the provisions of the Local Government Act 1995 while performing the official functions and duties of office.
2. The Local Government Act 1995, Sections 5.98, 5.98A and 5.99 allows for local governments to determine a structure under which Elected Members are to be paid either a meeting fee or an annual attendance fee in recognition to each Elected Member's commitment.

POLICY STATEMENT

1. ALLOWANCES

1.1 Meeting Attendance Fees

The Mayor and Councillors shall be entitled to an annual meeting attendance fee as follows, which is provided on the principle that each Elected Member regularly attends meetings of Council (and committees, where appropriate) to which they are appointed and carry out other responsibilities of the office;

Mayor: \$12,000
Councillors: \$ 6,000

1.2 Mayoral Allowance

The Mayor shall be entitled to an annual local government allowance at a rate of 0.002 of the Council's operating revenue, (Section 5.98, Regulation 33 of Local Government (Administration) Regulations 1996, to a maximum of \$60,000.

1.3 Deputy Mayoral Allowance

The Deputy Mayor shall be entitled to an annual local government allowance equivalent to 25% of the Mayoral Allowance. (Section 5.98A, Regulation 33A of Local Government (Administration) Regulations 1996).

1.4 Acting Roles

If the Mayor or Deputy Mayor has taken leave of absence for a period(s) in excess of one (1) month (except leave of absence on Council business), and another Elected Member is acting in that capacity, then that Elected Member shall be entitled to the higher pro rata annual Meeting Fee (in the case of the Mayor) and allowance foregone by the absent Elected Member only.

1.5 Payment

The fees in 1.1, 1.2 and 1.3 above are to be paid to each Elected Member monthly in arrears.

2. MAYORAL VEHICLE

If the Mayor so requests;

- 2.1 A fully serviced and maintained vehicle will be leased for a period of four (4) years for the Mayor's use to the standard of that provided to the Chief Executive Officer.
- 2.2 All lease costs, insurance, vehicle registration costs shall be deducted from the Mayor's Allowance.
- 2.3 The Mayor shall be entitled to reimbursement of fuel costs to a maximum value of \$50 per week.

3. TELECOMMUNICATIONS

3.1 Facsimile/Telephone/Answering Machine

- (a) Council shall make available to all Elected Members, for use in their private residence during their term of office a facsimile/telephone/answering machine, for the conduct of Council related business.
- (b) Where considered necessary by the respective Elected Member a telephone line may be installed to permit the operation of the facsimile/telephone/answering machine.
- (c) Council shall provide paper and copy/ink cartridges associated with the facsimile/telephone/answering machine for the use of Council business. Requests are to be directed to the Chief Executive Officer's Division staff.

3.2 Maintenance of Equipment

- (a) Where necessary Council shall provide and make provision for the ongoing maintenance of equipment referred to in (3) above, with all maintenance costs being met by the Town.
- (b) In the event of a malfunction of the equipment, the Elected Member is to contact, during business hours, the Chief Executive Officer's Division staff, who will coordinate the attendance of maintenance personnel.

3.3 Reimbursement of Telecommunication Expenses

Elected Members shall be entitled to reimbursement of telecommunication expenses incurred in the performance of the official duties of their office as follows;

- (a) the rental cost of one telephone/facsimile line and monthly mobile net access costs for a mobile telephone (where used) and mobile, local and STD call costs for all calls made on Council business on production of copies of telephone accounts verifying that such costs have been incurred;
- (b) the cost, on production of receipts, for one internet connection fee up to 80 per cent of the actual fee to a maximum of \$300 per annum;
- (c) costs incurred in (a) and (b) above be limited to \$18,000 per annum and where costs exceed these limits they are to be referred to the Council for approval;
- (d) the cost of installation/relocation of one telephone and/or facsimile line at the Member's place of residence, during the Member's term of office if necessary;

3.4 Mobile Phones

- (a) Elected Members shall be entitled to the use of a mobile phone, accessories and car-kit for the term of their office.
- (b) Elected Members are to make a written request to the Chief Executive Officer if they choose to use a mobile phone as shown in 3.4(a).
- (c) The mobile phone model selected is to be determined by the Chief Executive Officer from the range of models available to the Town detailed in its telecommunications contract which exists at the time, and such model is to be of a similar standard to the model which is used by the Chief Executive Officer.

At the completion of their term, Elected Members will have the option of purchasing the mobile phone and car-kit, in accordance with Policy

No 4.1.11 - Purchase of Fax Machines and Mobile Phones by Retiring Elected Members.

4. Travelling Expenses

Elected Members shall be entitled to reimbursement of travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of their office, subject to:

4.1 Claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:

- (a) Council Meetings, Civic functions or Citizenship Ceremonies called by either Council, the Mayor and/or the Chief Executive Officer.
- (b) Committees (where appropriate) to which the Elected Member is appointed a delegate by Council or in the role as a deputy in the event the delegate member is not available to attend.
- (c) Meetings and functions scheduled by the Chief Executive Officer.
- (d) Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate.
- (e) Functions and presentations as a representative of the Mayor, that are supported by a copy of the relevant invitation or request for attendance.
- (f) Any other occasion in the performance of an act under the express authority of Council.
- (g) Site inspections in connection with matters listed on any Council Agenda paper (Members to state an address, along with the date and time of the visit on the claim form).
- (h) In response to a request to meet with a ratepayer/elector, but excluding the day of Council Elections. (Members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).

4.2 All claims for reimbursement being lodged with the Chief Executive Officer's Division, on the appropriate claim form, on a monthly basis by no later than thirty (30) days of the final day of the period to which the claim relates. In submitting claims for reimbursement Elected Members shall detail the date of the claim, particulars of travel and nature of business, distance travelled, vehicle displacement and the total distance travelled in kilometres and certify the accuracy of such information. This should be accompanied by supporting documentation where applicable.

4.3 The rate of reimbursement being as prescribed from time to time by the Local Government Officer's Award.

4.4 Public Transport

The Elected Member may use the services of the bus, rail and ferry public transport system, expenditure for which shall be reimbursed upon lodgement of receipts.

4.5 Parking Fees

Parking fees incurred as a result of travel to any occasion referred to in clause 4.1 above shall be reimbursed upon lodgment of receipts accompanying the associated travel claim form.

The cost of valet parking will not be reimbursed.

4.6 Cab Charge Vouchers

Elected Members are authorised to use Cab Charge vouchers for travelling to any occasion referred to in Clause 4.1.

5. Child Care Costs

Elected Members shall be entitled to reimbursement upon presentation of a receipt and certified statement detailing dates, costs and relevant information of meeting of the lesser amount of actual child care costs or to a maximum of \$10 per hour for care of children, of which they are parent or legal guardian, whilst attending any occasion referred to in clause 4.1 of Travelling Expenses above.

6. Conferences and Seminars

Elected members shall be entitled to reimbursement for expenditure incurred as a result of attendance at conference and seminars in accordance with the provisions of Council Policy No. 4.1.14.

7. Insurance

Council will insure or provide insurance cover for Elected Members for:

7.1 Personal accident whilst engaged in the performance of the official duties of their office, however, the cover does not include medical expenses.

7.2 Professional indemnity for matters arising out of the performance of the official duties of their office, provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, unreasonable, in bad faith or against the interests of the Town.

- 7.3 Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the insurance policy.
- 7.4 Motor vehicle at the particular time owned or driven by the Elected Member or driven by another person on behalf of the Elected Member whilst the Elected Member is proceeding as a Member to and from;
- (a) Council Meetings, Civic functions, Citizenship Ceremonies or briefings called by either Council, the Mayor and or the Chief Executive Officer.
 - (b) Committees to which the Elected Member is appointed by Council or in the role as a deputy in the event the member is not available to attend.
 - (c) Meetings and functions scheduled by the Chief Executive Officer.
 - (d) Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate.
 - (e) Functions and presentations as a representative of the Mayor.
 - (f) Any other occasion while performing the functions of an Elected Member or as a result of an act under the express authority of Council.

8. Consumables and Stationery

(a) The cost of consumables, ~~and~~ stationery and postage associated with the role as an Councillor ~~will be reimbursed to~~ Elected Members, will be reimbursed to a maximum of \$150 per annum, on the receipt of a claim and a declaration that the consumables were used in performing the functions of an Elected Member and were not in any way associated with campaigning for election as an Elected Member. In addition, fax cartridges will be provided (as per clause 3.1.(c)). Elected Members may choose to purchase their own consumables and claim reimbursement on production of receipts, or access such items through the Town. The administration will keep a total of costs incurred and notify Elected Members if the maximum allowance is reached.

(b) In addition to clause 8(a), ~~The~~ Mayor will be supplied by Council with the following:

- Business Cards (500 per annum)
- Mayor letterhead paper and envelopes (1,000 per annum)

(c) In addition to clause 8(a), Councillors will be supplied by Council with the following:

- Business Cards (250 per Councillor per annum)
- Councillor letterhead paper and envelopes (500 per Councillor per annum)

9. Miscellaneous Expenses

Each Councillor shall be entitled to reimbursement, upon production of a receipt and certified statement certifying the expense specifically as part of their role as a Member, of;

- (a) Drycleaning to a maximum limit of \$150 per member in each financial year;
- (b) Hire of a dinner suit, shirt and bow tie for official events requiring "Black Tie" attire for male Councillors or the hire of a formal dress for female Councillors to a maximum limit of ~~\$150~~ ~~two (2) occasions~~ per member in each financial year or equivalent funds in reimbursement for the same;
- *~~(c) Four (4) or Two (2) drawer filing cabinet or Office furniture (eg bookcase)~~ to a maximum value of \$250 (one off during each four (4) year term of office);
- *~~(d) Briefcase/Satchel~~ to a maximum value of \$150 (one off during term of office);
- (e) 50 Christmas cards and postage each financial year.

*Items (c) and (d) become the property of the Elected Member at the completion of their term.

~~For newly elected Councillors, any expenditure for the period of May and June will be deemed to apply on a pro rata basis (ie the total amount divided by 12).~~

(10) Pro-rata Allocations

Where an elected member serves for only part of a financial year, the limit for any allowance or payment which has an annual limit specified, is to be determined on a pro rata basis based on the number of months, or part of a month, that a member serves.

10.1.2 No. 48 (Lot 195) Auckland Street, North Perth - Proposed Survey Strata Subdivision

Ward:	North	Date:	30 June 2003
Precinct:	North Perth, P8	File Ref:	581-03
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 Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 48 (Lot 195) Auckland Street, North Perth, and as shown on the plan stamp-dated 28 May 2003 (survey strata subdivision 581-03), subject to:

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the provision of common property so as to comply with the grouped dwelling requirements of the Residential Design Codes;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes. Any proposed development shall comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies including the Policy relating to the Eton Locality, which includes the provision that development is to respect and maintain the existing character of the area, and this is considered to be predominantly detached dwellings with no boundary/parapet walls;*
- (viii) the existing residence to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including;*

- (a) *the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*
- (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and*
- (c) *the provision of a 20 square metres outdoor living area, with a minimum dimension of 4 metres;*
- (ix) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
 - (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
 - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement;*
- (x) *all existing structures on the proposed rear lot shall be demolished and materials removed from the site and the site made good; and*
- (xi) *a two (2) metres by two (2) metres visual truncation being provided at the south eastern corner of front lot;*

to the satisfaction of the Chief Executive Officer.

NOTE:

The subject property is located within the Town's Eton Locality which is subject to amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.

Moved Cr Lake, Seconded Cr Farrell

That the recommendation with the following amended clause (xi) be adopted.

"(xi) a two (2) metres by two (2) metres ~~visual~~ truncation being provided at the south eastern corner of front lot;"

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 48 (Lot 195) Auckland Street, North Perth, and as shown on the plan stamp-dated 28 May 2003 (survey strata subdivision 581-03), subject to:

- (i) *all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) *support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) *if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) *all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good;*
- (v) *the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) *the provision of common property so as to comply with the grouped dwelling requirements of the Residential Design Codes;*
- (vii) *the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes. Any proposed development shall comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies including the Policy relating to the Eton Locality, which includes the provision that development is to respect and maintain the existing character of the area, and this is considered to be predominantly detached dwellings with no boundary/parapet walls;*
- (viii) *the existing residence to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including;*
 - (a) *the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*
 - (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and*
 - (c) *the provision of a 20 square metres outdoor living area, with a minimum dimension of 4 metres;*
- (ix) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
 - (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
 - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement;*

- (x) *all existing structures on the proposed rear lot shall be demolished and materials removed from the site and the site made good; and*
- (xi) *a two (2) metres by two (2) metres truncation being provided at the south eastern corner of front lot;*

to the satisfaction of the Chief Executive Officer.

NOTE:

The subject property is located within the Town's Eton Locality which is subject to amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.

LANDOWNER: L J & S E Rietdijk
APPLICANT: As above
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R30/40 (R40 applies)
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	675 square metres

SITE HISTORY:

The site currently supports a single house.

A green title subdivision application was considered and recommended for refusal by Council at its Ordinary Meeting held on 27 May 2003 (Item 10.1.19, subdivision 121725). The application was recommended for refusal for the following reasons:

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

- (i) *the proposed subdivision does not comply with the minimum lot size requirement of 400 square metres for a rear battle-axe lot as per the Residential R40 density code, inclusive of the maximum permitted variation of 5 per cent to the minimum lot size;*
- (ii) *the proposed battle-axe leg represents greater than 20 per cent of the lot area apportioned to the rear battle-axe lot; and*
- (iii) *the minimum access leg width of 4.0 metres is not achieved."*

The Western Australian Planning Commission has not yet determined the green title subdivision application 121725.

Scheme Amendment No. 11

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1.

Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

DETAILS:

The applicant seeks to survey strata subdivide the property in accordance with the Residential R40 density code, to create two (2) lots.

In support of the application, the applicant has provided a submission, which is summarised as follows:

- There are similar subdivisions approved in the area.
- The lot was purchased on the basis that it had subdivision potential. A significant amount of capital has been tied to the property for the last 8 years.
- Plans to relocate aged parent to reside at the rear lot due to health reasons.

CONSULTATION/ADVERTISING:

The proposal did not require advertising.

COMMENTS:

The proposed survey strata subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres. Two (2) lots are proposed as part of the survey strata subdivision, the existing house is proposed to be retained on a lot size of 338 square metres with street frontage and the vacant lot behind is proposed to be 337 square metres in size. There is no need to provide for a minimum lot area of 400 square metres for the proposed rear lot as it is not considered a battleaxe lot if there is common property involved, which has been conditioned.

The driveway accessway width requirement of the Western Australian Planning Commission is 4 metres, which may be reduced to 3 metres if the existing house is retained. The proposed accessway is 2.95 metres due to the location of the existing house. The proposed accessway width of 2.95 metres is considered to involve a minor variation and is supported. In the past, there are similar examples of under width accessways approved in other parts of the Town.

The Town's Engineering Services has requested that a visual truncation be provided at the south eastern corner of the front lot for manoeuvring and sight line purposes.

The Town's Park Services has advised that there are no trees of significance within the proposed survey strata subdivision worthy of retention. There is however a Wattle tree located within the frontage of the property that is listed on the Town's Interim Significant Tree Database - Reference. This tree upon inspection is now in severe decline in health and vigour and no longer worthy of inclusion on the Town's Significant Tree Inventory.

The proposal is in accordance with the current density code and is therefore supported, subject to standard conditions and appropriate conditions to address the above matters.

10.1.10 No. 292 (Lots 1 and 10 - 16) Beaufort Street, Corner of Brisbane Street, Perth - Proposed Alterations and Additions to Existing Hotel and Change of Use from Hotel to Tavern

Ward:	South	Date:	2 July 2003
Precinct:	Beaufort, P13	File Ref:	PRO0103; 00/33/1633
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Taylor on behalf of the owner I McCulloch for proposed alterations and additions to existing hotel and change of use from hotel to tavern on No.292 (Lots 1 and 10 - 16) Beaufort Street, corner of Brisbane Street, Perth, and as shown on the plans stamp dated 15 May 2003 and 21 May 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the hours of operation shall be limited to 11:00am to 12:00 midnight Monday to Friday, 8:00am to 12:00 midnight Saturday, and 8:30am to 10:00pm Sunday, inclusive;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating no car parking bays shown in the right of way;*
- (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) a road, verge and right of way security deposit bond and/or bank guarantee of \$8,750 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) 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;*
- (viii) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (ix) prior to the first occupation of the development, seven (7) class two and twelve (12) class three bicycle parking and end of trip facilities shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking and end of trip facilities shall be submitted and approved prior to the installation of such facilities;*

- (x) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$91,800 for the equivalent value of 36.72 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget. The applicant may enter into an agreement with the Town to pay all or part of the amount of cash in lieu by quarterly instalments over a period not exceeding five (5) years. An interest rate based on the long term bond rate and determined by the Town when adopting the Fees and Charges set out in the Annual Budget is to apply to the instalment contributions;*
 - (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
 - (xii) *prior to the issue of a Building Licence, 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;*
 - (xiii) *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;*
 - (xiv) *the maximum gross assembly area of the tavern shall be limited to 575.03 square metres. 38.26 square metres of gross floor area for the first floor offices and 110 seats for the first floor theatre;*
 - (xv) *the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
 - (xvi) *the metal cornice adjoining the box canopy along Beaufort Street facade and the 'Brisbane Hotel' lettering on the upper parapet along the Brisbane Street elevation shall be retained; and*
 - (xvii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development \$6,000 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- to the satisfaction of the Chief Executive Officer.*

Moved Cr Ker, Seconded Cr Torre

That the recommendation with the following amended clause (viii) be adopted.

"(viii) a detailed management plan that addresses the control of noise, especially to the adjacent residential properties from the courtyard and other areas, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;"

Debate ensued

Moved Cr Ker, Seconded Cr Lake

That the Car Parking Table on page 44 of the Agenda, in the Town Officer's report be amended so that the basis for calculation of the Cash-in-Lieu is clear.

Debate ensued.

AMENDMENT CARRIED (9-0)

Moved Cr Ker, Seconded Cr Lake

That clause (x) be amended as follows;

"(x) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$91,800 for the equivalent value of 36.72 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget. The applicant may enter into an agreement with the Town to pay all or part of the amount of cash in lieu by quarterly instalments over a period not exceeding five (5) years. An interest rate based on the long term bond rate and determined by the Town when adopting the Fees and Charges set out in the Annual Budget is to apply to the instalment contributions. This car parking requirement and cash-in-lieu contribution may be reduced by excluding landscaped areas from the gross assembly area of the tavern courtyard, subject to this reduction also being reflected in the maximum number of persons to be accommodated in the tavern courtyard under the provisions of the Liquor Licensing Act;"

Debate ensued.

AMENDMENT CARRIED (8-1)

For
Mayor Catania
Cr Chester
Cr Cohen
Cr Farrell
Cr Franchina
Cr Ker
Cr Lake
Cr Torre

Against
Cr Doran-Wu

Moved Cr Lake, Seconded Cr Doran-Wu

That the Car Parking Table on page 44 of the Agenda, be adjusted to reflect a resultant shortfall of 33.72 car bays. This figure takes into account the difference between the shortfall in car parking approved at the Ordinary Meeting of Council held on 8 September 1997 (16 car bays) and the current number of car bays that are provided on-site (13 car bays), and that clause (x) be amended by deleting the figures "\$91,800" and "36.72" and replacing with the figures "\$84,300" and "33.72" respectively, as follows;

"(x) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of ~~\$91,800~~ \$84,300 for the equivalent value of ~~36.72~~ 33.72 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget. The applicant may enter into an agreement with the Town to pay all or part of the amount of cash in lieu by quarterly instalments over a period not exceeding five (5) years. An interest rate based on the long term bond rate and determined by the Town when adopting the Fees and Charges set out in the Annual Budget is to apply to the instalment contributions."

