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(8 JUNE 2004)**

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## **14. CLOSURE**

Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 8 June 2004, commencing at 6.03pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.03pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Cr Maddalena Torre                      South Ward

Mayor Catania welcomed Mr John Hyde MLA, State Member for Perth who was representing the Minister for Sport and Recreation, the Hon Bob Kucera and presented a cheque for \$150,000 to the Town which was the final payment of the CSRFF grant for the redevelopment of Leederville Oval.

The cheque was received with acclamation.

The Mayor thanked Mr Hyde.

**(b) Present:**

|                           |                                                                      |
|---------------------------|----------------------------------------------------------------------|
| Mayor Nick Catania, JP    | Presiding Member                                                     |
| Cr Simon Chester          | North Ward                                                           |
| Cr Caroline Cohen         | South Ward                                                           |
| Cr Helen Doran-Wu         | North Ward                                                           |
| Cr Steed Farrell          | North Ward                                                           |
| Cr Basil Franchina        | North Ward                                                           |
| Cr Ian Ker (Deputy Mayor) | South Ward                                                           |
| Cr Sally Lake             | South Ward                                                           |
| John Giorgi, JP           | Chief Executive Officer                                              |
| Rob Boardman              | Executive Manager, Environmental and Development Services            |
| Mike Rootsey              | Executive Manager, Corporate Services                                |
| Rick Lotznicher           | Executive Manager, Technical Services                                |
| Annie Smith               | Executive Assistant (Minutes Secretary)                              |
| John Hyde MLA             | State Member for Perth – Cheque Presentation (from 6.03pm to 6.10pm) |
| Nicole Giblett            | Journalist – Guardian                                                |
| Mark Fletcher             | Journalist – Voice News                                              |

Approximately 18 Members of the Public

**(c) Members on Leave of Absence:**

Nil.

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

1. Mr Peter Williams of 117 Fairfield Street, Mt Hawthorn – Item 10.1.5 – Stated that they had only received correspondence for tonight's meeting on Friday and does not believe that this was sufficient time to consider the proposed amendments. Stated that their concerns related to the northern setback of the sitting room and balcony and believes that it will be an invasion of their privacy. Does not believe that the alterations mentioned in the report are reflected in the plans. Believes that the eastern setbacks should remain at 6 metres to comply with uniformity in the street.

*Mayor Catania advised that there had been a request from the applicants to defer Items 10.1.4 and 10.1.7.*

2. Mr Steve Radalj of 18 Leake Street, North Perth – Item 10.1.7 – Requested deferral to allow for an amendment to the plans due to the lateness of the notice of the Agenda.
3. Ms Jenny Zounis of 115 Fairfield Street, Mt Hawthorn – Item 10.1.5 – Does not believe that her concerns have been addressed with regards to setbacks. Objected to the setback of 4 metres as it will overshadow their front rooms. Has concerns that the rear garages are flush with the right of way while all other garages in the right of way have truncations.
4. Mr Gary Shier of 7 Seabrook Street, Mt Hawthorn – Item 10.3.9 – Requested that Council consider Les Lilleyman Reserve as an appropriate training venue for Subiaco Football Club's (SFC) colt side. Stated that he was surprised with the number of other demands made on the Council that were not raised by SFC through the working group. Also requested that Council consider that rather than pay for the changes to changerooms, they ask the SFC, as a show of good faith to the community, to fund the changes themselves.
5. Ms Fay Sabotino of 149 Alma Road, North Perth – Item 10.1.5 – Presented photos of balconies in the vicinity. Stated that they have aimed to achieve a modern practical house with minimal impact on neighbours. Advised that they have considered all the neighbours' comments and have endeavoured to comply with the R Codes and Council's recommendations. Suggested moving the bedroom windows further away from each boundary and screening part of the windows to comply with the privacy R Codes. Requested the requirement for screening to north and south sides of the front balcony be removed. Stated that they do have a 1 metre rear setback.
6. Mr Stephen Lanborn of 24 Burt Street, Mt Lawley – Item 10.1.10 – Referred to his letter to the Chief Executive Officer regarding their concerns with the development. Questioned why the Council is asking for public comment after the nursing home has been pulled down and three of the twelve units have been sold. Referred to the driveway/road to the development – concerned that vehicles exiting the development onto Burt Street will be dangerous for pedestrians. Concerned with the density of the development even though Council has reduced it from 15 to 12 units.

*The Mayor advised that the Council originally objected to the entire development, which went to the Town Planning Appeal and the Council was overridden.*

7. Mr Derek Shroek on behalf of the owners Item 10.1.4 – Requested that the Item be deferred to the next Council Meeting to provide an opportunity to address the condition that has been raised by Council and to have further discussions with the adjacent residents.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.22pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
IB09.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS**

- 5.1 The Chief Executive Officer advised that a petition had been received from Miss Cassandra Lionetto-Civa, along with approximately 103 signatures, on behalf of students of Aranmore Catholic Primary School regarding the condition of the lakes at Hyde Park and requesting the Town to do something about this to help the ducks.