Debate ensued.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.10

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 G Taylor on behalf of the owner I McCulloch for proposed alterations and additions to existing hotel and change of use from hotel to tavern on No.292 (Lots 1 and 10 - 16) Beaufort Street, corner of Brisbane Street, Perth, and as shown on the plans stamp dated 15 May 2003 and 21 May 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the hours of operation shall be limited to 11:00am to 12:00 midnight Monday to Friday, 8:00am to 12:00 midnight Saturday, and 8:30am to 10:00pm Sunday, inclusive;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating no car parking bays shown in the right of way;*
- (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) a road, verge and right of way security deposit bond and/or bank guarantee of \$8,750 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*

- (vii) *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;*
- (viii) *a detailed management plan that addresses the control of noise, especially to the adjacent residential properties from the courtyard and other areas, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (ix) *prior to the first occupation of the development, seven (7) class two and twelve (12) class three bicycle parking and end of trip facilities shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking and end of trip facilities shall be submitted and approved prior to the installation of such facilities;*
- (x) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$84,300 for the equivalent value of 33.72 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget. The applicant may enter into an agreement with the Town to pay all or part of the amount of cash in lieu by quarterly instalments over a period not exceeding five (5) years. An interest rate based on the long term bond rate and determined by the Town when adopting the Fees and Charges set out in the Annual Budget is to apply to the instalment contributions. This car parking requirement and cash-in-lieu contribution may be reduced by excluding landscaped areas from the gross assembly area of the tavern courtyard, subject to this reduction also being reflected in the maximum number of persons to be accommodated in the tavern courtyard under the provisions of the Liquor Licensing Act;*
- (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *prior to the issue of a Building Licence, 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;*
- (xiii) *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;*
- (xiv) *the maximum gross assembly area of the tavern shall be limited to 575.03 square metres. 38.26 square metres of gross floor area for the first floor offices and 110 seats for the first floor theatre;*

- (xv) *the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xvi) *the metal cornice adjoining the box canopy along Beaufort Street facade and the 'Brisbane Hotel' lettering on the upper parapet along the Brisbane Street elevation shall be retained; and*
- (xvii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development \$6,000 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

ADJUSTED CAR PARKING TABLE:

Car parking Requirement (nearest whole number) • Tavern (575.03 square metres requires 127.78 bays) • Office (38.26 square metres requires 0.77 bays) • Theatre (110 seating capacity requires 18.33 bays)	147 car bays
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of an existing public car park with excess of 50 bays. ▪ 0.95 (provision of bicycle parking and end of trip facilities - due to the clause/condition to provide such facilities)* ▪ 0.85 (within 800 metres of a railway station)	0.5491
Car parking requirement with adjustment factor applied (147 car bays X 0.5491)	80.72 car bays
Minus the car parking provided on site (0 bays)	80.72 car bays
Minus the most recently approved on-site car parking shortfall:- Car parking requirement: 109.27 car bays; Car parking requirement after application of adjustment factors: 109.27 car bays x 0.5491 = 60 car bays; Minus the car parking provided on-site at Planning Approval granted on 8 September 1997 (16 car bays on-site): 60 car bays - 16 car bays = 44 car bays	44.00 car bays
Resultant shortfall (80.72 – 44.00 car bays)	36.72 car bays
Difference between 16 on-site car bays approved on 8 September 1997, and 13 car bays currently provided on-site = 3. Therefore, 36.72 - 3 = 33.72 car bays.	33.72 car bays

* This adjustment factor is considered reasonable in light of the provision of bicycle parking and end of trip facilities.

LANDOWNER: I McCulloch
APPLICANT: G Taylor
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No. 1: Residential R80 and
 Commercial
EXISTING LAND USE: Hotel

COMPLIANCE:

Use Class	Tavern
Use Classification	'SA'
Lot Area	1176 square metres

Car Parking

Car parking Requirement (nearest whole number) <ul style="list-style-type: none"> • Tavern (575.03 square metres requires 127.78 bays) • Office (38.26 square metres requires 0.77 bays) • Theatre (110 seating capacity requires 18.33 bays) 	147 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of an existing public car park with excess of 50 bays. ▪ 0.95 (provision of bicycle parking and end of trip facilities - due to the clause/condition to provide such facilities)* ▪ 0.85 (within 800 metres of a railway station) 	0.5491
Car parking requirement with adjustment factor applied (147 car bays X 0.5491)	80.72 car bays
Minus the car parking provided on site (0 bays)	80.72 car bays
Minus the most recently approved on-site car parking shortfall (109.27 car bays to which adjustment factor 0.5491 has been applied and existing parking provision on-site has been subtracted)	44.00 car bays
Resultant shortfall (80.72 – 44.00 car bays)	36.72 car bays

* This adjustment factor is considered reasonable in light of the provision of bicycle parking and end of trip facilities.

Bicycle Parking Facilities*:

Required	Provided
1 space (Class 2) per 25 square metres of bar floor area and 1 per 100 square metres of lounge, beer garden for employees, therefore 7 spaces required.	No bicycle parking shown on plans.
1 space (Class 3) per 25 square metres of gross floor area and 1 per 100 square metres of lounge, beer garden for visitors, therefore 29 spaces required. However, the Town's Technical Services deems 12 spaces to be appropriate for the site. Therefore, 12 spaces are required.	No bicycle parking shown on plans.

*The theatre component of the proposal has not been included in the bicycle parking calculations as the Town's Policy makes no provision for this use.

SITE HISTORY:

The Brisbane Hotel is a long established structure on the subject property, which has undergone various internal and external modifications since its establishment. The most recent Planning Approval was granted at the Ordinary Meeting of Council held on 8 September 1997 for proposed extensions to existing hotel. The subject site abuts a privately owned right of way which, is a total of 4.0 metres wide.

DETAILS:

The proposal involves a change of use from 'hotel' to 'tavern'. This will create 575.03 square metres for the tavern component, 38.26 square metres for the upper floor office areas and also entails the continuation of the established Effie Crump Theatre with a maximum seating capacity for 110 people. The proposal also involves internal modifications with a new building structure to accommodate toilet facilities, a new awning extending from the existing fascia of the building and a boundary wall facing Beaufort Street. The building will feature varied finishes and textures through different use of materials and contemporary features to marry with the existing heritage building, which is also to be refurbished and restored.

The applicant has submitted documentation in support of the proposal. The following are excerpts from this documentation. The document in its entirety is included as Appendix 10.1.10 to this Agenda.

General

"The Brisbane Hotel will be redeveloped / designed to serve and attract patrons from a (typically local) catchment with the acknowledgement that the other hotels in the precinct leave a market niche for an 'upper - middle' level clientele. Notwithstanding this, the hotel will still contain the traditional 'sportsman bar' that will see the retention of many existing patrons.

As a general description, the intent is to keep and refurbish the existing (much altered) hotel building, and to add some minor new additions. Fundamental to the proposal, is the plan to create a new external courtyard area with a very high level of design.

This courtyard will be designed, not as a maximum capacity beer garden, but rather it is envisaged that this will be a primary dining and social area with built in seating, water features and raised planting beds.

Heritage

Whilst the buildings are not listed in any form for their historic value, the design attempts to recognise this, by the following methods:

- *Reinstatement of existing doors and windows to the street facades*
- *Reinstatement of the 'corner bar', in a manner reminiscent of the original*
- *Removal of (what can clearly be determined as) unoriginal internal walls, ceilings and finishes*
- *Applying contemporary design treatments to new additions, (including to the poor quality 1970's addition on Beaufort Street)*
- *Recognition, by floor finish, the location of any original walls where new openings are required (this occurs on one location only)*

Streetscape Issues

The existing building has a zero setback on the street and presents a two storey façade with a discontinuous canopy/awning, the latter not being part of the original fabric.

Other poor quality additions are haphazardly attached to the original building to both the Beaufort Street and the Brisbane Street facades. The minor car park on Beaufort Street represents an unsightly break in the streetscape, with no fencing or landscaping; (the most prominent features being two large satellite dishes).

It is proposed that the 'gap' in the Brisbane Street façade, be filled with new building in a contemporary style (the use internally being new WC's). The remnant parts of existing outbuildings (from the 1950's) will be incorporated towards the eastern boundary.

The screen walls will be designed to allow for visual permeability, but are configured to limit the 'spilling out' of patrons from the licensed area, and similarly to preclude traffic noise from the courtyard.

The awnings on the Beaufort Street façade will be refurbished as a minimum.

Carparking

The existing hotel has access to several on site bays which are commonly used by staff. (12-14 depending on how they are counted: ie some are used as bin areas etc).

The site is surrounded by Town of Vincent paid medium term parking areas. A site count suggests something in the order of 230 bays. Anecdotal (and other Town of Vincent records) acknowledge that this parking area is commonly underutilized and does not generate the income it may if it attracted greater use. The home games for 'Perth Glory' at Perth Oval see this car park used more effectively.

The proposal can warrant removing the few existing bays for the following reasons:

- *The existence of, and the level of vacancy within, the adjacent carparking areas, (which provide income to the Town of Vincent)*
- *The fact that the premises is located on a primary public transport route*
- *The fact that, with the site's proximity to Northbridge, access to taxis will be enhanced and 'arriving by foot' on the way to or from other local destinations is a probable occurrence*
- *The general move towards strict policy of 'drink driving' means far fewer individuals drive to venues, and the 'local' pub is making its return to the community*
- *The hotel as it exists already has a significant shortfall if measured against pre-existing codes, and no parking 'problem' has presented itself*
- *There is reasonable access to street parking, (non residential areas) within a 150 metre radius which is largely outside of business hours*

Landscape Architects Statement

It is the intent of the landscape proposal to create a space that both provides comfort, orientation and visual interest to the proposed clientele. The garden has a perfect northern aspect that is conducive both summer and winter use.

Operators' Statement

Both Geoff and Steve are hands on operators and with their combined experience they will manage the venue to assure the following:

- The management infrastructure will be professional and experienced
- The local community will be embraced to the extent that a representative from this community and / or an officer from the Town of Vincent staff, can be offered a role within an ongoing management / consultative strategy group. This can deal with any nuisance issues that may arise as a direct result of the hotel's operations
- Security staff will be present at peak times and constant video surveillance and security lighting will 'cover' the Hotel at entry points and as may be required.
- Hotel marketing will focus on the needs of the 'locals', providing a service that will cater for the ongoing development of the 'Beaufort Street district'.

- The management of the hotel will create ongoing maintenance programs to control any problems associated with the 'tidiness' of the perimeter of the hotel i.e. bins, bottles, rubbish etc.
- Management recognise their responsibility to adhere to all local, and state government legislation.
- Management recognise the need to liaise with the WA Police force and with Town of Vincent Security patrols
- Management recognise the need to liaise with the taxi providers."

CONSULTATION/ADVERTISING:

The proposal was initially advertised for 21 days as part of the "SA" advertising requirements with no written submissions received in that time. Subsequent to that advertising period, the proposal underwent a further 14 days of advertising arranged and agreed to by the applicant. This ensured adequate informing of the proposal to the public. Two submissions were received during this 14 day advertising period.

Main points raised in the first submission are from a local resident and are as follows:

"The drawings indicate that the courtyard will be open and will not provide any means of reducing the emission of upward moving sound. The noise created in this courtyard will impose considerable noise and disturbance to the occupants of the 20 townhouses (approximately 50 residents). This open courtyard is totally unacceptable.

We request that appropriate measures be implemented to ensure the noise levels conform to those specified in the Environmental Protection Act. There are numerous design solutions that will effectively reduce the noise levels to conform with the Environmental Protection Act.

I also note that the car parking dedicated to the Brisbane Hotel is being removed and no other car parking is being proposed. Whilst the Town of Vincent has public parking surrounding the Hotel there clearly is insufficient bays available to meet the requirements of the Brisbane Hotel and they are not for the exclusive use of the Brisbane Hotel. There will be sufficient shortfalls in parking especially during peak time..."

The second submission derives from the Forrest Precinct Group and the following comments were made:

"We fully support this development, appreciate the dedication of the developer to incorporate the historical and heritage aspects of the site and believe the development will be an asset to the area.

We are concerned however at the complete reduction in parking for the site. Whilst it is acknowledged that the Brisbane St Carpark adjoins the property, nights when sporting events are in the area (at Perth Oval) would also be busy nights for the Hotel/Tavern and we can see a conflict for parking requirements on those occasions.

We have also been very vocal in requesting Council be consistent in either requiring the full amount of parking for each development, or in requesting cash in lieu where parking is not present and feel we should also be consistent in our request and trust the Council can come up with a suitable agreement on this matter."

Subsequent to the above submission the Forrest Precinct Group submitted the following comments:

"With regard to the parking, if the Hotel currently has 11 bays, can not the Town request cash in lieu for those 11 bays. This would also be an incentive for the Developers commitment to the heritage issues with the site, and in trying to keep a local drama group alive (Effie Crump)."

COMMENTS:

Heritage

The Brisbane Hotel is included on the Town's Municipal Heritage Inventory. It was constructed in 1898 for G and A. Y Glyde. It is strategically located along Beaufort Street, where the former tram route ran from Barrack Street up to Walcott Street.

The proposed alterations and additions are generally considered acceptable. The applicant has illustrated an attempt to recognise former fenestration arrangements and past changes to the fabric. The building is already painted and contains a number of features, which the proposal will enhance such as general repainting, repair, retention of the canopy and windows. The reinstatement of doorways is also considered a positive feature of the proposal. The introduction of new elements, such as the double timber glazed doors to the northern section of the Beaufort Street elevation is considered acceptable in terms of the overall works proposed.

The applicant is encouraged to retain the metal cornice adjoining the box canopy along Beaufort Street to the front facade and to retain the 'BRISBANE HOTEL' lettering located below decorative detail of the upper parapet along the Brisbane Street elevation.

Parking

The car parking calculations are represented in the Table shown above. A component of the car parking calculation is to establish the most recently approved on site car-parking shortfall in order to establish the current shortfall relevant to this proposal. This calculation has been based on a liquor licensing plan dated 29 April 1993 and approved 5 May 1993. The Planning Approval granted on 8 September 1997 correlates with the liquor licencing plan except for additional restaurant area of 18.92 square metres, which has been accounted for in the parking calculations.

Arrangement for a taxi stand along Beaufort Street has been verbally discussed as a provision. Such a provision is not reflected in the adjustment factors applied for parking calculations. However, it is considered to promote alternative transport methods to the premises reducing the reliance upon a private vehicle for commuting. This in turn would help to reduce the overall car parking pressure to the area.

Based on the provision of Town's Policy relating to Parking and Access, Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 to provide and/or upgrade parking in other car parking areas.

This would equate to a payment of \$91,800. It is important to note that the adjacent property is a Town owned car park, which can accommodate a total of 286 vehicles. Approximately 80 bays are available for casual parking purposes. Other public parking is available along Stirling Street between Brisbane Street and Parry Street. This parking area can accommodate approximately 60 vehicles. With parking areas immediately adjacent and nearby, the parking shortfall is supported in this instance with the cash-in-lieu payment applied.

In accordance with the Town's Policy relating to Parking and Access, there is also a requirement for the provision of bicycle parking and end of trip facilities, as indicated in the above Table. The 'hotel' classification in the Policy was used for the 'tavern' bicycle parking requirement, as it is deemed to be a similar use and therefore require similar facilities.

The Town's Technical Services deem that a total of 12 class 3 bicycle parking spaces are sufficient as opposed to the resultant 29 spaces derived from the Policy for visitor parking to the site and suggest 3 U-rails on the Brisbane Street footpath and 3 U-rails along the Beaufort Street footpath. Employee requirements are 7 spaces as per the Policy. This amount is deemed to be acceptable. This is to be in consultation with and to the satisfaction of the Town's Technical Services.

The Policy does not state a specific bicycle parking provision for the theatre component. The theatre will not be a domineering use at the premises. Rather, it is considered incidental and ancillary to the predominant use being the tavern. Therefore, the theatre was not included in the bicycle parking calculations.

The concerns raised in the submission relates to there being insufficient parking provision. As there are no parking bays provided on-site, the Town may choose to accept a cash-in-lieu payment. The payment received can be directed towards providing and/or upgrading parking areas in the Town and specifically the car park immediately adjacent to the subject lot. Upgrading can occur in the form of providing a two tier parking extension to the existing car park.

Front Fence

The proposed boundary wall is located along Beaufort Street, which is classified as a district distributor road and adjacent to the open courtyard area of the overall proposal. There is a provision in Town's Policy that allows solid walls along busy streets such as district distributor roads provided that at least two design features are incorporated. The proposed boundary wall is not designed so as to fortify the courtyard area. Instead, the design features that have been incorporated allow a form of active interaction with the street to be maintained. Specifically, the open timber battens and a series of the vertical openings to the wall achieve this. It is considered that the boundary wall acts as a complementary feature to the overall development and is therefore supported.

Noise Levels

One of the submissions received raises concern regarding noise levels associated with the courtyard. The Town recognises the potential for significant noise levels from the proposal. The applicant is therefore required to provide a detailed management plan that addresses the control of noise, traffic, car parking litter and anti-social behaviour, together with appropriate noise attenuation measures. This is represented in the conditions of approval in the Officer Recommendation.

New Extension

The extension is proposed to lie 0.4 metre from the Brisbane Street boundary. The existing building structures on the site maintain 0 metre setback from the boundary. It is considered that the proposed Brisbane Street setback is acceptable as it acts to define and distinguish the value of the existing hotel. The extension is considered acceptable and therefore supported.

Awning

The proposal involves the refurbishment of the existing awning and the inclusion of two new steel awnings along the Beaufort Street elevation. The two proposed awnings project 1.8 metres from the building over the footpath with heights of 3.2 metres and 4.5 metres. This is all consistent with the Town's Local Law requirements relating to awnings and the Town's Policy Statement relating to the Beaufort Precinct, which promotes '*continuous interactive fronts*' provided by continuous awnings or verandahs over footpaths, also serving as weather protection for pedestrians. There are no awnings proposed along the Brisbane Street elevation. Additional awnings are considered to alter and depart from the original external state of the existing hotel. The awnings proposed along the Beaufort Street elevation are therefore supported with no requirement for the awnings to continue along the Brisbane Street elevation.

In light of the above, the proposal is not considered to have an adverse impact on the amenity of the area. Instead, the proposal is deemed to create the opposite by improving the general social environment of and injecting vibrancy and interest into the area, which therefore benefits the overall community. It is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 190 (Lots 5 & 6) Scarborough Beach Road, Corner Matlock Street, Mount Hawthorn-Proposed Demolition of Existing Vehicle Sales Premises Buildings and Construction of a Four (4)-Storey Mixed Use Development Comprising One (1) Showroom, One (1) Eating House, Four (4) Shops, Six (6) Offices, Twelve (12) Multiple Dwellings and Undercroft Carparking

Ward:	North	Date:	1 July 2003
Precinct:	Mount Hawthorn Centre, P2	File Ref:	PRO0446; 00/33/1621
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Urban Concepts on behalf of the owner B R Rispoli, for proposed demolition of existing vehicle sales premises buildings and construction of a four (4)-storey mixed use development comprising one (1) showroom, one (1) eating house, four (4) shops, six (6) offices, twelve (12) multiple dwellings and undercroft carparking at No. 190 (Lots 5 and 6) Scarborough Beach Road, corner Matlock Street , Mount Hawthorn, as shown on revised plans stamp dated 24 June 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 issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development \$28,000 shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (v) *subject to first obtaining the consent of the owners of No. 194A (Lot 9) Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 194A (Lot 9) Scarborough Beach Road description of adjoining land in a good and clean condition;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (viii) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (ix) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (x) *prior to the first occupation of the development, five (5) class- one or two and five (5) class- three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xii) *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;*
- (xiii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xiv) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

- (xv) *doors and windows and adjacent floor areas fronting Scarborough Beach Road and Matlock Street shall maintain an active and interactive relationship with these streets;*
- (xvi) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, including two (2) visitors bays, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xvii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xviii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (xix) *a road and verge security deposit bond and/or bank guarantee of \$7600 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xx) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xxi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxii) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$30,150 for shortfall of 12.06 carbays based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget. Alternatively, if the carparking shortfall is reduced as a result of a greater number of carbays being provided or the carparking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in carparking requirements;*
- (xxiii) *a standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xxiv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern elevation of the balconies for units 12, 13, 21 and 22 on first and second floor levels, within 7.5 metres of the northern side boundary, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished balcony floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (xxv) *prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the Western Australian Planning Commission whichever is applicable, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*
- (xxvi) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xxvii) *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;*
- (xxviii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xxix) *prior to the issue of a Building Licence, a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with 'prior to the first occupation of the development;*
- (xxx) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating provision of a open pedestrian safety fence at the corner of Scarborough Beach Road and Matlock Street. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xxx1) *the maximum floor space for the uses shall be limited as follows:*
- *showroom - 115 square metres of gross floor area;*
 - *eating house - 120 square metres of gross floor area,*
 - *shops - 289 square metres of gross floor area; and*
 - *offices - 400 square metres of gross floor area;*
- unless adequate carparking is provided for the changes in floor area use or floor space area;*
- to the satisfaction of the Chief Executive Officer.*
-

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Farrell

That the recommendation with the following amended clause (xxx1) be adopted.

"(xxxi) the maximum floor space for the uses shall be limited as follows:

- *showroom - 115 square metres of gross floor area;*
- *eating house-120 square metres of ~~gross floor~~ public area;*
- *shops - 289 square metres of gross floor area; and*
- *offices - 400 square metres of gross floor area;*

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

Debate ensued.

It was requested that the Executive Manager Environmental and Development Services to provide Council with the definition of a loft and a storey, and the permitted heights of each.

Debate ensued.

LOST (0-9)

Reasons:

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

FURTHER REPORT:

The recommendation should be amended to reflect the maximum area allowed as public area, as carparking has been calculated on this floor area of 120 square metres, in accordance with the Town's Policy relating to Parking and Access. The total floor area of the proposed eating house (restaurant) is 200 square metres.

LANDOWNER:	B R Rispoli
APPLICANT:	Urban Concepts
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
EXISTING LAND USE:	Vehicle Sales Premises

COMPLIANCE:

Requirements	Required	Proposed
Town's Policy relating to the Mount Hawthorn Centre Precinct-Building Height	Maximum height, three storeys, including loft can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy bulk and scale.	Proposed development is up to four (4) storeys high. A portion of the fourth storey is up to 15.5 metres in height.
Privacy-Balconies	Screened balconies or 7.5 metres from the adjoining lot boundary.	Balconies to units 12,13,21 and 22 are setback 6.3 metres from the north boundary and are not screened.

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

SITE HISTORY:

The adjoining lots along Scarborough Beach Road are zoned commercial with the lots to the north being residential lots. The existing vehicle sales premise is not listed on the Town's Municipal Heritage Inventory.

DETAILS:

The applicant seeks approval for the demolition of existing vehicle sales premises building and construction of a four (4) storey mixed use development comprising one showroom (115 square metres), one eating house(120 square metres), four (4) shops (289 square metres), six (6) offices (400 square metres), twelve (12)-multiple dwellings and a basement carpark. The proposed alfresco dining area shown on the adjacent road reserve is not part of this Planning Application.

The Town has since received revised plans from the applicant on 16 June 2003 addressing some concerns raised by the Town in previous meeting/discussions with the applicant. These modifications include:

- Internal modifications to comply with the Building Code and Health Act.
- Provision of the western elevation.
- Minor modification to basement carpark.
- Changes to floor area.
- Six single bedroom units have been changed to multiple units.

In support of the application, the applicant has provided a submission, which is summarised as follows:

- The proposal is to cater for increased demand for mixed use development within inner city areas and sits well within the Mount Hawthorn streetscape.

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

CONSULTATION/ADVERTISING:

Two (2) submissions were received during the 14 days public consultation period. Issues raised are as follows:

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

COMMENTS:

The site falls within the Mount Hawthorn Centre. Development in the area should take into consideration the scale of surrounding buildings and be of a similar scale to majority of adjacent buildings.

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

Residential Car Parking Requirements

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 21 carbays, inclusive of 2 visitor carbays. It is considered appropriate that the 2 visitors carbays are made available for visitors use and are marked on site accordingly even though there would be the potential availability of after hours additional carbays allocated from the commercial tenancies. It is to be noted that the balconies for the units have not been taken into account for carparking calculation purposes even though they are closed on three sides as opposed to two sides.

A total of 42 carbays have been provided for the entire development, therefore resulting in 21 carbays available for the commercial component.

Commercial Car Parking Requirements

Requirements as per Parking and Access Policy	Required No. of Carbays
Showroom: 3 carbay for the 1st 200 square metres (proposed 115 square metres).	3 car bays
Retail: 1 carbay per 15 square metres of gross floor area (proposed 289 square metres).	19.26 carbays
Office: 1 carbay per 50 square metres gross floor area (proposed 400 square metres).	8 carbays
Restaurant: 1 carbay per 4.5 square metres of public area (proposed 120 square metres).	26.66 carbays
Total carparking required before adjustment factor (nearest whole number)	57 carbays
Apply the parking adjustment factors.	(0.58)
<ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.95 (parking facilities for bicycle users)* 	33.06 carbays
Carparking provided on site for commercial component	21 carbays
Resultant shortfall	12.06 carbays

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

Cash-in-lieu of carparking is to be considered where non-residential uses have a shortfall in carparking as required by the Town. The applicant is prepared to pay cash in lieu for the 12.06 carbays shortfall. In this instance, the cash-in-lieu payment is considered acceptable.

Bicycle Parking Facilities:

Requirements	Required	Provided
Restaurant 1 per 100 square metres public area for employees (class 1 or 2).	1.2 spaces	No bicycle parking shown on plans
2 plus 1 space per 100 square metres of public area for visitors (class 3).	3.2 spaces	
Office 1 per 200 square metres public area for employees (class 1 or 2).	2 spaces	
1 space per 750 square metres over 1000 square metres for visitors.	N/A	
Retail 1 per 300 square metres for employees (class 1 or 2).	0.96 spaces	
1 per 200 square metres for visitors (Class 3)	1.445 spaces	

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of five (5) class 1 or 2 and five (5) class 3 bicycle parking facilities. As such, an appropriate condition should be applied accordingly.

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

Height

The Town's Policy relating to the Mount Hawthorn Centre - Building Height permits a maximum height of three storeys, including a loft. In this instance, a four storey development is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings. The proposal will also create a focal point for the area being a corner location.

The proposed highest point is 15.5 metres on the south and eastern elevations. The part of the building facing the south, which abuts a residential property, is 10.3metres in height and is setback 6.79 metres to the lot boundary.

Privacy

With regard to the objection received in relation to the potential overlooking from balcony openings on the first and second floors on the northern elevation, which are closer than 7.5metres, the plans indicate no screening. To overcome the potential overlooking aspect, it is recommended that the balcony openings within 7.5metres to the north boundary be all screened to a height of 1.6 metres from the balcony level with fixed obscured glass or other similar material to the satisfaction of the Town so as to comply with the privacy requirements of the Residential Design Codes. All other major openings have the necessary setback in terms of privacy in accordance with the requirements of the Residential Design Codes.

Plot Ratio

There are no plot ratio requirements for mixed used development under Town of Vincent Town Planning Scheme No.1 for the subject commercial zoned land. Plot ratio requirements are only applicable if the development, is a complete residential development which, under the R60 applying to the site, would be 0.70. The total plot ratio proposed for the development is 1.35, which excludes the ground floor commercial area.

Density

The residential density applying to the area is R60. The above site is zoned Commercial. The Town may allow variations where acceptable levels of residential amenity can be maintained especially in Commercial zoned land. In a mixed use developments, the Town in the past has considered development at a higher density provided the "total development package" fits in with the surrounding development and the likely overall benefits to be achieved with such mixed use developments. In such situations, bulk and scale are also considered as part of the assessment criteria. The proposed development is four storeys along Scarborough Beach Road frontage and is stepped down towards the rear residential lots on the north side.

Overshadowing

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

Advertising

The proposal was advertised in accordance with the Town's Community Consultation Policy and the Residential Design Codes.

Traffic and access

The Town's Technical Services have advised that the number of vehicle movements for each residential unit is being estimated to be between 6 to 8 vehicles per day with an average of approximately 5 vehicle movements per day for commercial units. This equates to an estimated increase of between 132 to 156 vehicle movements per day. This would increase the average daily volume along Matlock Street between Dover Street and Scarborough Beach Road from 629 to between 761 and 785 vehicles per day.

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

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

Based on the scenario that a third of the traffic produced by the proposed development will be carried by each of these routes, then the daily increase will be between 44 and 52 vehicle movements for each route.

- The average daily traffic volume for Dover Street is 519 vehicles, an increase of 52 vehicles or a 10 per cent increase, which will result in 571 average daily traffic movements.
- The average daily traffic volume for Matlock Street between Dover Street and Woodstock Street is 926 vehicles, an increase of 52 vehicles or a 5.6 per cent increase, which will result in 978 average daily traffic movements.

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

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

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

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

The revised plans dated 24 June 2003 indicates that the proposed access ramps comply with the relevant Australian Standards in terms of minimum widths, internal circulation within the basement, and ingress and egress onto Matlock Street.

Trees

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

Dilapidation Report

In relation to the preparation of a "*dilapidation report*" raised by the adjoining landowner in their submission, this is a civil matter that needs to be dealt with by both the affected landowners. The applicant has been advised of this matter verbally by the Town's Officers.

Bin Storage

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

Summary

The proposal is supported as is not considered to unreasonably affect the amenity of the adjacent or surrounding properties. The proposed four (4) storey building would contribute to the changing streetscape in the area and further indicates investor confidence within the Town. The development would also provide for additional inner urban living, thereby creating a multiplier effect for businesses in the area. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.

10.1.6 No. 435 (Lot 41) Charles Street, North Perth – Proposed Additional Three (3) Two-Storey Single Bedroom Grouped Dwellings to Existing Single House

Ward:	North	Date:	2 July 2003
Precinct:	North Perth, P8	File Ref:	PRO2178; 00/33/1349
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Claude Ambrogio Architect and Associates on behalf of the owner V M Comito for proposed additional three, two-storey single bedroom grouped dwellings to existing single house at No.435 (Lot 41) Charles Street, North Perth and as shown on the plans stamp dated 23 June 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Charles Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) subject to first obtaining the consent of the owners of No. 437 Charles Street and No. 64 Sydney 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. 437 Charles Street and No. 64 Sydney Street in a good and clean condition;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following;*
 - (a) plot ratio floor area of units 1, 2 and 3 each being limited to a maximum of 60 square metres; and*
 - (b) the outdoor living areas of units 1, 2 and 3 each having a minimum dimension of 4 metres by 4 metres.*

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

- (v) 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;*

- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *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;*
- (viii) *the construction of crossovers shall be perpendicular to the road and be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xiii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony to bedroom of unit 3 on the western elevation on first floor level, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished balcony floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (5-4)

For
Mayor Catania
Cr Chester
Cr Ker
Cr Lake
Cr Torre

Against
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Franchina

LANDOWNER: V M Comito
APPLICANT: Claude Ambrogio Architect and Associates
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	630square metres

Requirements	Required	Proposed
Setbacks -		
Northern side Ground floor	1.0 metre	Nil (stores)
Eastern side Ground floor	1.0 metre	Nil
Western side Ground floor	1.0 metre	Nil
Outdoor Living	Minimum dimension of 4 metres (total area of 16 square metres)	Minimum dimension of 3.29 metres (total area of 16 square metres)
Plot Ratio	Maximum plot ratio floor area of 60 square metres	61.75 square metres

SITE HISTORY:

The subject site is occupied by a single storey dwelling. The surrounding area is characterised by single storey dwellings. A bicycle shop "Cyclemania" is located to the south of the property.

An application to create three survey strata lots was refused by the Western Australian Planning Commission on 6 May 2002.

CONSULTATION/ADVERTISING:

There was one objection received during the advertising period. Issues raised included overshadowing, reduction in property values, increased traffic and noise, parapet walls and fencing issues.

DETAILS:

Approval is sought for proposed additional three, two-storey grouped dwellings to existing single house

COMMENTS:

Side Setbacks

The eastern side setback variations (carport and store) are considered supportable, as they comply with Clause 3.3.2 (A2) (iii) of the Residential Design Codes. The parapet walls about the existing dwelling, which is under the same ownership and is also not considered to have an unreasonable adverse effect on the future property owners. The northern side setback variations (parapet wall) are considered supportable, as they are single storey in height and relatively short in length, 6.29 metres and 3.19 metres respectively. As such, the parapet wall is not considered to have an unreasonable adverse effect on the adjacent properties. The western side setback variations (carport and store) are considered supportable, as they comply with Clause 3.3.2 (A2) (iii) of the Residential Design Codes.

Privacy

With regard to the potential for unreasonable overlooking from major habitable room openings on the first floor on the southern elevations, screening is not required in this instance as the owners of No. 433 Charles Street have consented to no screening being provided on the southern elevation. A condition has been applied to the balcony to bedroom of unit 3 on the western elevation due to a lack of details of screening shown.

Outdoor Living

The Residential Design Codes require a minimum dimension of 4 metres and a total area of 16 square metres for an area of outdoor living under the Residential R60 density coding. In this instance, the three proposed grouped dwellings each have a minimum dimension of 3.29 metres and each outdoor living area has a total area of 16 square metres. A condition has been applied for the outdoor living area to comply with the requirements of the Residential Design Codes.

Plot Ratio

The Residential Design Codes (R Codes) requires single bedroom dwellings to have a maximum plot ratio floor area of 60 square metres. The three units each propose 61.75 square metres and as such exceed the requirement, and should comply with the 60 square metres limit.

Overshadowing

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

Traffic, Noise, Property Values and Fencing

The proposed three two storey single bedroom dwellings are not considered to have an unreasonable effect on the area in terms of increased traffic and noise. Property value and boundary fencing are not considered major planning matters and as such are not considered as part of this application.

Car Parking

The development proposes one car parking bay for each of the three single bedroom dwellings. This complies with the car parking requirements of Clause 3.5.1 (A1) (ii) of the Residential Design Codes.

Density

In accordance with Clause 3.1.3 (A3) (i) of the Residential Design Codes, the minimum site area requirement of 166.67 square metres (as per Clause 3.1.3 (A3) (iv)) can be reduced by up to one third, as such, reduced to 111.11 square metres. The total land area required for three single bedroom dwellings and one grouped dwelling is 500 square metres. In this instance the lot area is 637 square metres, therefore it complies with the requirements of the Residential Design Codes.

Summary

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

10.4.3 Independent Organisational Review

Ward:	Both	Date:	2 July 2003
Precinct:	All	File Ref:	ADM0061
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Independent Organisational Report dated April 2003 (circulated separately to Elected Members and as laid on the Table) as conducted by Corporate and Regional Enterprises (CARE) in collaboration with Murray Jorgensen and Associates and ADM Chartered Accountants;*
- (ii) *REQUESTS the Chief Executive Officer to provide a further report on the Independent Organisational Review including the recommendations, as detailed in this report; and*
- (iii) *NOTES the Independent Organisation Review includes the following comments:*
 - (a) *"The Review concluded that the Town has dedicated staff and is generally well managed and operating adequately" (page 1);*
 - (b) *"The majority view of key stakeholders is that the Town of Vincent is generally operating to a satisfactory standard of local government. Outstanding areas highlighted by key stakeholders included Beatty Park Leisure Centre, Parks Services, Engineering Operations and Works Services and Library Services" (page 1);*
 - (c) *"Financially the Town is functioning well, is virtually debt free with reasonable balance of cash in Reserve Funds" (page 7);*
 - (d) *"The area of financial accountability (Businesses and Services) was found to be very sound" (page 7);*
 - (e) *"The Town's existing allocation of resources and outsourcing practices ensure that resources are not duplicated" (page 66);*
 - (f) *"External key stakeholders observed that whilst the Town is well managed, the Organisation could improve its performance in key governance and strategic tasks" (page 2);*
 - (g) *"The majority of stakeholders identified a number of frustrations with parking matters" (page 8);*
 - (h) *"A survey of users of Town Planning and Building Services reviewed opportunities to enhance the performance of these integral services" (page 8). "The estimated net cost of affecting the implementation of the recommendations and changes totals \$105,206, of this amount \$81,606 will remain as annual cost increases to the organization" (page 9); and*
 - (i) *"The majority of key stakeholders believe that the CEO and Executive Managers were performing satisfactorily" (page 10);*

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That a new clause (iv) be added as follows;

"(iv) provides copies of the report to Precinct and Business Groups and others on request, and for public access in the Library and the Administration Centre, prior to the briefing agreed to at the Ordinary Meeting of Council held on 24 June 2003, and to be held on Thursday, 17 July 2003."

Cr Torre departed the Chamber at 7.48pm.

AMENDEMENT CARRIED (8-0)

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

Cr Torre returned to the Chamber at 7.52pm.

Moved Cr Chester , Seconded Cr Lake

That clause (iii) be deleted.

Debate ensued.

AMENDMENT LOST (4-5)

For

Cr Chester
Cr Farrell
Cr Franchina
Cr Lake

Against

Mayor Catania
Cr Cohen
Cr Doran-Wu
Cr Ker
Cr Torre

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.3

That the Council;

- (i) *RECEIVES the Independent Organisational Report dated April 2003 (circulated separately to Elected Members and as laid on the Table) as conducted by Corporate and Regional Enterprises (CARE) in collaboration with Murray Jorgensen and Associates and ADM Chartered Accountants;*

- (ii) ***REQUESTS the Chief Executive Officer to provide a further report on the Independent Organisational Review including the recommendations, as detailed in this report;***
- (iii) ***NOTES the Independent Organisation Review includes the following comments:***
- (a) ***"The Review concluded that the Town has dedicated staff and is generally well managed and operating adequately" (page 1);***
 - (b) ***"The majority view of key stakeholders is that the Town of Vincent is generally operating to a satisfactory standard of local government. Outstanding areas highlighted by key stakeholders included Beatty Park Leisure Centre, Parks Services, Engineering Operations and Works Services and Library Services" (page 1);***
 - (c) ***"Financially the Town is functioning well, is virtually debt free with reasonable balance of cash in Reserve Funds" (page 7);***
 - (d) ***"The area of financial accountability (Businesses and Services) was found to be very sound" (page 7);***
 - (e) ***"The Town's existing allocation of resources and outsourcing practices ensure that resources are not duplicated" (page 66);***
 - (f) ***"External key stakeholders observed that whilst the Town is well managed, the Organisation could improve its performance in key governance and strategic tasks" (page 2);***
 - (g) ***"The majority of stakeholders identified a number of frustrations with parking matters" (page 8);***
 - (h) ***"A survey of users of Town Planning and Building Services reviewed opportunities to enhance the performance of these integral services" (page 8). "The estimated net cost of affecting the implementation of the recommendations and changes totals \$105,206, of this amount \$81,606 will remain as annual cost increases to the organization" (page 9); and***
 - (i) ***"The majority of key stakeholders believe that the CEO and Executive Managers were performing satisfactorily" (page 10); and***
- (iv) ***provides copies of the report to Precinct and Business Groups and others on request, and for public access in the Library and the Administration Centre, prior to the briefing agreed to at the Ordinary Meeting of Council held on 24 June 2003, and to be held on Thursday, 17 July 2003.***
-

DETAILS:

The Council has recently received the final report of the Independent Organisational Review - April 2003 as conducted by Corporate and Regional Enterprises (CARE) in collaboration with Murray Jorgensen and Associates and ADM Chartered Accountants.

At the Special Meeting of Council held on 28 January 2003, the Council resolved as follows:

"That the Council ACCEPTS the tender submitted by Corporate and Regional Enterprise Consulting (CARE) at a cost of \$79,500 (plus \$7,950 GST) as being the most acceptable to the Town to carry out the Independent Organisational Review."

At the Council Meeting held on 3 December 2002, the Council received a report relating to the proposed Independent Organisational Review and resolved inter alia as follows:

"That the Council;

- (i) APPROVES of the Independent Organisational Review Project Objectives, Outcomes, Project Brief and Selection Criteria, as shown in Appendix 10.4.2;*
- (ii) AUTHORISES the Chief Executive Officer to advertise a tender inviting suitably qualified and experienced persons and/or organisations to carry out the Independent Organisational Review;*
- (iii) calls a Special Meeting of Council to be held on 28 January 2003 to consider the awarding of the tender for the Independent Organisational Review; and"*

At the Ordinary Meeting of Council held on 22 October 2002, the Council considered the Terms of Reference for the Independent Organisational Review and the following was adopted:

1. OBJECTIVE – STRATEGY

To review the Town's past and future strategic direction with reference to the capacity of the organisational, structural and administrative infrastructure, to meet current and future objectives of the Strategic Plan.

Terms of Reference

Examine Council's current Strategic Plan 2000-02 and proposed Strategic Plan to 2002-2007;

1. identifying critical issues;
2. determining the capacity of the Council to achieve stated objectives given the current staffing structure, resources and timelines; and
3. analysing the extent to which the goals of the organisation are pursued and aligned with Key Performance Indicators specified in the Town's Adopted Strategic Plan and the Principal Activities Plan.

Outcome

To ensure that the resources and goals of the Town are appropriately aligned to its strategic direction, and monitored through the appropriate performance management measures.

2. OBJECTIVE – Organisational structure review

To ensure that an optimal level of organisational structure and employee resources are in place to best achieve the strategic goals of the Town.

Terms of Reference

Review the **organisational** structure and reporting lines including staffing levels to determine;

1. cost effectiveness;
2. capacity to deliver the strategic and operational objectives of the Council; and
3. service level delivery to the community.

Outcome

To establish an appropriate organisational structure and employee resources that is able to deliver the services and projects as outlined in the strategic plan in a cost effective and efficient manner.

3. OBJECTIVE - GOVERNANCE

The evaluation and review of procedures and systems in relation to Council decision-making process, ensuring maximum efficiency and effectiveness.

Terms of Reference

Examine Council systems, procedures and processes in terms of;

1. agenda preparation, quality, accuracy and timeliness of reports (including notification to persons who have matters listed on the Council Agenda or have submitted an objection/comment);
2. preparation and research of documentation;
3. measurable outcomes and follow through on Council decisions by the Executive Management Team (including the thoroughness of implementing Council decisions); and
4. alignment of decisions by the Council in relation to the Officer Recommendations, legislation, Council Policies and Guidelines and strategic direction of the organisation.

Outcome

To engender optimal standards for Council systems, procedures and processes to ensure that outcomes and decisions are consistent and well-informed with appropriate follow-up mechanisms in place.

4. OBJECTIVE – HUMAN RESOURCES AND PERFORMANCE MANAGEMENT

To provide the opportunity to align staff current remuneration and performance expectations with industry standards and the strategic priorities and objectives of the Town.