*The Chief Executive Officer advised that the petition would be forwarded to the Executive Manager Technical Services for investigation and report.*

**Moved Cr Ker, Seconded Cr Lake**

*That the petition be received and referred to the Executive Manager Technical Services for investigation and report.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**6.1 Ordinary Meeting of Council held on 25 May 2004**

**Moved Cr Ker, Seconded Cr Lake**

*That the Minutes of the Ordinary Meeting of Council held on 25 May 2004 be confirmed as a true and correct record subject to the following:*

- *Item 10.1.21 – voting being recorded as "(7-0)"; and*
- *Item 10.3.3 – recording the names after the voting on the second amendment (6-1) as follows:*

***"For***  
***Mayor Catania***  
***Cr Chester***  
***Cr Cohen***  
***Cr Farrell***  
***Cr Franchina***  
***Cr Ker***  
***Cr Lake***

***Against***  
***Cr Doran-Wu***

***(Cr Torre was absent from the meeting.)"***

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**7.1 Employee of the Month Awards for the Town of Vincent for June 2004**

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

For June 2004, the award is presented to Robin Lee, Bookings Customer Service Officer with the Town's Beatty Park Leisure Centre.

Robin's name was put forward by the Chief Executive Officer, John Giorgi, after receiving a letter of appreciation from Kaye Regan, Co-ordinator of the Catholic Primary School Sports Association (C.P.S.S.A.), who wrote as follows;

*"Thank you to Robin Lee and her team, on behalf of the C.P.S.S.A., for the wonderful work they all did which made our swimming carnival a fantastic success."*

The Catholic Primary School Sports Association will be rebooking Beatty Park Leisure Centre for this event in 2005.

Well done Robin - Keep up the good work!!

**7.2 Minister for Local Government - Financial Awards 2003**

The Department of Local Government has advised the Town that it has achieved "a high ranking" for its Budget 2002/2003, which has been assessed in the Minister for Local Government's Financial Awards 2003. The Award recognises those local governments that are assessed as providing the most effective financial management processes and reports throughout the year.

I am very pleased with this recognition and would also like to express my appreciation to the Councillors and Town's staff, particularly the Chief Executive Officer, John Giorgi, and the Executive Managers for their achievement.

The Town has now been invited to participate in the final category which assesses a wide range of other statutory reports, including the Annual Budget, Audit Reports, Principal Activities Plan and Annual Report.

The Department's letter is included in the Information Bulletin on this Agenda.

## **8. DECLARATION OF INTERESTS**

- 8.1 The Chief Executive Officer, John Giorgi, declared a financial interest in Item 10.3.5 – Superannuation – Increased Employer Contribution. The nature of his interest being that it relates to his contract of employment.
- 8.2 Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.3 Cr Franchina declared a proximity interest in Item 10.4.8 – Members Equity Stadium – Legal Documentation and Outstanding Matters – Progress Report No 8. The nature of his interest being that his daughter owns property in close proximity.
- 8.4 Executive Managers Corporate Services, Environmental and Development Services and Technical Services declared financial interests in Items 10.3.5 – Superannuation – Increased Employer Contribution and 10.4.4 – Contract of Employment – Executive Managers – Key Performance Indicators. The nature of their interests being that these items relate to their contract and conditions of employment.
- 8.5 Cr Lake declared an interest affecting impartiality in the following items:
- 10.2.3 – Proposed Tree Planting around the Training Pitch at Loton Park – Advised that her partner had made a submission on this matter in 2003;
  - 10.3.3 – Revised Youth Development Grants – Policy Guidelines;
  - 10.3.7 – Hyde Park Stage – Design Concepts Community Consultation; and
  - 10.4.1 – Town of Vincent Local Law Relating to Standing Orders.

Advised that her partner had made submissions on all of these matters.

- 8.6 At 9.10pm Mayor Catania declared a financial interest in Item 10.3.5 – Superannuation – Increased Employer Contribution. The extent of his interest being that he is a Board Member of the Local Government Superannuation Board which administers one of the schemes involved.
- 8.7 At 7.07pm Mayor Catania declared a proximity interest in Item 10.2.2 – Streetscape Improvements – Fitzgerald Street Business Precinct, North Perth. The extent of his interest being that he works in an office in close proximity.

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

Nil.