Terms of Reference

Review the system of remuneration and performance assessment of Council Officers and employees, including;

1. current performance management methodology against Key Performance Indicators (KPIs);
2. performance incentive arrangements and practices;

3. effectiveness and measurement of any Enterprise Bargaining Agreements (EBAs) or Australian Workplace Agreements (AWAs); and
4. remuneration/performance review procedures.

Outcome

To provide a mechanism to monitor, review and reward performance in terms of agreed objectives and also improve employee personal development.

5. OBJECTIVE - FINANCIAL PERFORMANCE AND ACCOUNTABILITY

To review financial performance and information provided by the Town.

Terms of Reference

Examine financial arrangements in direct measurement to;

1. budget performance preparation, management and performance;
2. performance against industry benchmarks/best practice in government and where appropriate commerce;
3. financial reporting at the Elected Members, Executive Group and operational levels; and
4. audit performance.

Outcome

To ensure that the Town's financial performance and reporting is in line with industry benchmarks and best practices.

6. OBJECTIVE - FINANCIAL ACCOUNTABILITY – BUSINESS AND SERVICES

To review the Council's philosophy regarding revenue generating, cost recovery and outsourcing, elimination of duplication in line with strategic direction and commitment to its "community service obligation".

Terms of Reference

Review performance outcomes of;

1. outsourced contracts;
2. Council trading enterprises (i.e. revenue generating activities);
3. Internal/External Service Level Agreements;
4. the Council's philosophy, policies and expectation for cost recovery of services, cost of services and service delivery; and
5. internal/external services to eliminate duplication.

Outcome

To establish clear objectives and policies that reflect the accepted Council philosophy and policies on revenue generating, cost recovery, outsourcing, its community service obligation and eliminating duplication.

7. OBJECTIVE - HUMAN RESOURCES SURVEY

To undertake a survey amongst staff to determine overall satisfaction with the work environment in the Town.

Terms of Reference

Survey the level of staff satisfaction covering;

1. communication with Elected Members;
2. Senior Executives;
3. available resources;
4. implementation of objectives;
5. work environment; and
6. satisfaction with management.

Outcome

To ensure that the Town provides a working environment that is productive and motivating, embodying principles of open communication, transparency and quality service delivery.

8. OBJECTIVE - PROCESS AND PROCEDURES

Analyse and assess the efficiency and effectiveness of the organisation in servicing the community.

Examine the transactional relationship between the Council and Administration in implementing effective and efficient systems, processes and procedures for the organisation.

Terms of Reference

Review the organisational structure, administrative practices and procedures and decision making processes for matters requiring Council approval (e.g. development approvals, building licences, permits and licences) in direct measurement to;

1. Reporting to the Council;
2. Council decisions;
3. Extent of delegation;
4. Performance against industry benchmarks/best practice in like local governments; and
5. Determining the extent of customer satisfaction regarding quality, accessibility, clarity and accuracy of information provided to ratepayers/residents and also developers.

Outcome

- To achieve an accepted level of customer satisfaction for the community and all stakeholders
- To achieve a standard of performance that is in line with industry benchmarks/best practice.
- To provide appropriate delegation to assist in decision making.

9. OBJECTIVE - FINANCIAL IMPLICATIONS AND ACCOUNTABILITY

To ascertain the cost-benefit, accountability and feasibility of implementing recommendations and its impact on the core business of the Town.

Terms of Reference

Report on the Independent Organisational Review cost implications to the Council in terms of;

1. any increased costs or cost savings as a result of any proposed recommendations/findings;
2. implementation of any recommendations/findings;
3. impact on the level of service to the Community.

Outcome

That any forthcoming recommendations / findings are to be cost effective, sustainable, practicable and viable and have a positive impact on the level of service to the community.

10. OBJECTIVE – HUMAN RESOURCES - SENIOR EXECUTIVES

To review and align the role of Senior Executives with reference to the future direction of the organisation.

Terms of Reference

Review the requirements for Senior Executives to meet the future requirements of the Organisation.

Outcome

To directly link the role and performance of Senior Executives to the organisational strategic objectives, initiatives and requirements.

11. OBJECTIVE – TIMELINE AND REPORTING

The Independent Organisational Review to be conducted and completed in a timely manner, with a minimum of disruption to the organisation.

Terms of Reference

The Independent Organisational Review to be completed and a final report to be delivered within ten (10) weeks.

Outcome

The final report to be provided to the Chief Executive Officer, as one (1) unbound copy, fourteen (14) bound copies and in electronic format acceptable to the Chief Executive Officer within ten (10) weeks of the commencement of the Review.

DEFINITIONS:

Objective: Something toward which effort is directed : an aim, goal, or end of action (Merriam-Webster's Collegiate Dictionary [<http://merriam.com/>])

Outcome: Something that follows as a result or consequence (Merriam-Webster's Collegiate Dictionary [<http://merriam.com/>])

Governance: Is broadly defined as the process and structures (formal and informal) by which a group, community or society makes decisions; distributes and exercises authority and power; determines strategic goals; organises corporate and individual behavior; develops institutional rules; and assigns responsibility for those matters.

“Governance” is about having the structures, processes, legitimacy and institutional capacity in place to facilitate sound decision-making and accountability.

“Good Governance” is essentially concerned with creating the conditions for ordered rule and collective action. (Department of Local Government and Regional Development – Update No 43 – October 2002)

At the Ordinary Meeting of Council held on 11 March 2003, Council considered a Notice of Motion and resolved as follows:

"That, when the Draft Report, relating to the Independent Organisational Review is made available to the Chief Executive Officer by the Consultants (as per the schedule presented to Council on 28 January 2003), the Consultants, at that time, will provide a copy of that draft report to the Mayor and each of the Councillors."

Final Report

A copy of the draft report was provided to the Chief Executive Officers and was delivered to the Mayor and Councillors on 4 April 2003. Comments were provided to the consultants and on 1 May 2003, the Town received the final report.

The report made the following recommendations:

- **STRATEGY**

RECOMMENDATION 1

The 2002 – 2007 strategic planning process be revisited and include the following approach and elements:

The strategic planning process focus on social, environmental and economic outcomes and include quantitative and qualitative evaluations of Key Result Areas using key performance indicators and effectiveness indicators that are outcomes oriented, relevant and useful for future planning. The process to include the following elements.

Vision:

Set the shared view on what the Town will be in 5 years time. The end result must be an outcome that has the benefit of critical analysis and reflects the majority stakeholder views as being realistic and affordable.

Mission:

Describe the shared view of what services and activities the Town provides.

Values:

Describe the shared values that will be used as the basis for the philosophical approach to the way of “doing business” in the Town. The values to be supported by Behaviour Standards or Codes of Conduct.

Key Result Areas (the main functional areas):

Identify the functional areas that when achieved will collectively satisfy the vision statement. For each key result area there must be identified:

- The Scope (i.e. a description of what is to be included in the key result area)
- Key Objectives/Outcomes that collectively will achieve the Key Result Area
- Strategies and Action Plans for those key objectives/outcomes and
- Key Performance Indicators that are outcomes oriented, relevant and useful for future planning.

RECOMMENDATION 2

- (a) The Executive Management Team encourages staff to use their Services management meetings to identify strategic and organisational improvements.
- (b) The Executive Management Team meeting agendas include a regular item to consider and respond to suggestions from Services management meetings to achieve strategic and organisational improvement suggestions.

RECOMMENDATION 3

- (a) The Town of Vincent does not embark on additional programs requiring resources of Town Planning and Heritage until the core functions are operating to Council's satisfaction.
- (b) The Town of Vincent requests the East Perth Redevelopment Authority to provide advice on the essential elements of urban economic development and strategies for the Town of Vincent to pursue to achieve the objectives of Key Result Area 3 – Economic Development.

• ORGANISATIONAL STRUCTURE REVIEW

RECOMMENDATION 4

- (a) Community Development and Administration functions be split with Community Development to become a function of Environmental and Development Services. The administration functions of local government elections, land administration, coordinating legal services, register and safekeeping of legal documents, administration and maintenance of telephone/PABX/Voicemail system, facsimile machine and photocopiers, messages on hold, agendas and minutes distribution, Council minutes data collection and stationary orders remain in Corporate Services.
- (b) The administrative functions and staff resources involved in preparing agendas, recording minutes and distributing minutes be transferred from the office of the Chief Executive Officer to Corporate Services.
- (c) The Minute Secretary and Relieving Officer's position be merged following the retirement of the Relieving Officer in April 2003.
- (d) Fleet management responsibilities be transferred from Manager Parks to Corporate Services Finance Officer (Purchasing/Contracts).
- (e) The Property Maintenance Officer position reports to Manager Planning and Building Services.
- (f) The position Manager Customer Service Centre be created and the Customer Service Centre become a function of the Chief Executive Officer's Division.
- (g) The responsibility for the customer information content of the Town's website and printed material be transferred to the Manager Customer Service.
- (h) An internal community consultative coordination group be formed and be facilitated by Manager Customer Service.

• **GOVERNANCE**

RECOMMENDATION 5

- (a) Council introduce a 12 month trial of three week cycles to Council decision making comprised of:
- **Week 1** Council briefing session on matters of a long term nature or are otherwise strategic in their nature and are in the early stages of development. Attendance at those meetings is by invitation. No decisions are to be made at those meetings. Matters requiring decision are to be referred to the Council Committee included in week 2 of the meetings cycle.
 - **Week 2** Council meeting in Committee whereby members of the public and parties associated with matters before Council are directly and publicly invited to attend and address the Committee. It is essential Managers of staff who author reports together with Executive Managers attend these meetings to respond to Council questions.
 - **Week 3** Ordinary Council meeting whereby the Council considers recommendations submitted from the Council Committee meeting and makes final determination on all matters.

RECOMMENDATION 6

Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council's consideration.

RECOMMENDATION 7

Neighbourhood notifications be written in non technical language and be made at least 7 days prior to the matter being considered by Council. A cover letter be included detailing the assistance that can be provided to explain the elements of the notification and that letter be written in the main languages used by residents of the Town.

RECOMMENDATION 8

A suitable computer be located in the Council Chamber connected to a projector and screen enabling the Minute Secretary to project the "live" recording of declarations, motions and resolutions of meetings for simultaneous viewing by the Elected Members, Officers and members of the public.

RECOMMENDATION 9

The Chief Executive Officer's report to each Council meeting includes an outstanding action list that records matters previously considered by Council yet to be actioned by Officers.

RECOMMENDATION 10

The Chief Executive Officer in collaboration with continuing Elected Members and the Executive Managers continue to prepare and conduct an Elected Members induction program during May of each election year.

The induction to include briefings by Executive Manager and relevant Managers on key strategic and operational functions of Council that will assist Elected Members understand and perform their roles and responsibilities. Topics to include amongst other matters are the Town Planning Scheme, Residential Design Guidelines, Standing Orders Local Law, Council's policies, Council's delegations, Understanding Financial reports, Council's budgeting process. Attendance at governance training courses such as the Australian Institute of Company Directors be considered.

RECOMMENDATION 11

The Chief Executive Officer be required to coordinate the review of the Policy Manual and submit the recommended variations to Council. The review is to take into account the suggested improvements contained in this report.

RECOMMENDATION 12

Council gives consideration to the wider use of community forums to proactively plan for the strategic direction of the Town of Vincent.

RECOMMENDATION 13

Town Planning Officer and Heritage Officer reports be written using objective language and formats changed to highlight discretionary approval provisions available to Council.

• ***HUMAN RESOURCES AND PERFORMANCE MANAGEMENT***

RECOMMENDATION 14

The format of the Progress Review Performance Management document be modified to include provision for the employee, together with their supervisor, to establish areas for improvement over each subsequent 12 month period.

RECOMMENDATION 15

Following Council's adoption of the 2003/2004 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 Officer 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 variance.

RECOMMENDATION 16

Following the determination of performance outcomes for the Chief Executive Officer, that Officer conducts the same process for the Executive Managers. The Executive Manager's consent is required to any change, as this constitutes a contract variance.

RECOMMENDATION 17

The Senior Management Team and Managers use intangible incentives for staff by recognising performance verbally and in written form and involving staff more in decision- making that impact on their area of responsibility and in strategic matters.

RECOMMENDATION 18

The Senior Executive Management Team prepares guidelines to assist the determination of over-award payments including addressing the superannuation “gap” between employees engaged under the City of Perth Superannuation Scheme and the Local Government Superannuation Scheme.

RECOMMENDATION 19

The Senior Executive Management Team investigates and considers the benefits and criteria for offering term contracts to Officers appointed to positions with the prefix: “senior”.

RECOMMENDATION 20

The Human Resources Manager prepares a strategy and is assigned responsibility for implementing and monitoring an organisational staff development program.

RECOMMENDATION 21

The Executive Management Team encourages staff to identify improvements to their work environment and process improvements that would lead to improved effectiveness.

RECOMMENDATION 22

The Executive Management Team identifies, acknowledges and harnesses the latent capacity of emerging leaders in the organisation.

RECOMMENDATION 23

The Executive Management Team meeting agenda include an item to introduce a staff career development program.

RECOMMENDATION 24

The Executive Management Team meeting agenda includes a regular item to receive input from Services team meetings on strategic matters to achieve organisational improvement through innovation and process improvement. As part of that process a Manager attends the Executive Management Team meeting on a rotating basis.

RECOMMENDATION 25

The Executive Management Team meetings agenda includes an item to consider and respond to suggestions from Services Team meetings on strategic matters and organisational improvement suggestions.

• ***FINANCIAL PERFORMANCE AND ACCOUNTABILITY***

RECOMMENDATION 26

“Financial Statements Executive Summary” to be presented to Council on a quarterly or monthly basis.

RECOMMENDATION 27

The content and format of financial accounts and financial reports prepared by Corporate Services for Middle Management to be further developed and tailored taking account of individual Manager requirements.

RECOMMENDATION 28

Council's Activity Based Costing System documentation to be updated, the allocation of costs and staff allocation percentages to be reviewed where necessary.

RECOMMENDATION 29

Elected Members consider implementing an "Internal Audit / Accountability" function.

RECOMMENDATION 30

Timing of Budget Reviews to be reassessed. Where September quarter Budget Review is not formally prepared and presented to Council, it is recommended a formal Budget Review for October or November be performed and presented to Council prior to December each year, with subsequent reviews presented to Council in March and June.

RECOMMENDATION 31

Following items to be considered for inclusion in Annual Report:

- Comparative Indicators;
- Future Directions Summary;
- Fees and Charges By Type;
- Key Result Areas Summary;
- Triple Bottom Line Reporting.

RECOMMENDATION 32

Membership of the Audit Committee to be amended, with members consisting of Elected Members and the CEO (or a CEO nominee). Elected Members to comprise a majority of the Committee.

RECOMMENDATION 33

Audit Committee's role be extended to include risk management and accountability considerations.

RECOMMENDATION 34

The level of historical detail in regards to the Principal Activities Plan included in the Town's Annual Report be significantly reduced in future years, with only key performance indicators included. If the Town wishes to continue publishing the 5-year Principal Activities Plan history in full detail, it may be appropriate to include this information in a separate report.

- ***FINANCIAL ACCOUNTABILITY – BUSINESS AND SERVICES***

RECOMMENDATION 35

Service Level Agreements to be developed, implemented and rolled out across various areas of Council Operations, including but not limited to

- Financial Services
- Administration Services
- Customer Service Centre

RECOMMENDATION 36

Business activities relating to the provision of services by Council to undergo further testing and benchmarking.

RECOMMENDATION 37

Where practical, the Town periodically considers benefits provided to residents and the community, and investigate income opportunities on a “user pays” basis.

RECOMMENDATION 38

Where a particular area of the Town’s operations requires temporary staff for 6 months or more, Council considers appointing staff on short term contracts wherever possible, rather than use external agencies.

- ***HUMAN RESOURCES SURVEY***

RECOMMENDATION 39

The Executive management Team reviews the Human Resources Survey results and initiates actions to address the low satisfaction levels evident.

RECOMMENDATION 40

The Chief Executive Officer personally communicates with all staff explaining the Executive Management Team will be reviewing the Human Resource Survey outcomes and will be determining actions to address the key matters raised by staff in their survey responses.

- ***PROCESS AND PROCEDURES***

Environmental and Development Services Processes

RECOMMENDATION 41

(As per Recommendation 6 Council delegates approval of specified development applications to the Manager Planning and Building Services.)

RECOMMENDATION 42

Within 24 hours of initial assessment of an application for a Development application or Building license, applicants be advised electronically in notation form of any issues of non-compliance or otherwise and approximate approval time if in compliance.

RECOMMENDATION 43

Where non-compliance is noted, the applicant be invited to attend a meeting with the application Officer to discuss options. Where compliance options are identified, the Officer initiates a facilitative process including persons that may be immediately impacted on by the development or matter under consideration.

RECOMMENDATION 44

The Town seeks to engage and retain experienced Town Planning Officers to assist with Statutory Town Planning matters.

RECOMMENDATION 45

The appointment of an additional Town Planning Officer be reviewed after Council determines the recommendation for additional delegation of approval for Development Applications.

RECOMMENDATION 46

The Town Planning and Heritage Officers' report format to Council contains a table detailing location, ownership, applicant, file reference, reporting Officer, reviewing Officer and a brief overview, to be followed by Officer recommendation, background including advertising, comments received and facilitation, legal implications including explanation of discretionary provisions and a location map showing location and adjoining properties. The report to be written in objective language.

RECOMMENDATION 47

The Manager Town Planning and Building Services initiates a review of processing building license applications to reduce the processing time to 2000/2001 levels.

Car Parking Process

RECOMMENDATION 48

Council reviews the 2002 Car Parking strategy and implements a staged approach to resolving the current car parking challenges by a medium term approach including combining paid parking with restricted free parking zones.

RECOMMENDATION 49

Future car parking decisions of Council be in accordance with the reviewed Car Parking Strategy.

RECOMMENDATION 50

Council reviews the cash in-lieu car parking contribution to achieve a market related contribution to assist funding car parking capital costs.

RECOMMENDATION 51

Ranger Services is not separated to distinguish between Parking and General Ranger functions.

RECOMMENDATION 52

As part of the Town Planning Scheme Review, Council Officers research the impact of reciprocal car parking on existing car parking spaces and recommend adjustments to the reciprocal arrangements where the impact is demonstrated to be negative.

• HUMAN RESOURCES – SENIOR EXECUTIVES

RECOMMENDATION 53

- (a) The Senior Executive Team embark on an Organisational Improvement Program that includes:
- Organisational development based on inclusiveness and recognition of staff latent capacity.
 - Continuous Improvement by examining ways to improve each period's outcomes not merely matching them.
 - Best Practice by seeking better ways of providing services within the boundaries of realistic financial constraints.
 - Empowering Teams to operate within negotiated guidelines rather than controlling and monitoring.

Consideration of the Report

The Chief Executive Officer, Executive Managers, Managers and staff will be reviewing the recommendations and providing comments which will be reported to the Council for consideration.

The Independent Organisational Review Consultants provided a briefing to the Mayor, Councillors, Executive Managers and Managers on 1 July 2003.

A public meeting for the consultants to report their findings will be held on 17 July 2003 at 6.00pm.

A copy of the Independent Organisational Review Report has been placed on the Town's Intranet in order that all of the Town's employees have access to the report. Hard copies of the report will also be provided in each work area, front counter and at the library. The report will also be placed on the Town's web page.

CONSULTATION/ADVERTISING:

The consultants carried out the Review and consulted with Elected Members, CEO, Executive Managers, Managers and selected individual staff members.

The consultants also consulted with all Precinct and Community Groups within the Town, the Chief Executive Officers of City of Nedlands, Subiaco and the Towns of Cambridge and Victoria Park, CEO of EPRA, Department of Local Government, the Western Australian Local Government Association and Director General of the Department of Sport and Recreation.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

The Independent Organisational Review has identified a number of matters which are of strategic importance to the Town.

As part of the process the Town's current and Draft Strategic Plans were reviewed.

FINANCIAL/BUDGET IMPLICATIONS:

The Independent Organisational Review cost \$79,500 plus \$7,950 GST. Additional incidental costs of several hundreds of dollars were also incurred.

The staff time costs to assist in the Review have not been calculated.

The estimated net cost of affecting the implementation of the recommendations and changes totals \$105,206. Of this amount \$81,606 will remain as annual cost increases to the organisation.

An amount of \$105,000 has been included on the Draft Budget 2003/04.

COMMENTS:

The Chief Executive Officer is of the opinion that the Independent Organisational Review is a fair and objective report. It is pleasing to note that the Report contains many positive comments and highlighted many areas where the Town is performing very well. In particular, the Review has concluded *"that the Town has dedicated staff and is well managed and operating adequately"*.

The Review has also identified opportunities to improve the organisational performance in a cost effective manner that will result in the Town of Vincent providing improved standards of performance for the betterment of service delivery to its community. A number of recommendations have been made to realise those opportunities.

The challenge is now for the Elected Council and the Town's Administration to jointly work together for the betterment of the Vincent Community.

10.1.5 No. 11 (Lot 56) Wilberforce Street, Mount Hawthorn- Partial Demolition of and Alterations and Additions to the Existing Single House

Ward:	North	Date:	30 June 2003
Precinct:	Leederville, P3	File Ref:	PRO2349; 00/33/1627
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Goddard on behalf of the owners R L and T M Goddard for the proposed partial demolition of and alterations and additions to the existing single house at No. 11 (Lot 56) Wilberforce Street, Mount Hawthorn, as shown on the plans stamp-dated 12 May 2003, subject to:

- (i) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the upper floor bedrooms on the southern elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished 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;*
- (ii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, shall be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Wilberforce Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a road and verge security 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;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the sitting room has been provided with sufficient light and ventilation in accordance with the requirements of the Building Code of Australia. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Chester

That the recommendation with the following additional clause (xiii) be adopted.

"(xiii) a maximum of one (1) car bay, with a maximum width of 2.4 metres, can be provided within the front setback area."

Crs Farrell and Ker departed the Chamber at 8.05pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.06pm.

Moved Cr Lake, Seconded Cr Chester

That a new clause (xiv) be added as follows;

"(xiv) the eastern side setback be required to be setback 1.5 metres in order to comply with the Residential Design Codes."

Debate ensued.

Cr Ker returned to the Chamber at 8.10pm.

Debate ensued.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Goddard on behalf of the owners R L and T M Goddard for the proposed partial demolition of and alterations and additions to the existing single house at No. 11 (Lot 56) Wilberforce Street, Mount Hawthorn, as shown on the plans stamp-dated 12 May 2003, subject to:

- (i) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the upper floor bedrooms on the southern elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished 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;*
- (ii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, shall be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Wilberforce Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*

- (v) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a road and verge security 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;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the sitting room has been provided with sufficient light and ventilation in accordance with the requirements of the Building Code of Australia. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xiii) *a maximum of one (1) car bay, with a maximum width of 2.4 metres, can be provided within the front setback area; and*
- (xiv) *the eastern side setback be required to be setback 1.5 metres in order to comply with the Residential Design Codes;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: R L and T M Goddard
APPLICANT: R L Goddard
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	P
Lot Area	445 square metres

Requirements	Required	Proposed
Setbacks:		
Ground Floor- Eastern Side.	1.5 metres	1.1 metres
Ground Floor- Western side.	1.5 metres	1.15 metres
Upper Floor- Eastern Side.	1.5 metres	1.1 metres

DETAILS:

Approval is sought for the partial demolition of, and alterations and additions to, the existing single residence, with existing vehicle access being from both the right of way and Wilberforce Street.

The right of way is Town-owned, unsealed and 5 metres wide.

CONSULTATION/ADVERTISING:

The owner sought and obtained signatures of consent from the owner of No. 13 Wilberforce Street.

The application was advertised to the adjoining eastern neighbour from 3 June 2003 to 17 June 2003.

One objection was received during the advertising period.

The main concerns raised in the letter of objection have been summarised below:

- *"...The proposed eastern wall...would affect the westward aspect of our backyard. It would have a negative visual impact..."*
- *The proposed eastern wall would be 1.1 metres from the boundary, thus the eaves would nearly reach the boundary.*
- *"..We feel the bulk of the proposed wall and roof structure would dominate our backyard and give it a claustrophobic feel..."*
- The proposed wall does not assist in ameliorating the impacts of building bulk on adjoining properties, as per Clause 3.3.1 of the Residential Design Codes.

COMMENTS:

Significant Tree

There is a significant tree (Eucalyptus) located on the front of the lot. However, no works are proposed to the front of the property, thus the significant tree is not affected.

Light and Ventilation

The window to the sitting room on the upper floor, eastern side, does not provide sufficient light and ventilation to the habitable room in accordance with the Building Code of Australia. However, this can be addressed by increasing the size of the window to 1.84 square metres, which is 10 percent of the sitting rooms total floor area. Alternatively, a skylight can be provided in the roof area to provide 10 percent light and ventilation to the room. Accordingly, a condition has been recommended on the approval to this effect.

Vehicle Manoeuvring

The Town's Engineering Services advised that a minimum of 1 metre setback is required from the right of way to the car parking bay. However, this is not considered necessary as the parking provisions are existing.

Partial Demolition

The Town's Heritage Officer has advised that the property is not listed on the Town of Vincent Municipal Heritage Inventory or Interim Heritage Database. As such, this application is just subject to general Town Planning Scheme provisions and Policies.

Side Setbacks

Side setback variations are proposed to the eastern and western sides of 1.1 metres, and 1.15 metres respectively, in lieu of 1.5 metres. The neighbour on the western side raises no objections to the proposal, however, the eastern neighbour predominantly objects to the proposal due to the bulk of the building, and the negative visual impact the setback variation will have on their property.

Notwithstanding the above concerns, the proposal is considered to address the majority of the relevant performance criteria under Clause 3.3.1 of the Residential Design Codes 2002 (R-Codes), as the proposal does not overlook or overshadow the adjoining eastern neighbour. Additionally, the proposal complies with all other requirements of the R-Codes, and the proposal is not considered to be out of character with existing buildings in the area, as the adjoining western neighbour's (No. 9 Wilberforce Street) dwelling has been designed and setback in a similar fashion to the proposed development.

Upper Floor Windows

The proposed plans depict highlight windows to the bedrooms on the upper floor, southern elevation. These windows should be conditioned to comply with the privacy requirements of the R-Codes, due to the lack of dimension details shown for these windows.

Conclusion

In light of the above, and given the minor nature of the variation sought and the narrowness of the subject land, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.11 Further Report Nos. 65 - 67 (Lots 111, 112 and 113) Raglan Road, corner William Street Mount Lawley – Proposed Alterations and Additions to Existing Single House, Alterations and Additions to Existing Place of Worship Buildings to Create Five (5) Single Bedroom Grouped Dwellings and Three (3) Grouped Dwellings and Construction of Four (4) Grouped Dwellings, Resulting in the Development of One (1) Single Storey Grouped Dwelling, Seven (7) Two - Storey Grouped Dwellings and Five (5) Single Bedroom Two - Storey Grouped Dwellings

Ward:	South	Date:	2 July 2003
Precinct:	Norfolk, P10	File Ref:	PRO2320; 00/33/1586
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Palassis Architects on behalf of the owners Wasley Institute Pty Ltd for proposed alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create five (5) single bedroom grouped dwellings and three (3) grouped dwellings and construction of four (4) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, seven (7) two - storey grouped dwellings and five (5) single bedroom two - storey grouped dwellings at Nos. 65 - 67 (Lots 111, 112 and 113) Raglan Road, corner William Street, Mount Lawley, and as shown on the plans stamp dated 30 May 2003 (SK01, SK03, SK04,), 5 June 2003 (SK04A, SK05A) and 24 June 2003 (SK02B), subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the William Street and Raglan Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) car bays 13, 14, 15 and 22 having a minimum width of 2.7 metres;*
 - (b) car bays 13, 14, and 22 having a minimum aisle width of 6.2 metres;*
 - (c) the provision of lighting to the vehicular accessway and carparking area to the satisfaction of the Town's Technical Services;*

- (d) *the deletion of the entry gate structure and fencing within the 1.5 metres wide William Street Other Regional Road reservation;*
- (e) *the plot ratio floor area of units 11 and 12 each being limited to a maximum of 60 square metres; and*
- (f) *a bin storage area for unit 6 and unit 7 and the provision and location of all other bin storage to the satisfaction of the Town's Technical Services.*

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

- (iv) *subject to first obtaining the consent of the owners of No. 555 (Lot 200) William 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. 555 (Lot 200) William Street in a good and clean condition;*
- (v) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any front fences and gates adjacent to William Street and Raglan Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The portion of the fences around the private courtyards of units 3, 4, 5 and 9 facing William Street may be solid to a maximum height of 1.8 metres and shall incorporate at least two design features;*
- (vi) *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;*
- (vii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (viii) *prior to the first occupation of the development, a minimum of twenty two (22) car parking spaces (including one (1) visitor bay) shall be provided for the development, and the visitor bay shall be clearly marked and signposted for the exclusive use of the visitors of the development;*
- (ix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking".*
- (x) *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;*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (xii) *a road and verge security deposit bond and/or bank guarantee of \$2200 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;*
- (xiii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiv) *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;*
- (xv) *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);*
- (xvi) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xvii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xviii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xx) *a report by an arboriculturist on the measures to ensure retention and longevity of those trees identified to be retained on site should be submitted and approved prior to the issue of a Building Licence. All recommendations contained in that report shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense. This may also result in the need for revised plans being submitted and approved prior to the issue of a Building Licence. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xxi) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the single bedroom residential units/dwellings that:*

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

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

That clause (v) be amended, by inserting the words "50 percent of the length of the" and deleting the word "The" following the word "transparency" as follows;

"(v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any front fences and gates adjacent to William Street and Raglan Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. 50 percent of the length of the ~~The~~ portion of the fences around the private courtyards of units 3, 4, 5 and 9 facing William Street may be solid to a maximum height of 1.8 metres and shall incorporate at least two design features;"

Debate ensued.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.11

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Palassis Architects on behalf of the owners Wasley Institute Pty Ltd for proposed alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create five (5) single bedroom grouped dwellings and three (3) grouped dwellings and construction of four (4) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, seven (7) two - storey grouped dwellings and five (5) single bedroom two - storey grouped dwellings at Nos. 65 - 67 (Lots 111, 112 and 113) Raglan Road, corner William Street, Mount Lawley, and as shown on the plans stamp dated 30 May 2003 (SK01, SK03, SK04,), 5 June 2003 (SK04A, SK05A) and 24 June 2003 (SK02B), subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the William Street and Raglan Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *car bays 13, 14, 15 and 22 having a minimum width of 2.7 metres;*
 - (b) *car bays 13, 14, and 22 having a minimum aisle width of 6.2 metres;*
 - (c) *the provision of lighting to the vehicular accessway and carparking area to the satisfaction of the Town's Technical Services;*
 - (d) *the deletion of the entry gate structure and fencing within the 1.5 metres wide William Street Other Regional Road reservation;*
 - (e) *the plot ratio floor area of units 11 and 12 each being limited to a maximum of 60 square metres; and*
 - (f) *a bin storage area for unit 6 and unit 7 and the provision and location of all other bin storage to the satisfaction of the Town's Technical Services.*

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

- (iv) *subject to first obtaining the consent of the owners of No. 555 (Lot 200) William 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. 555 (Lot 200) William Street in a good and clean condition;*
- (v) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any front fences and gates adjacent to William Street and Raglan Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. 50 percent of the length of the portion of the fences around the private courtyards of units 3, 4, 5 and 9 facing William Street may be solid to a maximum height of 1.8 metres and shall incorporate at least two design features;*
- (vi) *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;*
- (vii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (viii) *prior to the first occupation of the development, a minimum of twenty two (22) car parking spaces (including one (1) visitor bay) shall be provided for the development, and the visitor bay shall be clearly marked and signposted for the exclusive use of the visitors of the development;*
- (ix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking".*

- (x) *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;*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *a road and verge security deposit bond and/or bank guarantee of \$2200 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;*
- (xiii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiv) *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;*
- (xv) *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);*
- (xvi) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xvii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xviii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xx) *a report by an arboriculturist on the measures to ensure retention and longevity of those trees identified to be retained on site should be submitted and approved prior to the issue of a Building Licence. All recommendations contained in that report shall be undertaken prior to the first occupation of the development and thereafter maintained, at the applicant's/owner(s)' full expense. This may also result in the need for revised plans being submitted and approved prior to the issue of a Building Licence. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

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

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

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council, at its Ordinary Meeting, held on 10 June 2002, considered the application and resolved the following;

"That this item "LIE ON THE TABLE", and a Further Report be provided concerning the retention of trees, the location of trees affecting stores, the location of the bin storage, fences, the type of surface of the church (render or original restoration), the potential impact on the property at 71 Raglan Road, and including a property Heritage Report."

Councillors Ian Ker and Sally Lake have requested that the Item be placed back on the Agenda for this Ordinary Meeting of Council, following an on-site meeting with the applicant. Amended plans have been submitted and the applicant has addressed all the above issues.

Trees and Stores

The trees that have been identified to be retained by the applicant are not listed on the Town's Significant Tree Inventory or Interim Significant Tree Data Bases. According to the Town's Parks Services, should the applicant wish to retain the trees, the proposed structures and stores should be a minimum of one metre from the trees and care taken when earth works/construction is to take place.

The Town's Officers have had discussions with the applicant who have stated that they intend retaining all the trees on-site which are outlined on the plans and have submitted amended plans showing the stores to be built around the trees. The applicant is also prepared to employ an arboriculturist should the Town request the applicant to do so.

Bin Location

Following discussions with the Town's Technical Services, it was concluded that all bins will be contained within the outdoor living area of each unit and attended to by each owner, therefore not requiring a centralised bin storage area. A condition has been applied accordingly [refer clause/condition (iii) (f)].

Fencing

The portion of the fences around the private courtyards of units 3, 4, 5 and 9 facing William Street have been conditioned to be solid to a maximum height of 1.8 metres and incorporate at least two design features, and the remaining front fences, as outlined in the amended plans dated 5 June 2003, to comply with the Town's Policy relating to Street Walls and Fences.

Impact on No. 71 Raglan Road

The Town's Policy relating to Vehicular Access states that in order to minimise the number of vehicle access points to frontage streets, acceptable development is to have access to on-site parking provided, where available, solely from a right of way, or from a secondary street where a right of way does not exist.

The applicant has provided the following information in relation to the potential impact on the above property;

"We understand the owners of 71 Raglan Road purchased the property in February of this year (2003). They would have been aware that acquiring a property abutting a paved Right of Way would be certain to have vehicles accessing that Right of Way at any time. There are a number of precedents for multi level developments in the locality taking access off the Rights of Way. Vehicular Access from the Right of Way is required by both the R Codes and the Councils own Policy 3.2.6 Vehicular Access. This issue is covered comprehensively in the attached advice from Ken Adam [copy attached to this Agenda Report]. Any impact on 71 Raglan Road would not sufficient to justify access being denied from the Right of Way".

Heritage

The applicant has provided the following information in relation to the heritage issues:

"The type of Surface of the Church and Heritage Report

The purpose of the developers to approach Palassis Architect's to design the redevelopment was because of its specialist work in Heritage work including conservation plans and built heritage restoration. The practice recently completing its 21 years in conservation works. We have recently completed the detailed restoration of the Town of Vincent's own Town Hall buildings. Your heritage officers have consistently advised that no heritage report is required.

The approach adopted for the project is:

- i) 95% of the heritage buildings are retained and conserved*
- ii) All accretions are removed from the buildings*
- iii) All interior spaces are conserved and reused in a manner, which emphasizes the volumes of high spaces.*
- iv) The retention of the original fabric.*
- v) Sympathetic infill on William Street to reinforce the townscape values of the place.*

All the works will be carried out according to the Burra Charter including photography and recording of the site prior to any works commencing. This approach will be carried out despite the Heritage Council of Western Australia determining the place not important enough to be placed on the register. We attach a copy of their letter to the current owners of the land dated the 9 June 2003. Council would understand with its own Heritage buildings the cost and difficulties in conserving and finding uses for these types of buildings.

Surface Type

The entire surface of the walls to all the building have unfortunately been coated with a high cement coating of cement based render and then a spray applications. Restoration of the original face brickwork is virtually impossible. Removal of the cement surface is not only extremely difficult but the process would cause damage to the surface of the original brickwork . This would necessitate the resurfacing and waterproofing of the brickwork which would change its appearance We attach a copy of letter from restoration specialist B.K. Maine dated 12 June 2003 confirming this [copy attached to this Agenda Report]. As part of the conservation process we have suggested panels be conserved around the buildings which will interpret the original fabric of the buildings including the brickwork, render and stone relief. This is in compliance with current heritage practice and may address Council's notion that the reuse of the buildings necessarily requires the complete restoration of the exterior of the buildings. This certainly should not be required as a planning condition".

The Town's Heritage Officers concur with the information provided by the applicant's heritage consultant.

Conclusion

The revised proposal is considered acceptable and the previous conditional approval Officer Recommendation remains unchanged, except for the inclusion of additional conditions/clauses to address the issues outlined at the Ordinary Meeting of Council held on 10 June 2003, the application of an updated version of previous condition/clauses, and subsequent renumbering of the conditions/clauses.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 June 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 Palassis Architects on behalf of the owners Wasley Institute Pty Ltd for proposed alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create five (5) single bedroom grouped dwellings and three (3) grouped dwellings and construction of four (4) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, seven (7) two - storey grouped dwellings and five (5) single bedroom two - storey grouped dwellings at No. 65 - 67 (Lots 111, 112 and 113) Raglan Road, corner William Street, Mount Lawley, and as shown on the plans stamp dated 30 May 2003 and 5 June 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the William Street and Raglan Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*

- (a) *the provision and location of bin storage to the satisfaction of the Town's Technical and Health Services;*
- (b) *car bays 13, 14, 15 and 22 having a minimum width of 2.7 metres;*
- (c) *car bays 13, 14, and 22 having a minimum aisle width of 6.2 metres;*
- (d) *the provision of lighting to the vehicular accessway and carparking area to the satisfaction of the Town's Technical Services;*
- (e) *the deletion of the entry gate structure and fencing within the 1.5 metres wide William Street Other Regional Road reservation; and*
- (f) *the plot ratio floor area of units 11 and 12 being limited to a maximum of 60 square metres;*

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

- (iv) *subject to first obtaining the consent of the owners of No. 555 (Lot 200) William 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. 555 (Lot 200) William Street in a good and clean condition;*
- (v) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to William Street and Raglan Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) *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;*
- (vii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (viii) *prior to the first occupation of the development, a minimum of twenty two (22) car parking spaces (including one (1) visitor bay) shall be provided for the development, and the visitor bay shall be clearly marked and signposted for the exclusive use of the visitors of the development;*
- (ix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking".*
- (x) *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;*

- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *a road and verge security deposit bond and/or bank guarantee of \$2200 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;*
- (xiii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiv) *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;*
- (xv) *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);*
- (xvi) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xvii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xviii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xx) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the single bedroom residential units/dwellings that:*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That this item "LIE ON THE TABLE", and a Further Report be provided concerning the retention of trees, the location of trees affecting stores, the location of the bin storage, fences, the type of surface of the church (render or original restoration), the potential impact on the property at 71 Raglan Road, and including a property Heritage Report.

CARRIED (6-0)

(Councillors Chester, Cohen and Torre on approved leave of absence.)

LANDOWNER: *The Wasley Institute Pty Ltd*
 APPLICANT: *Palassis Architects*
 ZONING: *Metropolitan Region Scheme: Urban*
 Town Planning Scheme No.1: Residential R60
 EXISTING LAND USE: *Place of Public Worship and Single House*

COMPLIANCE:

<i>Use Class</i>	<i>Grouped Dwelling</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area</i>	<i>1781 square metres</i>

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Setbacks -</i>		
<i>Southern side (Ground Floor)</i>	<i>1.5 metres</i>	<i>1.25 - 1.725 metres</i>
<i>Southern side (First Floor)</i>	<i>1.5 metres</i>	<i>1.25 - 1.725 metres</i>
<i>Street Setback -</i>		
<i>William Street Ground Floor</i>	<i>4.0 metres</i>	<i>3.445 metres</i>
<i>First Floor</i>	<i>6.0 metres</i>	<i>2.3 metres</i>
<i>Car parking</i>	<i>23 bays (21 bays plus 2 visitors bays)*</i>	<i>22 bays (21 bays plus 1 visitors bay)</i>
<i>Plot Ratio Single Bedroom Unit 11 and Unit 12</i>	<i>Maximum of 60 square metres</i>	<i>77 square metres</i>
<i>Density - based on eight (8) grouped dwellings and five (5) single bedroom dwellings</i>	<i>1892 square metres</i>	<i>1840 square metres (2.8 percent density bonus)</i>
<i>*</i>		
<i>**</i>		

** Site area for single bedroom dwellings calculated at 111.67 metres each based on Clause 3.1.3 (A3) (i) of the Residential Design Codes (R Codes).*

***Site area of 1840 square metres includes up to half the width of the right of way based on Clause 3.1.2 (A2) (ii) of the R Codes.*

SITE HISTORY:

The subject site is occupied by a collection of church buildings facing William Street and a single dwelling facing Raglan Road. The surrounding area is characterised by a mixture of single storey and two storey character dwellings and two storey grouped dwellings.

A 3.96 metres wide, resumed vested and sealed right of way abuts the western boundary of the property and will provide vehicular access to the proposed dwellings.

CONSULTATION/ADVERTISING:

There were seven letters of objection received during the advertising period, including a petition with forty four signatures.

Issues raised included the impact on the amenity of the surrounding area from the density of the site, the perceived increase in noise and traffic from the development, the impact on parking on the surrounding area and vehicular access from the right of way.