## 10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.5, 10.1.7, 10.3.9, 10.1.10 and 10.1.4

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 10.2.2, 10.2.3, 10.3.6, 10.4.1, 10.4.2 and 10.4.7

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

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

|              |                                 |
|--------------|---------------------------------|
| Cr Ker       | Nil                             |
| Cr Lake      | Items 10.1.1, 10.3.7 and 10.4.3 |
| Cr Chester   | Items 10.1.3, 10.4.4 and 10.4.6 |
| Cr Doran-Wu  | Nil                             |
| Cr Farrell   | Nil                             |
| Cr Cohen     | Nil                             |
| Cr Franchina | Nil                             |

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

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

Items 10.3.1, 10.3.5, 10.4.4 and 10.4.8

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

Items 10.1.2, 10.1.6, 10.1.8, 10.1.9, 10.1.11, 10.2.1, 10.2.4, 10.3.2, 10.3.3, 10.3.4, 10.3.8, 10.4.5 and 10.4.9

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

Items 10.4.4 and 10.4.8

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

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

Items 10.1.2, 10.1.6, 10.1.8, 10.1.9, 10.1.11, 10.2.1, 10.2.4, 10.3.2, 10.3.3, 10.3.4, 10.3.8, 10.4.5 and 10.4.9

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

Items 10.1.5, 10.1.7, 10.3.9, 10.1.10 and 10.1.4

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

The Presiding Member advised that he had received requests from the applicants to defer the following Items:

- 10.1.4 – No 21 (Lot 4) Chamberlain Street, North Perth – Proposed Partial Demolition of and Alterations, Two-Storey Additions and Garage to the Existing Singe House; and
- 10.1.7 – No 18 (Lot 100) Leake Street, corner Grosvenor Road, North Perth – Proposed Additional Two (2) Storey Single House to Existing Single House.

**Moved Cr Franchina, Seconded Cr Lake**

*That Item 10.1.4 – No 21 (Lot 4) Chamberlain Street, North Perth – Proposed Partial Demolition of and Alterations, Two-Storey Additions and Garage to the Existing Singe House be DEFERRED at the request of the applicant.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**Moved Cr Franchina, Seconded Cr Ker**

*That Item 10.1.7 – No 18 (Lot 100) Leake Street, corner Grosvenor Road, North Perth – Proposed Additional Two (2) Storey Single House to Existing Single House be DEFERRED at the request of the applicant..*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**Moved Cr Ker, Seconded Cr Farrell**

*That the following unopposed items be moved en bloc;*

*Items 10.1.2, 10.1.6, 10.1.8, 10.1.9, 10.1.11, 10.2.1, 10.2.4, 10.3.2, 10.3.3, 10.3.4, 10.3.8, 10.4.5 and 10.4.9*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**10.1.4 No. 21 (Lot 4) Chamberlain Street, North Perth – Proposed Partial Demolition of and Alterations, Two-Storey Additions and Garage to the Existing Single House**

|                              |                     |                    |                     |
|------------------------------|---------------------|--------------------|---------------------|
| <b>Ward:</b>                 | North               | <b>Date:</b>       | 31 May 2004         |
| <b>Precinct:</b>             | Smith's Lake; P6    | <b>File Ref:</b>   | PRO1081; 00/33/2181 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                     |
| <b>Reporting Officer(s):</b> | J Barton            |                    |                     |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman  | <b>Amended by:</b> | -                   |

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Mascurine on behalf of the owners S and M Mascurine for proposed partial demolition of and alterations, two-storey additions and garage to the existing single house at No. 21 (Lot 4) Chamberlain Street, North Perth, and as shown plans stamp-dated 6 April 2004, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) 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;*
- (iii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (vii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (viii) *subject to first obtaining the consent of the owners of the adjoining property owners at No. 19 Chamberlain 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. 19 Chamberlain Street in a good and clean condition;*
- (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) *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 Chamberlain Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that:*
- (a) *the overall height of the building being reduced to 6 metres to the top of the external walls, and 9 metres to the top of the roof pitch from natural ground level; and*
- (b) *the vehicular opening to the garage being a minimum of 4.8 metres wide.*

*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.*

---

**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Franchina, Seconded Cr Lake**

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

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

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|                           |                                                                                    |
|---------------------------|------------------------------------------------------------------------------------|
| <b>LANDOWNER:</b>         | S and M Mascurine                                                                  |
| <b>APPLICANT:</b>         | J Mascurine                                                                        |
| <b>ZONING:</b>            | Metropolitan Region Scheme - Urban<br>Town Planning Scheme No. 1 - Residential R30 |
| <b>EXISTING LAND USE:</b> | Single House                                                                       |