DETAILS:

Approval is sought for proposed alterations and additions to the existing single house, alterations and additions to the existing place of worship buildings to create five (5) single bedroom grouped dwellings and three (3) grouped dwellings and construction of four (4) grouped dwellings, resulting in the development of one (1) single storey grouped dwelling, seven (7) two - storey grouped dwellings and five (5) single bedroom two - storey grouped dwellings.

COMMENTS:

Partial Demolition

The subject site is occupied by a collection of church buildings that were constructed in a series of campaigns from 1913 to the 1920s. Further single-storey, light weight additions were undertaken to the group of buildings from the late 1950s through to the late 1970s. The place is listed on the Town's Municipal Heritage Inventory and is known as the former St Margaret's Uniting Church. The place is a good example of the Federation Free Gothic style of architecture and is a local landmark. The site also includes a single residence that fronts onto Raglan Road.

The proposed change of use from place of public worship and associated buildings to grouped dwellings is supported as the new use is considered to be compatible with the site and its cultural significance. The proposed conversion to residential apartments will entail minimal intervention to the significant fabric of the place. The significant buildings on the site will be retained and their external appearance will be conserved. Some internal alterations are required to create separate residential units, however, these alterations have been kept to a minimum. The existing windows, doors, ceilings and large volumes that are typical of church buildings will be retained. Additionally, some of the original arched window openings that have been bricked in will be opened up and reconstructed.

With regard to demolition, it is proposed that the 1950s-1970s accretions be removed. These parts of the buildings are considered to be of little significance, if not intrusive to the place, and therefore their demolition is supported. It is also proposed that a small rear section of the single residence be demolished to accommodate more space for on-site parking. This demolition proposal is supported because the bulk of the residence will be retained and the additional parking will contribute to the amenity of the site and the surrounding residential area.

Only a small section of the significant church buildings is proposed for demolition, namely the end bay of the church building that fronts onto Raglan Road. The demolition of the end bay will provide space for two private courtyards and it will effectively open up the site to provide an uninterrupted vista of courtyards between the significant buildings. Whilst the end bay that is proposed for demolition is part of the significant fabric of the place, it will result in improved open space, light and circulation for the site. Thus, in the context of these benefits, the proposed demolition of this section of building is considered acceptable.

Overall it is considered that the significance of the place as a landmark church site in the Federation Free Gothic style will not be compromised as a result of the proposed development. Given that the proposed development will essentially conserve and enhance a significant heritage place, it is considered acceptable that a density bonus under clause 20 of the Town's Town Planning Scheme No1 be granted. Furthermore, as the place is included in the Town's Municipal Heritage Inventory, reasonable variations to any development or site requirements may be considered.

The Heritage Council of Western Australia (HCWA) has advised the Town that they have received a referral under Section 9 of the Heritage of Western Australia Act 1990. This referral will result in HCWA determining whether the place should undergo an assessment for consideration for listing on the State Register of Heritage Places in the future. The outcome will be forwarded to the Town for its information.

In summary, the development proposal is supported subject to a comprehensive archival record of the place being submitted to and approved by the Town prior to the issue of a Demolition Licence.

Density

The development proposes a 2.8 percent increase in the permitted dwelling density. The existing church buildings are listed on the Town's Municipal Heritage Inventory and are considered of sufficient cultural significance to warrant a density bonus. In light of this, it is considered that under Clause 20 of Town Planning Scheme No.1, the development proposal is worthy of a density bonus. A number of objections received raise concern over the increased density of the site. The variation is considered only minimal and as such is not considered to unduly affect the amenity of the surrounding residents.

Clause 3.1.2 A2 (ii) of the R-Codes stipulates the following for battleaxe lots abutting right of way (ROW):-

"in the case of a rear battleaxe site, the site area inclusive of access leg where such an access leg contributes no more than 20 per cent of the site area as required by Table 1. Where the lot (excluding access leg) adjoins or abuts a right-of-way or public reserve for open space, pedestrian access, school site or equivalent, half the width (up to a maximum depth of two metres) may be added to the site area".

Notwithstanding that the abovementioned clause only applies to battleaxe sites for single houses, the proposal would still result in the same effective lot area and sense of openness.

After adding half the width of the adjacent ROW to the subject land, the total site area is 1840 square metres.

Street Setbacks

Given the relative William Street setback and scale of the existing church development on site, and the various design features incorporated into the front facade and setback, including landscaping in the front courtyards of Unit 3 and Unit 4, the proposed front setback to William Street is considered acceptable.

The Town requires a ground floor setback of 4.0 metres and first floor setback of 6.0 metres. The ground floor and upper floor of the proposed buildings (units 1, 2, 3 and 4) are in line with the existing church buildings and the only encroachment is minor in the form of two balconies. A condition has also been applied to restrict any buildings within the 1.5 metres Other Regional Road Reservation.

Side Setbacks

It is considered that the southern side setback variations do not present an unreasonable loss of amenity to the adjacent properties due to staggering of setbacks and the windows facing the southern side are all minor openings, therefore these variations are considered supportable.

Plot Ratio - Single Bedroom Dwellings

There are five single bedroom dwellings proposed for the development all of which are incorporated into the existing church buildings. The Residential Design Codes (R Codes) requires single bedroom dwellings to have a maximum plot ratio floor area of 60 square metres. Units 11 and 12 exceed the requirement, and should comply with the 60 square metres limit.

Car Parking

The 13 grouped dwellings require 23 car parking bays (including 2 visitor bays) in total to comply with the R Codes requirements and the relevant Australian Standards for car parking. The development proposes 22 car parking bays (including 1 visitor bay). In this instance, the variation to carparking is considered acceptable as there is only a shortfall of 1 bay, Raglan Road has no parking time restrictions installed, and the Town has received no complaints from existing residents that there is a current problem with parking congestion. The site is also situated within close proximity to public transport in the form of bus stops along William Street.

William Street - Other Regional Road

The Town has received comments from the Department of Planning and Infrastructure (DPI) in relation to the William Street Metropolitan Region Scheme "Other Regional Road" (ORR) reservation, which encroaches over a 1.5 metres wide section of the subject lots. In summary, the DPI states that it has no objection to the proposal, however the building proposed on Lot 111 should be located entirely on the portion of the land that is not reserved for Other Regional Road purposes. As such, a condition should be applied restricting any buildings within this area.

Summary

The proposal is generally supportable as it aims to retain and enhance both internally and externally existing buildings listed on the Town's Municipal Heritage Inventory and is not considered to unreasonably adversely affect the amenity of the adjacent properties or the streetscape of the area. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters."

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

Ward:	South	Date:	1 July 2003
Precinct:	Hyde Park, P12	File Ref:	PRO 2134; 00/33/1645
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	R Boardman, D Abel		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme 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 20 May 2003.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Cr Franchina departed the Chamber at 8.24pm.

CARRIED (8-0)

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

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 24 September 2002 for 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;*

DETAILS:

The proposed garage door is to be constructed in colour bond material.

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 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.

This development is being assessed based on the Town's current requirements and previous approved solid doors should not set a precedent for development of a similar nature in the area.

It is recommended that the proposal be refused, as it is considered to unreasonably adversely affect the amenity and streetscape of the area, mainly by discouraging active interaction and casual surveillance between the development and the street, and inappropriately adding to the bulk and scale of the overall development on site.

10.2.4 Research Funding - Establishment and Maintenance of Turf on the Swan Coastal Plain

Ward:	Both	Date:	2 July 2003
Precinct:	All	File Ref:	RES0039
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Research Funding for the Establishment and Maintenance of Turf on the Swan Coastal Plain;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY a contribution of \$2,500 to be sourced from savings in the 2003/2004 Parks budget and determined in a future budget review for the establishment and maintenance of turf on the Swan Coastal Plain, to be undertaken by the University of WA's School of Plant Pathology - Faculty of Natural and Arboricultural Sciences, on behalf of Local Governments;*
- (iii) *LISTS an amount of \$2,500 in subsequent budgets between 2004/05 to 2006/07 as the Town's contribution to the proposal as outlined in clause (i) above; and*
- (iv) *NOTES that progress reports on the findings of the study will be presented to Council as they are made available.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Torre, Seconded Cr Lake

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

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

BACKGROUND:

Current water restrictions, and further restrictions recommended by the State Government's Water Symposium, are designed to protect and conserve the State's water resources. Water restrictions minimise water usage and can also prevent nutrient leaching (e.g. nitrogen and phosphorus), which is detrimental to ground and surface-water quality. These restrictions will have considerable impact on turf management practices in Western Australia, particularly irrigation and fertiliser strategies.

DETAILS:

Local Governments, as the most extensive managers of turf in Western Australia, spending considerable amounts of money each year on maintenance activities, may be depending on their use of groundwater, significantly affected by restrictions imposed by state government regulatory bodies.

While the community may welcome restrictions that have been designed to protect the environment, they may not fully welcome a reduction in the quantity and quality of their sports fields and parklands.

Consequently Local Government turf managers will face a considerable increase in pressure to contain budgets, while, simultaneously protecting the environment and maintaining the quantity and quality of amenity turf grass assets.

To meet these divergent objectives, local government turf managers will require credible scientific information on management practices that maximise turf quality, while minimising environmental impacts such as water consumption and nutrient leaching from turf grasses established in Perth's sandy soils. Such information specific to Perth's environment is limited.

To overcome this considerable knowledge gap, the University of Western Australia (School of Plant Biology, Faculty of Natural and Agricultural Sciences), in collaboration with the turf industry, have established a 'Turf Research Steering Committee'.

The purpose of the committee is to conduct research projects that will provide practitioners with scientifically valid information regarding the establishment and maintenance of turf in Western Australia. This research is recognised as some of the most important in progress in Australia.

During the period 1997-2002, the Turf Research Steering Committee successfully initiated, developed, funded and managed research that determined the water requirements of turf on the Swan Coastal Plain. Projects to be undertaken in the period 2003/04 to 2006/07 are designed to include, but are not limited to, the provision of information on:

- Maximising Kikuyu turf growth and quality, while minimising water use and nutrient leaching into the water table.
- Assessment of irrigation efficiency and its impacts on water-use for improved water use efficiency.
- Affects of turf renovation practices on nutrient and water-use efficiency.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007: 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"h) Continue to design and implement infrastructure improvements for public open space."*

FINANCIAL/BUDGET IMPLICATIONS:

Local Governments will be contributing between \$1,000 and \$5,000 each year over the four (4) year research period.

The Town's contribution for year one (1) of the research period may be sourced from savings in the 2003/2004 Parks budget and determined in a future budget review.

The total annual expenditure for the project and the contribution breakdown is outlined below.

Cost Estimates	2003/04	2004/05	2005/06	2006/07
Total Estimated Expenditure	\$143,000	\$212,000	\$225,000	\$225,000
Source of Income	2003/04	2004/05	2005/06	2006/07
Horticulture Australia Ltd.	\$64,000	\$95,000	\$101,000	\$101,000
Other Contributions	\$29,000	\$67,000	\$74,000	\$74,000
Local Governments (WA)	\$50,000	\$50,000	\$50,000	\$50,000
Percentage of Total Cost Estimate to be sourced from Local Government	2003/04	2004/05	2005/06	2006/07
	34%	23%	22%	22%

COMMENTS:

Local governments stand to benefit the most from research outcomes, because they are the primary end users of the information to be obtained. Therefore, in context of the overall funding requirements, requests for funding contributions from local governments represents a significant advantage in terms of expenditure to return ratios.

Due to the long term significant benefits for all turf managing bodies as a result of the research being undertaken, it is recommended that the Town, along with other local governments already committed to this cause, contributes an amount of \$2,500 each year over the five (5) year research period.

10.1.4 No. 57 (Lots 178, 179 & 416) Monmouth Street, Dual Frontage with Burt Street, Mount Lawley - Proposed Green-Title/Freehold Subdivision

Ward:	South	Date:	2 July 2003
Precinct:	Norfolk , P10	File Ref:	122233
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 Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed subdivision of No. 57 (Lots 178, 179 & 416) Monmouth Street, dual frontage with Burt Street, Mount Lawley, and as shown on the plan stamp-dated 27 June 2003 (subdivision 122233), subject to:

- (i) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (ii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iii) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good;*
- (iv) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (v) the applicant obtaining Planning Approval for the development of a house(s) on each of the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes including all filling and retaining walls proposed;*
- (vi) design guidelines including the following, but not limited to landuse, density, access, carparking, setbacks, heights, scale, roof, streetscape, amenity, privacy, services/servicing, landscaping, fencing, courtyards and environmental design, being submitted to and approved by the Town;*
- (vii) those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Town the cost of such works as estimated by the Town, subject to the Town giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission;*

- (viii) *the cul-de-sac heads being designed to the satisfaction of the Town ;and*
- (ix) *325 square metres being provided as "Reserve for Recreation", ceded free of cost and without any payment of compensation by the Crown or the Town, and this is to be provided as cash-in-lieu contribution to the Town;*
- to the satisfaction of the Chief Executive Officer.*
-

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 8.32pm.

Cr Franchina returned to the Chamber at 8.32pm.

Debate ensued.

Cr Torre returned to the Chamber at 8.37pm.

Debate ensued.

The Council requested the Executive Manager Environmental and Development Services, Mr Rob Boardman to provide Council information on whether the local community is consulted on subdivision applications forwarded to the WAPC.

LOST (0-9)

Reasons:

- 1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.**
- 2. Lack of public open space being provided within the subdivision.**
- 3. An unreasonable number of crossovers will be created onto the street(s), which will unduly adversely affect the streetscape.**
- 4. The size and configuration of the proposed lots would most likely result in any reasonable dwelling on the lots not complying with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies.**

ALTERNATIVE MOTION

COUNCIL DECISION ITEM 10.1.4

Moved Cr Chester, Seconded Cr Ker

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed subdivision of No. 57 (Lots 178, 179 &416) Monmouth Street, dual frontage with Burt Street, Mount Lawley, and as shown on the plan stamp-dated 27 June 2003 (subdivision 122233), for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *lack of public open space being provided within the subdivision;*
 - (c) *an unreasonable number of crossovers will be created onto the street(s), which will unduly adversely affect the streetscape; and*
 - (d) *the size and configuration of the proposed lots would most likely result in any reasonable dwelling on the lots not complying with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies; and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

CARRIED (9-0)

LANDOWNER: Uniting Church Homes
APPLICANT: Greg Rowe & Associates
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R40
EXISTING LAND USE: Nursing Home

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	3245 square metres

SITE HISTORY:

The site currently has a nursing home within several buildings and has been closed for a number of years.

DETAILS:

The applicant seeks to amalgamate and subdivide the existing three (3) properties in accordance with the Residential R40 density code, to create thirteen (13) lots. The existing buildings on site are to be completely demolished.

The applicant is proposing six (6) lots to front Monmouth Street and the remaining seven (7) lots being serviced by a new dedicated public road off Burt Street.

In support of the application, the applicant has provided a submission, which is summarised as follows:

- The existing buildings are not considered to have any historic or aesthetic value and will be demolished once the subdivision is approved.
- A development application has also been submitted to illustrate that the lots to be created can be developed for single residential houses.
- The subject site does not contain significant vegetation.
- Proposal is for 13 lots ranging from 210 to 285 square metres in area.
- The proposed road off Burt Street is to have a 10 metres wide road reserve.
- A bin pad is proposed within the Burt Street Reserve.
- The proposed lot sizes are within the minimum and average lot sizes under the R40 density.
- The proposal complies with the minimum lot size of 210 square metres and an average lot size of 221.2 square metres.
- Retaining walls are proposed at the rear of the lots that front onto Monmouth Street. The proposed height would be approximately 0.75 metre in height.

CONSULTATION/ADVERTISING:

The proposal did not require advertising.

COMMENTS:

The proposed green lot subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres. The proposed lot sizes range from 210 to 285 square metres, with the average lot size of 221.92 square metres. For any lot less than 350 square metres, a development application is required to be submitted and approved prior to the lots been created so as to ensure that the lots created can be adequately developed for residential houses.

It is to be noted that the above site falls within the Norfolk Precinct P10. Under Clause 20 (4)(d)(ii) of Town of Vincent Town Planning Scheme No.1, within the areas coded R40, a maximum of two dwellings will be permitted per lot. The Town has received legal advice, which states that a lot can be subdivided into numerous lots provided the area of the proposed lots complies with the minimum lot area requirement under the R40. This means that the proposed subdivision will comply with the above advice from the Town's Solicitors and would not conflict with the Scheme requirements.

Being a small lot subdivision in an infill area, it is recommended that the applicant provide design guidelines for the development of single houses, similar to other small lot subdivision applications in the Town. The design guidelines would provide guidance and certainty to future landowners if the lots were sold and developed individually.

The applicant has requested that the current development plans submitted for the above lots to be created as part of this subdivision be also included as attachments to demonstrate to the Town that the proposed lots can be adequately developed for single houses. These proposed dwellings have not been assessed, advertised or determined, and this will not be undertaken until the design guidelines requested have been prepared by the applicants and approved by the Town.

As the lots slopes in an east to west direction, the applicant proposes retaining at the rear of the lots having frontage to Monmouth Street. It is recommended that all retaining and fill proposed be assessed together with the development application, which has been lodged with the Town. This would ensure that the requirements of the Residential Design Codes in terms of amenity and privacy are not compromised as a result of the subdivision application.

Under the Western Australian Planning Commission's requirement for contribution of Public Open Space (POS), the owner is required to provide 10 per cent of the gross subdividable area for POS purposes. In this instance, due to the relatively small area of land involved (that is, 324.5 square metres) and its limited functionality and practicality, it is recommended that cash in lieu be provided to an equivalent amount and be conditioned accordingly.

The Town's Engineering Services has requested that a turning circle within the proposed road be provided for emergency vehicles and other service vehicles. The applicant has submitted revised plans dated 27 June 2003 to that effect. All rubbish collection would be from the existing road network being Monmouth and Burt Streets.

The Town's Parks Services has advised that there are no trees of significance within the proposed subdivision to be retained. There are also no verge street trees adjacent to the above site along Monmouth and Burt Streets.

The Heritage Assessment in relation to the buildings proposed to be demolished will be undertaken as part of the demolition application process.

The proposal is in accordance with the current density code and is therefore supported, subject to standard conditions.

10.1.12 No.21 (Lot 254) Ethel Street, North Perth - Variations to Building Licence for Additional Three-Storey Grouped Dwelling

Ward:	South	Date:	3 July 2003
Precinct:	Norfolk, P10	File Ref:	PRO-1668; 00/33/0455
Reporting Officer(s):	G Snelling, D Abel		
Checked/Endorsed by:	R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

- (1) *the Council, at its Ordinary Meeting held on 10 June 2003 (Item No.10.1.15), decided "That the Council APPROVES the amendments as detailed on the amended plans stamp dated 11 March 2003, to the Building Licence No.20/1426 issued 4 July 2002 to the owner S. L. Eaton, for the additional three-storey grouped dwelling on No.21 (Lot 254) Ethel Street, North Perth, subject to:*
 - (i) *favourable comments from the owners of the front property of No.21 Ethel Street, regarding the new external brick fireplace and chimney, constructed in the pergola/alfresco area adjacent to the rear boundary;*
 - (ii) *subject to first obtaining the consent of the owners of No.21 Ethel Street, North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.21 Ethel Street, North Perth in a good and clean condition;*
 - (iii) *compliance with all relevant Environmental Health, Building and Engineering requirements;*
 - (iv) *two (2) standard right of way speed humps, one adjacent to the northern boundary of the subject development and one adjacent to the southern portico pillar, shall be installed on the adjacent right of way at the owners'/ applicants' costs, prior to the first occupation of the development;*
 - (v) *an opening shall be made on the northern face of the portico at the owners'/ applicants' costs, prior to the first occupation of the development, to ensure pedestrians alighting from the dwelling have adequate sight lines of passing vehicles prior to entering the adjacent right of way; and*
 - (vi) *the pedestrian access way from Ethel Street to the rear dwelling shall be a minimum width of 1.2 metres;*

to the satisfaction of the Chief Executive Officer";
- (2) *Councillor Helen Doran-Wu, Councillor Steed Farrell and Councillor Sally Lake MOVE a motion to change the decision of the Council at its Ordinary Meeting held on 10 June 2003 (Item No.10.1.15);*
- (3) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor Helen Doran-Wu, Councillor Steed Farrell and Councillor Sally Lake, being one third of the number of offices of members of the Council, support this motion; and*

- (4) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to change the decision of the Council at its Ordinary Meeting held on 10 June 2003 (Item No.10.1.15) by deleting clause (iv), adding new clause (iv) and amending clause (vi), such that the decision now reads as follows:*

"That;

the Council APPROVES the amendments as detailed on the amended plans stamp dated 11 March 2003, to the Building Licence No.20/1426 issued 4 July 2002 to the owner S. L. Eaton, for the additional three-storey grouped dwelling on No.21 (Lot 254) Ethel Street, North Perth, subject to:

- (i) favourable comments from the owners of the front property of No.21 Ethel Street, regarding the new external brick fireplace and chimney, constructed in the pergola/alfresco area adjacent to the rear boundary;*
- (ii) subject to first obtaining the consent of the owners of No.21 Ethel Street, North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.21 Ethel Street, North Perth in a good and clean condition;*
- (iii) compliance with all relevant Environmental Health, Building and Engineering requirements;*
- (iv) amended strata plan documents that accurately depict the existing pedestrian access way and building structures on the subject property shall be submitted to the Town;*
- (v) an opening shall be made on the northern face of the portico at the owners'/ applicants' costs, prior to the first occupation of the development, to ensure pedestrians alighting from the dwelling have adequate sight lines of passing vehicles prior to entering the adjacent right of way; and*
- (vi) the pedestrian access way from Ethel Street to the rear dwelling shall be a minimum width of 1.0 metre, and the further reduced section of the pedestrian access way adjacent to the existing patio structure at the rear of the existing single storey dwelling shall be a minimum width of 930 millimetres;*

to the satisfaction of the Chief Executive Officer."

COUNCIL DECISION ITEM 10.1.12

Moved Cr Cohen, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY (7-2)

For

Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Ker
Cr Lake
Cr Torre

Against

Mayor Catania
Cr Chester

LANDOWNER:

K and S Eaton

APPLICANT:

Cousins Constructions

ZONING:

Metropolitan Region Scheme: Urban

Town Planning Scheme No.1: Residential R40

EXISTING LAND USE:

Existing dwelling, and additional grouped dwelling under construction.

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	680 square metres

SITE HISTORY:

The subject site is occupied by a single storey dwelling. The surrounding area is characterised by a mix of single and two storey dwellings. A Town owned and sealed right of way runs along the rear boundary of the site.

The Council at its Ordinary Meeting held on 27 March 2001, conditionally approved an additional three-storey grouped dwelling, carport and alterations to an existing single house.

The Council at its Ordinary Meeting held on 10 June 2003 considered amendments to the Building Licence No.20/1426 issued 4 July 2002 for the additional three-storey grouped dwelling on the subject property, and resolved as follows:

"That;

the Council APPROVES the amendments as detailed on the amended plans stamp dated 11 March 2003, to the Building Licence No.20/1426 issued 4 July 2002 to the owner S. L. Eaton, for the additional three-storey grouped dwelling on No.21 (Lot 254) Ethel Street, North Perth, subject to:

- (i) favourable comments from the owners of the front property of No.21 Ethel Street, regarding the new external brick fireplace and chimney, constructed in the pergola/alfresco area adjacent to the rear boundary;*
- (ii) subject to first obtaining the consent of the owners of No.21 Ethel Street, North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.21 Ethel Street, North Perth in a good and clean condition;*
- (iii) compliance with all relevant Environmental Health, Building and Engineering requirements;*

- (iv) *two (2) standard right of way speed humps, one adjacent to the northern boundary of the subject development and one adjacent to the southern portico pillar, shall be installed on the adjacent right of way at the owners'/ applicants' costs, prior to the first occupation of the development;*
- (v) *an opening shall be made on the northern face of the portico at the owners'/ applicants' costs, prior to the first occupation of the development, to ensure pedestrians alighting from the dwelling have adequate sight lines of passing vehicles prior to entering the adjacent right of way; and*
- (vi) *the pedestrian access way from Ethel Street to the rear dwelling shall be a minimum width of 1.2 metres;*

to the satisfaction of the Chief Executive Officer."

DETAILS:

In a letter to the Town dated 19 June 2003, the owners of No.21 (Lot 254) Ethel Street, North Perth, have stated that they accept the Town's above mentioned conditions, with the exception of condition (vi), and requested the following:

"We are requesting a one (1) metre strata access leg and to approve the walkway as exists.

This change to the strata boundary would then comply with the Council request, and avoid demolishing the neighbours limestone brick wall ... as well as demolishing the alfresco brick wall and roof at 21 Ethel Street (front house).

We have investigated the following points for your reference;

- *We have contacted emergency services department and they advised that they require vehicle access to the property and would use the sealed right of way.*
- *We can move the green solo bin from the rear house down the walkway to the street front without any obstruction.*
- *Currently there are not obstructions in the walkway and a person can walk comfortable and freely in the walkway.*
- *We will ensure that no obstructions are put into the walkway (such as garden beds, plants etc.)*
- *We have confirmed with the adjoining neighbour (19 Ethel Street) that they are 100% satisfied with the current structures of the walkway.*

We were told by Town of Vincent that the walkway should be 1.2 metres, as per approval, however we feel there has been a miscommunication as we understood that the lane should be 1.2 meters and then the walls were built on the boundary of this request. However the Council has now advised, after the structures are built, that it is "implied", that it is to be a "1.2m gap" without the brick walls, hence it should be 1.5m. We are of the understanding that this 1.2m is not law and is only an "implied law" that has the councils discretion, both myself and the neighbours are pleading that your discretion be used at this time."

The owners have also advised the Town Officers that the services for the subject rear dwelling have already been installed within this pedestrian access way.

Councillors Helen Doran-Wu, Steed Farrell and Sally Lake have requested that the Item be placed on the Agenda for this Ordinary Meeting of Council for the matter to be re-considered, namely in relation to the width of the pedestrian access way.

COMMENTS:

The Town's Officers have held several discussions and site meetings with the owners to address the required width of the pedestrian access way.

The Planning Approval and the Building Licence required a 1200 millimetres wide pedestrian access way from Ethel Street to the subject rear grouped dwelling, along the southern side boundary of the existing front dwelling. This pedestrian access way requirement is in accordance with the Town's Policy relating to Vehicle Access to Dwellings via a Right-of-Way, and is intended to provide occupiers of the rear dwelling pedestrian access from/to the rear dwelling to/from Ethel Street for rubbish and mail collection, and to enable the mail box, rubbish bin and services for the rear dwelling to be placed within this access way. It is considered quite clear that the pedestrian access way shall not have any obstructions within the entire width of the required access way.

The amended plans stamp dated 11 March 2003, which were the subject of Item 10.1.15 to the Ordinary Meeting of Council held on 10 June 2003, indicate a reduced pedestrian access way width from 1200 millimetres to 1000 millimetres, however, a site inspection on 30 June 2003, revealed that this access way varies from 1000 millimetres adjacent to Ethel Street to 930 millimetres adjacent to the subject development. Existing fencing and a significant walled and roofed rear patio structure encroaches within the required 1200 millimetres width of the pedestrian access way.

It is considered in this instance, that the subject pedestrian access way satisfies the above intent and purpose of the access way. In light of this and the above comments provided by the owners, the reduction of the width of the pedestrian access way from 1200 millimetres to the existing width is considered acceptable, and the subject clause/condition (vi) can be amended accordingly.

The proposed strata plan, which has not yet been certified by the Town, shows a 1200 millimetres wide pedestrian accessway, but does not indicate the two enclosed patio structures between the two dwellings on-site, nor the second floor of the rear dwelling. Therefore, the strata plan is required to be amended to reflect the existing pedestrian access way width and other existing structures, as discussed between the owners and the Town's Officers.

An Officer of the State Ombudsman's Office has discussed the Council's resolution of 10 June 2003 with the Town's Executive Manager Environmental and Development Services. The Ombudsman's Office raised concerns in relation to clause/condition (iv) requiring two (2) standard speed humps, one adjacent to the northern boundary of the subject development and one adjacent to the southern portico pillar, to be installed on the adjacent right of way at the owners'/ applicants' costs, mainly as these works are not located on the subject property and the consequential difficulty in applying this condition retrospectively.

In light of the above, the Town's Technical Services further examined this requirement in the context of the reduction in the western side portico setback to the rear right of way (ROW) from 1.2 metres to a nil setback. The ROW is approximately 4300 millimetres wide, and the new double garage is set back 1000 millimetres with a garage door opening width of 6000 millimetres.

The Town's Technical Services advised that it is considered that the maneuvering width is adequate, however, to improve safety it is recommended that the Town installs two (2) standard ROW speed humps, one approximately five (5) metres north of the northern boundary of the subject development, that is closer to Alma Road, and one adjacent to the southern boundary of the subject development. This will involve removal of the existing substandard speed humps adjacent to Alma Road. These new speed humps will address traffic management on this ROW for not only the subject dwelling, but also other developments that have access off the ROW and other users of the ROW. The works will be undertaken by and the costs borne by the Town's Technical Services. Therefore, the subject clause/condition (iv) can be deleted.

10.2.5 Proposed Traffic Calming & Safety Improvements – Kalgoorlie Street, Mount Hawthorn

Ward:	North	Date:	2 July 2003
Precinct:	Mt Hawthorn Precinct P2	File Ref:	TES0292
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the proposed Traffic Calming and Safety Improvements in Kalgoorlie Street, Mt Hawthorn, Berryman Street to Scarborough Beach Road;
- (ii) **APPROVES** the proposed installation works as shown on attached Plan No. 2114-CP-1B; and
- (iii) **ADVISES** the respondents of its resolution.

COUNCIL DECISION ITEM 10.2.5

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

BACKGROUND

As a result of representation from residents of Kalgoorlie Street, between Berryman Street and Scarborough Beach Road, seeking the installation of traffic calming and safety improvements, a plan was prepared and distributed to the residents in November 2002, outlining possible changes and seeking comment. At the close of the consultation period, a total of seven (7) submissions were received, including a thirteen (13) signature petition. All respondents agreed that some form of traffic calming was warranted but had differing views on how this should be achieved.

Based upon the submissions received, a report was presented to Council at its Ordinary Meeting held on 17 December 2003, at which the following resolution was adopted:

“That the Council;

- (i) *receives the report on the proposed implementation of traffic calming measures in Kalgoorlie Street, Mt Hawthorn, Berryman Street to Scarborough Beach Road;*
- (ii) *refers the matter to the Local Area Traffic Management Advisory Group for consideration, and invites a representative(s) of the residents to attend;*

- (iii) *considers the advice from the Local Area Traffic Management Advisory Group at a future meeting;*
- (iv) *advertises the Local Area Traffic Management Advisory Groups recommendations for public comment for a period of twenty one (21) days, inviting written submissions; and*
- (v) *receives a further report at the conclusion of the public consultation phase."*

In accordance with clause (ii) of the Council resolution, the matter was referred to the Town's Local Area Traffic Management (LATM) Advisory Group's meeting of 3 February 2003 and included a representative of the Kalgoorlie Street residents.

At the conclusion of the discussion, the group resolved to refer the following suggested actions to Council for consideration.

1. LATM Advisory Group could not support a full road closure at the intersection of Kalgoorlie Street and Scarborough Beach Road (effectively making Kalgoorlie Street a cul-de-sac).
2. Technical Services to investigate modifying the above intersection, reducing the potential/ease for motorists to enter Kalgoorlie Street illegally from Scarborough Beach Road (currently left out only).
3. Additional signage to be considered such as "Local Traffic Only" at the intersection of Berryman and Kalgoorlie Streets.
4. The speed hump nearest Scarborough Beach Road to be changed to an "at grade" raised plateau as a pedestrian crossing point, allowing children from the adjacent overpass to cross Kalgoorlie Street in a safer environment.
5. The Mt Hawthorn Schools to be requested to provide road safety instruction for students, particularly when crossing roads.
6. The mid-block speed hump to be deleted.
7. Main Roads WA to be requested to consider re-orientating the 'Stop' control at Berryman Street so that Kalgoorlie Street becomes the stop street.
8. A report to Council with recommendations based upon the outcomes of the meeting, followed by full public consultation prior to proceeding with the installation of any traffic calming measures.

A further report outlining the above was then presented to Council at its Ordinary Meeting held on 25 February 2003, whereupon Council resolved the following:

"That the Council;

- (i) *receives the report on the proposed implementation of Traffic Safety Improvements in Kalgoorlie Street, Mt Hawthorn, Berryman Street to Scarborough Beach Road;*
- (ii) *adopts the attached amended Plan No. 2114-CP-1A which incorporates the suggestions put forward by the Local Area Traffic Management Advisory Group;*

- (iii) *readvertises the proposal for public comment for a period of twenty one (21) days, inviting written submissions; and*
- (iv) *receives a further report on the matter at the conclusion of public consultation should any adverse comments regarding the proposal be received."*

With respect to the proposed re-orientation of the Stop control at the intersection of Berryman and Kalgoorlie Street (point 7 of the group's recommendations), Main Roads WA advised the orientation of the Stop control will not be altered.

DETAILS:

In accordance with clauses (ii) and (iii) of Council's resolution of the Ordinary Meeting of the 25 February 2003 an amended plan, No. 2114-CP-1A, incorporating the agreed changes below, was distributed to the residents for comment.

The amended proposal included the following:

- Improvements at the Scarborough Beach road intersection
- Safe crossing point in Kalgoorlie Street and associated footpath to the overpass
- Possible changes at the intersection of Berryman Street and Kalgoorlie Street
- Fewer speed humps
- Line marking and improved signage
- *Local Traffic Only* signage

Outcome of Public Consultation

A total of twenty-one (21) letters were delivered to the residents of Kalgoorlie Street, Berryman Street to Scarborough Beach Road, soliciting some nine (9) responses representing 43% of those canvassed.

The responses, as summarised on the attached, were mixed and the results inconclusive, providing no clear direction as to the residents' preference.

Three (3) responses were positive while making additional comments, suggestions and observations.

Five (5) respondents indicated that they were opposed to the changes. However, in some instances their opposition was based upon minor implementation issues such as the placement of nibs and height and location of the speed humps. Further, several residents offered other suggestions such as the installation of a roundabout at the intersection of Kalgoorlie and Berryman Streets.

Three (3) respondents vehemently disagreed with Main Roads WA assessment of the Kalgoorlie Street and Berryman Street stop control orientation while two (2) agreed, however these opinions were divided between those for and against for overall concept.

The final submission ventured no opinion on the proposed changes but took the opportunity to comment on unrelated issues.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "1.4 h) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) advisory Group – identify initiatives for redirecting traffic".

CONSULTATION/ADVERTISING:

Affected residents were consulted in accordance with Council Policy No. 4.1.21 "Community Consultation".

FINANCIAL IMPLICATIONS:

The estimated cost of the proposal as outlined on attached Plan No. 2114-CP-1B is \$15,000 and sufficient funds have been carried forwarded from the 2002/2003 Capital Works budget to implement the project.

LEGAL/POLICY IMPLICATIONS:

Nil

COMMENT

In light of the responses received and the lack of general agreement or commonality of the opinions expressed, it is recommended that a modified version of the concept, as shown on the attached plan 2114-CP-1B, be implemented.

The plan acknowledges that given Main Roads WA response, that the orientation of the stop control at the intersection of Kalgoorlie Street and Berryman Street will not change.

The entry statement / speed hump at Berryman Street and intersection modifications at Scarborough Beach Road should proceed as none of the responses specifically objected to these improvements, and the proposed nib outside No. 103 Kalgoorlie Street should be deleted.

The proposed raised plateau should be shifted closer to Scarborough Beach Road, preferably in an existing 'No Stopping' zone and the exit modified as shown.

It is also recommended that the minor parking improvements on the eastern side of Kalgoorlie Street proceed given the minimal impact upon residents.

**TRAFFIC CALMING AND SAFETY IMPROVEMENTS
KALGOORLIE STREET, MT HAWTHORN**

SUMMARY OF COMMENTS

IN FAVOUR OF PROPOSAL

Comments
<ul style="list-style-type: none"> • Happy with overall plan. Suggested alternate placement of proposed signage and additional signage. • There was another prang (sic) on the corner of Berryman and Kalgoorlie Streets, where do Main Roads get their stats from? • I agree that stop signs should remain as is. Suggestion for additional signage such as 'Children Crossing' while deleting 'Local Traffic Only' as this doesn't allow for parents dropping off children, which causes minimal disruption anyway.

AGAINST PROPOSAL

Comments
<ul style="list-style-type: none"> • Please explain the reason for a nib outside 103 Kalgoorlie Street, can this be deleted? It restricts parking for the residents. • Disagreed with Main Roads assessment (of the stop control) of the Berryman / Kalgoorlie Intersection. Suggested a roundabout at this location or a speed prior to the intersection on approach from the southern side. • As yet another accident indicates people aren't stopping as the stop signs, recommend a roundabout at this location. • The stops signs at Kalgoorlie and Berryman Streets should remain as is. The raised plateau outside 113 Kalgoorlie Street may be too steep for wheel chairs at this proposed location and perhaps a survey of the disability access requirements for the park needs to be undertaken first. • Concerned about the location of the raised plateau outside 113 Kalgoorlie Street and suggested it should be moved to an alternate non-residential location and consider a crosswalk instead. Please don't make the speed humps the height of those in Farmer Street.

OTHER

Comments
<ul style="list-style-type: none"> • More lights on bridge (pedestrian overpass), fix up kerbs, stop people from sleeping in bushes in Summer.

SUMMARY

	In favour as proposed	Against	Other
Of the 9 responses received.			
<u>TOTAL:</u>	3	5	1
<u>%</u>	33%	56%	11%

10.1.3 Nos. 12 & 14 (Lots 72 and 71) Sydney Street, North Perth - Proposed Survey Strata Subdivision

Ward:	North	Date:	1 July 2003
Precinct:	North Perth, P8	File Ref:	393-03
Reporting Officer(s):	P Mastrodomenico		
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 Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of Nos. 12 and 14 (Lots 72 and 71) Sydney Street, North Perth, and as shown on the plan stamp-dated 11 April 2003 (survey strata subdivision 393-03), subject to:

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree on Sydney Street adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes. Any proposed development shall comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies including the Policy relating to the Eton Locality, which includes the provision that development is to respect and maintain the existing character of the area, and this is considered to be predominantly detached dwellings with no boundary/parapet walls;*

- (viii) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
- (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
 - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and*
- (ix) *the existing residences to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including;*
- (a) *the provision and construction of two (2) on-site car parking bays and associated driveway and crossover, for each dwelling;*
 - (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; for each dwelling; and*
 - (c) *the provision of a 20 square metres courtyard, with a minimum dimension of 4 metres, for each dwelling;*

to the satisfaction of the Chief Executive Officer.

NOTE:

The subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.

Moved Cr Doran-Wu, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Doran-Wu, Seconded Cr Ker

That this item be DEFERRED, to allow the applicant to address on site carparking concerns, and to consider the ROW access.

CARRIED (9-0)

LANDOWNER: L M and C Costa
APPLICANT: Oracle Surveys
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R30/40 (R40 applies)

EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	1307 square metres

SITE HISTORY:

The site currently supports two single storey single houses each contained on its own lot.

Scheme Amendment No. 11

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

DETAILS:

The applicant seeks to survey strata subdivide the property in accordance with the Residential R40 density code, to create four (4) lots.

CONSULTATION/ADVERTISING:

The proposal did not require advertising.

COMMENTS:

The proposed survey strata subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres. Four (4) lots are proposed as part of the subdivision. The existing houses are proposed to be retained.

The lot sizes proposed are 324 square metres and 300 square metres for the lots which will accommodate the retained existing dwellings, and two vacant lots of 255 square metres and 275 square metres to the rear, and a central common property of 153 square metres.

The proposal is in accordance with the current density code and is therefore supported, subject to standard conditions.

10.3.1 Adoption of Principal Activity Plan 2003-2007

Ward:	Both	Date:	2 July 2003
Precinct:	All	File Ref:	ADM0039
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) in accordance with Section 5.56 and 5.58 of the Local Government Act 1995 NOTES that following the advertising period of forty-two (42) days, no submissions were received; and*
- (ii) ADOPTS the Principal Activity Plan for the four year period 1 July 2003 – 30 June 2007, as laid on the Table.*

Moved Cr Torre, Seconded Cr Chester

That the recommendation with the following new clause (iii) be adopted.

"(iii) that in the event the proposed amendments to the Local Government Act in regard to the preparation of a Principal Activity Plans are not adopted, that prior to the end of the year ending December 2003, the Principal Activity Plan 2003-2007 is reviewed to align it with the then adopted Strategic Plan 2002-2007."

CARRIED (9-0)

COUNCIL DECISION ITEM 10.3.1

That the Council;

- (i) in accordance with Section 5.56 and 5.58 of the Local Government Act 1995 NOTES that following the advertising period of forty-two (42) days, no submissions were received;*
- (ii) ADOPTS the Principal Activity Plan for the four year period 1 July 2003 – 30 June 2007, as laid on the Table; and*
- (iii) that in the event the proposed amendments to the Local Government Act in regard to the preparation of a Principal Activity Plans are not adopted, that prior to the end of the year ending December 2003, the Principal Activity Plan 2003-2007 is reviewed to align it with the then adopted Strategic Plan 2002-2007.*

BACKGROUND:

Section 5.56 of the Local Government Act 1995 requires a local authority to adopt a Plan of Principal Activities for the next four or more years, which has to be annually reviewed. Senior Officers prepared a draft plan, which was adopted by the Council at the Ordinary Meeting of Council held on 13 May 2003.

CONSULTATION/ADVERTISING:

The draft plan was advertised for the statutory period of forty-two (42) days to allow for public submissions on the Plan to be received.

In addition a presentation was given to community groups held at the Administration and Civic Centre on Wednesday 4th June 2003. The presentation was attended by six (6) members of the public and two (2) elected members. The Executive Manager Corporate Services gave a presentation on the plan and together with the Executive Manager Technical Services answered questions for those in attendance.

DETAILS:

At the closing date for submissions (24 June 2003), no submissions were received.

STRATEGIC IMPLICATIONS:

The Principal Activities Plan is in keeping with the Council's Strategic Plan 2000-2002 - Key Results Area 4.3 *"continue to improve financial management"*.

COMMENTS:

The format of this year's plan has been amended to separate the financial information from the Key Performance Indicators (KPI's) and Projects and Initiatives for ease of reading.

It should be noted that in the proposed amendments of Local Government Act (1995), the following has been included in regard to the principal Activity Plan.

- Section 5.52, 5.56, 5.57 and 5.58 are to be deleted.
- A statement is to be included in Section 2.7 to require Council to plan for the future. The procedure for the preparation and the content of such plans shall be as prescribed in regulations.

The amendments to the Local Government Act are currently in the parliamentary process, it is therefore likely that this will be the last Principal Activity Plan adopted by the Council.

The Principal Activity Plan 2003-2007 provides a comprehensive range of programmes and initiatives and is recommended for adoption.

10.3.2 Tender No. 272/03 - Replacement of Existing Boiler at Beatty Park Leisure Centre

Ward:	South	Date:	30 June 2003
Precinct:	-	File Ref:	CMS0014
Reporting Officer(s):	D Morrissy		
Checked/Endorsed by:	M Rootsey		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender as submitted by Australian Airconditioning Services for the Boiler replacement at Beatty Park Leisure Centre at a cost of \$65,338 exc GST as being the most acceptable to the Town.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Chester departed the Chamber at 9.03pm.

Debate ensued.

CARRIED (8-0)

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

Cr Chester returned to the Chamber at 9.05pm.

BACKGROUND:

Tenders were called for the replacement of a pool boiler at Beatty Park Leisure Centre. The existing boiler has diminished operating capacity, is frequently failing and the likelihood of total failure is a possibility.

The tender was advertised in the West Australian on Wednesday 12 June 2003. Two (2) tenders were received by 2.00pm, 25th June 2003. Present at the opening were David Paull (Purchasing/Contracts Officer) and Dale Morrissy (Acting Manager, Beatty Park Leisure Centre). A summary of the submissions is detailed below:

COMPANY NAME	COST (incl GST)
Boilergenics	\$86 147.60
Australian Airconditioning Services	\$71 871.80

Lincolne Scott was engaged as consultants on the project and evaluated the tender submissions by the following criteria:

- 40% Technical Competence and Experience
- 40% Cost
- 10% Personnel
- 10% Capacity to manage contract

100% TOTAL

DETAILS:

Lincolne Scott evaluated the submissions and discussed them with Dale Morrissy (Acting Centre Manager Beatty Park Leisure Centre) and the final assessment for each tender is listed as follows:

**CONTRACT COST
CONTRACTORS**

	AAS	Boilergenics
Item		
Demolition, removal and disposal of existing boiler and associated services	\$ 2,425.00	\$ 2,840.00
Lifting and Cranage Costs	\$ 2,880.00	\$ 1,344.00
Builders Work	\$ 1,980.00	\$ 3,390.00
Supply and Installation of New Boiler and Burner	\$ 35,887.00	\$ 46,029.00
Gas Pipe work	\$ 660.00	\$ 1,960.00
Installation and Commissioning of Gas Meter	\$ 8,863.00	\$ 5,501.00
Heating Water Paperwork	\$ 5,258.00	\$ 8,932.00
Building Management System Modifications	\$ 1,480.00	\$ 1,280.00
Water Treatment	\$ 330.00	\$ 350.00
12 Months Defects and Warranty	\$ 480.00	\$ 600.00
4 off Quarterly Maintenance Visits	\$ 1,660.00	\$ 2,800.00
Electrical Services	\$ 1,935.00	\$
As Constructed' documentation	\$ 1,500.00	\$
Miscellaneous (Identity)	\$	\$ 3,290.00
Commissioning & ODE Approvals	\$	\$
Sub-Total	\$ 65,338.00	\$ 78,316.00
GST	\$ 6,533.80	\$ 7,831.60
Lump Sum and Tender Price	\$ 71,871.80	\$ 86,147.60

TENDER EVALUATION

	AAS	Boilergenics
Contract Price	23.61	16.39
Technical Competence and Experience	36.00	38.4
Personnel	9.6	9.6
Capacity to Manage Contract	10.0	10.0
Total Score	79.21	74.39
RANK	1	2

CONSULTATION/ADVERTISING:

Tender No. 272/03 was advertised for a minimum of fourteen (14) days in accordance with the Local Government (Function and General) Regulation 1996 – Part 4.

STRATEGIC IMPLICATIONS:

The proposal is in accordance with the Town's Strategic Plan 2000-2002 Key Result Area 2.5 "Consolidate Beatty Park as a premier leisure centre".

FINANCIAL/BUDGET IMPLICATIONS:

The monies for the purchase of the boiler will be funded from the Beatty Park Reserve Fund. The funds are available in the Reserve Fund due to the savings on the following items:

- Savings Uv tender - \$46 280
- \$10 000 for the female/male shower not being spent
- \$ 5 000 for the staff change rooms not being spent
- \$ 4 000 for an inflatable, the item to be funded by sponsorship agreement.

LEGAL/POLICY IMPLICATIONS:

This tender was advertised and assessed in accordance with the Local Government (Functions and General) Regulations 1996 – Tender Requirements.

COMMENT:

As a result of the evaluation and reference checks it is recommended that the tender submitted by Australian Airconditioning Services be approved.

10.4.4 Information Bulletin

Ward:	-	Date:	2 July 2003
Precinct:	-	File Ref:	-
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Information Bulletin dated 8 July 2003, as distributed with the Agenda, be received.

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Cr Cohen departed the Chamber at 9.06pm.

Moved Cr Ker, Seconded Cr Doran-Wu

That a new clause (ii) be added as follows;

"(ii) in response to the letter from Main Roads WA re proposed reduced speed limit on Scarborough Beach Road, Mount Hawthorn (IB01), the Council seeks Main Road WA's agreement to extend the 50kmh zone to an appropriate location on Scarborough Beach Road, west of the Mount Hawthorn Primary School."

AMENDMENT CARRIED (8-0)

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

Cr Cohen returned to the Chamber at 9.08pm.

Debate ensued.

Cr Farrell departed the Chamber at 9.10pm.

Moved Cr Ker, Seconded Cr Torre

That a new clause (iii) be added as follows;

"(iii) in response to notification from the Heritage Council of Western Australia, on 24 June 2003 (IB09), regarding Robertson Park and Beatty Park Aquatic Centre and Recreation Ground, the Heritage Council be made aware that;

- (a) Robertson Park is only a part of the area bounded by Fitzgerald, Randell, Palmerston and Stuart Streets and should be addressed appropriately in any Heritage considerations; and*
- (b) Beatty Park Aquatic Centre and Recreation Grounds are facilities that require ongoing maintenance and operation, and this should be considered in any Heritage assessment."*

Cr Farrell returned to the Chamber at 9.12pm.

Debate ensued.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.4

That,

- (i) *the Information Bulletin dated 8 July 2003, as distributed with the Agenda, be receive;.*
- (ii) *in response to the letter from Main Roads WA re proposed reduced speed limit on Scarborough Beach Road, Mount Hawthorn (IB01), the Council seeks Main Road WA's agreement to extend the 50kmh zone to an appropriate location on Scarborough Beach Road, west of the Mount Hawthorn Primary School; and*
- (iii) *in response to notification from the Heritage Council of Western Australia, on 24 June 2003 (IB09), regarding Robertson Park and Beatty Park Aquatic Centre and Recreation Ground, the Heritage Council be made aware that;*
 - (a) *Robertson Park is only a part of the area bounded by Fitzgerald, Randell, Palmerston and Stuart Streets and should be addressed appropriately in any Heritage considerations; and*
 - (b) *Beatty Park Aquatic Centre and Recreation grounds are facilities that require ongoing maintenance and operation, and this should be considered in any Heritage assessment.*

DETAILS:

The items included in the Information Bulletin dated 8 July 2003 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Main Roads WA re Proposed Reduced Speed Limit - Scarborough Beach Road, Mt Hawthorn
IB02	Letter from the Western Australian Local Government Association re Referendum - Entitlement to the Presidency, WA Local Government Association
IB03	Letter of Thanks from Croquetwest - Provision of Lighting at Forrest Park Pavilion
IB04	Letter from Macedonian Orthodox Church Community - Angove Street Upgrade
IB05	Letter of Appreciation from St Denis School - School Visit

- IB06 Letter from Minister for State Development; Tourism; Small Business re Tourism Precinct Strategy for Northbridge
- IB07 Supplementary Submission - No. 31 (Lot 31) Mabel Street, North Perth - Appeal Against Notice to Remove the Unauthorised Timber Frame Lattice Privacy Screen Structure - Appeal No. 132/2003 (Previous-AP14312.02L)
- IB08 Letter from Heritage Council of Western Australia - Aranmore Catholic College Group, Franklin Street, Leederville; North Perth Fire Station No. 2, 21 View Street, North Perth; and Redemptorist Monastery & Chapel, 190 Vincent Street, North Perth
- IB09 Letter from Heritage Council of Western Australia - Beatty Park Aquatic Centre & Recreation Ground, 220 Vincent Street, North Perth; and Robertson Park, bounded by Fitzgerald, Randell, Palmerston & Stuart Streets, North Perth
- IB10 Local Commercial Strategy

11.1 Notice of Motion – Councillor Simon Chester - Compliance of the Development at 193-195 Oxford Street with Submitted Plans

That the Council REQUESTS the Chief Executive Officer to prepare a full and detailed report to the next Ordinary Meeting of Council, that assesses the compliance of the building works at 193-195 Oxford Street, Leederville with the information contained in the applications submitted to the Town at the stages of Development Application and Building Licence.

COUNCIL DECISION ITEM 11,1

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

11.2 Notice of Motion – Councillor Simon Chester - Review of the Town of Vincent Street Walls and Fences Policy

That the Council,

- (i) REQUESTS the Chief Executive Officer to review the Town of Vincent Street Walls and Fences Policy in light of neighbouring local governments' greater encouragement of open fences and passive surveillance for improved property security; and*
- (ii) REQUESTS the report to consider but not limit itself to; open style fences with a minimum 75% of the surface area being permeable, with any solid component of the wall, excepting piers, being restricted in height to 0.5 metres.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Ker

That a new clause (iii) be added as follows;

- "(iii) REFERS the Policy Review to the relevant Council Advisory Group/s for their consideration on any implications the proposed changes in Fencing Policy may have for safety, security, privacy and noise control."*

AMENDMENT CARRIED (9-0)

Debate ensued.

Moved Cr Lake, Seconded Cr Chester

That a new clause (iv) be added as follows;

- "(iv) REQUESTS the Policy Review to include compliance to the policy."*

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 11.2

That the Council,

- (i) REQUESTS the Chief Executive Officer to review the Town of Vincent Street Walls and Fences Policy in light of neighbouring local governments' greater encouragement of open fences and passive surveillance for improved property security;*
- (ii) REQUESTS the report to consider but not limit itself to; open style fences with a minimum 75% of the surface area being permeable, with any solid component of the wall, excepting piers, being restricted in height to 0.5 metres;*
- (iii) REFERS the Policy Review to the relevant Council Advisory Group/s for their consideration on any implications the proposed changes in Fencing Policy may have for safety, security, privacy, noise and control; and*
- (iv) REQUESTS the Policy Review to include compliance to the policy.*

11.3 Notice of Motion – Councillor Simon Chester - Town Planning Scheme Assessment Report

That the Council;

- (i) *REQUESTS the Chief Executive Officer to prepare a scheme assessment on the outcomes and impact of the Town of Vincent Town Planning Scheme No.1 on the Town and its Precincts (or to the finest level of detail available through the ABS statistics of 1991, 1996 and 2001) including, but not limited to, the following;*
- (a) *demographic profiles as compared to the Perth Metropolitan area and identify any changes/trends in the Town and Precincts;*
 - (b) *a population report and identify any changes/trends in the Town and Precincts;*
 - (c) *the numbers and type of dwellings/commercial buildings and identify any changes/ trends in the Town and Precincts between 1991 and 2001;*
 - (d) *the number of vacant blocks and identify any changes/trends in the Town and Precincts between 1991 and 2001;*
 - (e) *the number of demolitions and identify any changes/trends in the Town and Precincts between 1991 and 2001;*
 - (f) *a report on the Department of Planning and Infrastructure's range of series of population projections for the Town of Vincent; and*
- (ii) *REQUESTS that the report be provided to Council for its consideration no later than September 2003.*

COUNCIL DECISION ITEM 11.3

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

11.4 Notice of Motion – Councillor Caroline Cohen - Commercial and Mixed-Use Developments Abutting Residential Areas

That the Council:

- (i) *REQUESTS the Chief Executive Officer to prepare a report in respect of commercial and mixed-use developments abutting residential areas, which specifically addresses aspects such as setbacks, height, bulk, scale, amenity and streetscape;*
- (ii) *REQUESTS the Chief Executive Officer to investigate and/or prepare a new policy or amend the Town's current Planning and Building Policies to include reference to commercial and mixed-use developments abutting residential areas; and*
- (iii) *RECEIVES the report no later than September 2003.*

Moved Cr Doran-Wu, Seconded Cr Torre

That the above recommendation with the following amendment to clause (i) be adopted.

- "(i) requests the Chief Executive Officer to prepare a report in respect of commercial and mixed-use developments abutting residential areas, which specifically addresses aspects such as setbacks, height, bulk, scale, amenity and streetscape, and the use of the car parking allocated for the commercial component and adjoining commercial district by occupiers/visitors of the residential component;"*

CARRIED (9-0)

Debate ensued.

COUNCIL DECISION ITEM 11.4

- (i) *requests the Chief Executive Officer to prepare a report in respect of commercial and mixed-use developments abutting residential areas, which specifically addresses aspects such as setbacks, height, bulk, scale, amenity and streetscape, and the use of the car parking allocated for the commercial component and adjoining commercial district by occupiers/visitors of the residential component;*
- (ii) *REQUESTS the Chief Executive Officer to investigate and/or prepare a new policy or amend the Town's current Planning and Building Policies to include reference to commercial and mixed-use developments abutting residential areas; and*
- (iii) *RECEIVES the report no later than September 2003.*

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

At 9.30, Mayor Nick Catania declared that the meeting be adjourned for five (5) minutes.

10.4.5 Confidential Report - Alleged Breaches of Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct - Councillor Basilio (Basil) Franchina

Ward:	-	Date:	3 July 2003
Precinct:	-	File Ref:	PER0020
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the alleged breaches of Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct by Councillor Basilio (Basil) Franchina.

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it is of a legal nature and has possible legal implications relating to Councillor Basilio (Basil) Franchina.

LEGAL:

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

“2.15 Confidential business

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

The confidential report is provided separately to Elected Members.

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

Meeting resumed at 9.37pm "behind closed doors". Executive Manager Environmental and Development Services, Rob Boardman, Executive Manager Corporate Services, Mike Rootsey, Minutes Secretary, Debbie Winfield and Journalists, Ryan Sturman, Alia Bath and Peta Rule and 3-4 members of the public had already departed the Chamber.

The following persons were present;

Mayor Nick Catania, JP	Presiding Member (<i>until 9.57pm</i>)
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 (<i>until 9.55pm</i>)
Cr Ian Ker (<i>Deputy Mayor</i>)	South Ward
Cr Sally Lake	South Ward
Cr Maddelena Torre	South Ward
 John Giorgi, JP	 Chief Executive Officer

10.4.5 Confidential Report - Alleged Breaches of Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct - Councillor Basilio (Basil) Franchina

Ward:	Both	Date:	3 July 2003
Precinct:	All	File Ref:	PER0020
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report of alleged breaches of the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct by Councillor Basilio (Basil) Franchina;*
- (ii) *based on the information provided, forms the opinion that Councillor Basilio (Basil) Franchina has breached the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct on the following dates, as detailed in this report;*
 - (a) *8 October 2002*
 - (b) *25 February 2003*
 - (c) *22 March 2003*
 - (d) *1 May 2003*
 - (e) *8 May 2003*
 - (f) *24 June 2003*
 - (g) *28 June 2003*
- (iii) *being of the opinion that Councillor Basilio (Basil) Franchina, having breached the Town of Vincent Local Law relating to Standing Orders and Council's Code of Conduct, as specified in Clause (ii) above, takes the following action;*

-
- (a) *censures Councillor Basilio (Basil) Franchina, requests that he makes a public apology to the Mayor and the Council, and requests that he undertakes to comply at all times with the Town of Vincent Local Law Relating to Standing Orders and Council's Code of Conduct; and*
- (b) *advises Councillor Basilio (Basil) Franchina in writing that any further breaches of the Town of Vincent Local Law Relating to Standing Orders may result in legal action being taken against him under Clauses 5.19 and 5.11 of the Town of Vincent Local Law relating to Standing Orders.*
-

Mayor Catania advised that in accordance with Council's Policy relating to Recording of Minutes, Policy No. 4.1.23 Clause 1, he has ruled that this item will not be electronically recorded.

Mayor Catania advised that he had declared an interest affecting impartiality in this Item and to ensure a fair and equitable process, he is of the opinion that he should not Chair the Meeting for this Item. He vacated the Chair at 9.39pm and remained in the Chamber.

Deputy Mayor, Cr Ian Ker, assumed the Chair at 9.39pm.

Presiding Member, Cr Ker, advised that unless there was a contrary view, he proposed to follow the following procedure as outlined on Page 7 of the Confidential Report.

Recommended Procedure for Council to following during Meeting

1. Council to "proceed behind closed doors" to consider the matter.
2. Mayor Catania should vacate the Chair for this item and allow Deputy Mayor, Councillor Ker, to chair the meeting for this item.
3. Councillor Franchina should be offered the opportunity to address the Council on the matter and provide any comments to the allegations.
4. Mayor Catania should be offered the opportunity to address the Council on the matter and provide any comments to the allegations.
5. Mayor Catania and Councillor Franchina should depart the Chamber whilst the Council considers the matter.
6. Council to make a decision.
7. Mayor Catania and Councillor Franchina should be advised of the Council decision.

There was no dissention from the Council.

Moved by Cr Chester, Seconded by Cr Farrell

That the Recommendation be adopted.

At 9.41pm Cr Franchina addressed the Council.

Debate ensued.

At 9.46pm Mayor Catania addressed the Council.

Debate ensued.

At 9.55pm Councillor Franchina departed the Chamber and did not return to the Meeting.

At 9.57pm Mayor Catania departed the Chamber and did not return to the Meeting.

All Councillors then spoke on the matter in the following order;

Councillor Chester
Councillor Farrell
Councillor Doran-Wu
Councillor Torre
Councillor Cohen
Councillor Lake

and debate ensued.

At 10.33pm, it was;

Moved by Cr Chester, Seconded by Cr Torre

That Standing Orders be suspended to allow free and open debate on foreshadowed Amendments and also to allow the Presiding Member, Cr Ker, to participate in debate.

CARRIED (7-0)

(Mayor Catania and Cr Franchina absent from the Chamber.)

Cr Ker spoke on the matter and further debate ensued.

At 10.55pm, it was;

Moved by Cr Chester, Seconded by Cr Lake

That Standing Orders be resumed.

CARRIED (7-0)

(Mayor Catania and Cr Franchina absent from the Chamber.)

Debate ensued.

ORIGINAL MOTION CARRIED (7-0)

(Mayor Catania and Cr Franchina absent from the Chamber.)

Moved by Cr Lake, Seconded by Cr Chester

That the Confidential Report to remain confidential.

CARRIED (7-0)

(Mayor Catania and Cr Franchina absent from the Chamber.)

At 10.58pm, it was;

Moved by Cr Lake, Seconded by Cr Doran-Wu

That the Council resume an Open Meeting.

CARRIED (7-0)

(Mayor Catania and Cr Franchina absent from the Chamber.)

14. CLOSURE

Presiding Member, Cr Ker, thanked the Councillors for their consideration in this sensitive matter and declared the meeting closed at 9.59pm with the following persons present;

Cr Ian Ker	Presiding Member
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Sally Lake	South Ward
Cr Maddelena Torre	South Ward
John Giorgi, JP	Chief Executive Officer

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 8 July 2003.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2003