**COMPLIANCE:**

| <b>Requirements</b>                                | <b>Required</b>                                            | <b>Proposed</b>                                                                                              |
|----------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Setbacks:                                          |                                                            |                                                                                                              |
| Ground Floor-<br>East Side                         | 4.5 metres                                                 | 1.4 metres                                                                                                   |
| West Side                                          | 4.5 metres                                                 | 1.3 metres                                                                                                   |
| Upper Floor-<br>West Side                          | 1.5 metres                                                 | 1.4 metres                                                                                                   |
| Privacy:                                           |                                                            |                                                                                                              |
| West Side- Lounge<br>(overlooks right of way only) | 6 metres                                                   | 1.4 metres (7.5 metres to other western side property as a 5 metres wide right of way divides each property) |
| Rear- Balcony (overlooks right of way only)        | 7.5 metres                                                 | 2.5 metres (7.5 metres to adjacent western property).                                                        |
| Rear- Deck- (overlooks right of way only)          | 7.5 metres                                                 | 3 metres (8 metres to adjacent western property).                                                            |
| Height                                             | 6 metres to top of walls and 9 metres to top of roof pitch | 7 metres to top of wall and 9.8 metres to top of roof pitch                                                  |
| Plot Ratio                                         | N/A                                                        | N/A                                                                                                          |

|                    |                   |
|--------------------|-------------------|
| Use Class          | Single House      |
| Use Classification | "P"               |
| Lot Area           | 529 square metres |

**SITE HISTORY:**

The subject site abuts a 5.02 metres wide right of way on the eastern and western sides, which has been resumed and vested in the Town.

- 18 January 1999 Council resolved to refuse a proposal for one (1) two-storey single bedroom dwelling addition to the existing house.
- 28 June 1999 Council resolved to refuse a similar proposal for one (1) two-storey single bedroom dwelling addition to the existing house.
- 13 September 1999 Applicant submitted grounds for appeal.
- 11 October 1999 Town lodged respondent statement to the Minister for Planning.
- 9 December 1999 Applicant requested the Minister to defer the appeal pending the outcome of the proposed subdivision (no further correspondence on file in relation to this matter).

**DETAILS:**

The proposal comprises of the partial demolition of and alterations, garage and two-storey additions to the existing single house.

The applicant submitted the attached letter of justification in support of the proposed development.

**CONSULTATION/ADVERTISING:**

The proposal was advertised to neighbouring property owners for comment. One objection was received during the consultation process.

The letter of objection raised the following summarised concerns:

- Bulk and scale.
- Two-storey addition being out of character with the existing street.
- Proposed dwelling would be the largest in the street.
- Visual impact will affect the enjoyment of the adjoining neighbour's backyard area.
- Objector requested height reduction and for setbacks to be as per the R-Codes.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Height**

The applicant is proposing to vary the R-Codes acceptable height requirements, as 7 metres to the top of the wall and 9.8 metres to the top of the roof pitch is proposed at the highest point, in lieu of 6 metres and 9 metres respectively.

The proposed height is not considered to be in-keeping with the amenity of the street, which is predominantly characterised by single storey dwellings. Given this, the proposal will dominate the streetscape, creating an undue impact on the amenity of the neighbouring properties, and the area generally.

It is noted that the applicants are proposing to extend the ground floor in-line with the finished floor level of the existing dwelling, and that the lay of the land slopes down towards rear, both of which exacerbate the height issues.

Notwithstanding the above, development should not be at the expense of the amenity of adjoining properties, and the height issue can be addressed by dropping the ceiling heights, finished floor levels and altering the pitch of the roof.

In light of the above, and given the direct neighbours concerns regarding the height of the proposed development, the proposed height is not considered supportable in this instance. A condition has therefore been recommended to reduce the height to 6 metres to the top of the wall and 9 metres to top of the roof pitch, which is in compliance with the R-Codes.

**Setbacks**

The proposed side setbacks on the ground floor on the eastern and western sides do not comply with the R-Codes acceptable development requirements. However, this is due to the fact that the wall heights on the ground level are 3.7 metres from natural ground level, and there is significant jump from a 1.5 metres setback requirement for wall heights under 3.5 metres, to a 4.5 metres requirement for wall heights in-between 3.5 metres and 4 metres.

Given the above, and that there is no undue impact on the neighbours in terms of overshadowing or overlooking, and the visual impact, in terms of bulk and scale, will be reduced as a result of the height reduction, the variations are therefore supported.

Additionally, the minor setback variation of 100 millimetres on the upper floor, western side, is also considered acceptable in this instance due to above-mentioned reasons.

**Privacy**

The subject land abuts a five (5) metres wide right of way on the eastern and western sides. Given this, there are no cone of vision encroachments into the adjacent western side property, and screening is therefore not considered necessary in this instance.

**Conclusion**

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

**10.1.7 No. 18 (Lot 100) Leake Street, Corner Grosvenor Road, North Perth – Proposed Additional Two (2)-Storey Single House to Existing Single House**

|                              |                     |                    |                     |
|------------------------------|---------------------|--------------------|---------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 31 May 2004         |
| <b>Precinct:</b>             | Smiths Lake, P6     | <b>File Ref:</b>   | PRO2594; 00/33/2172 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                     |
| <b>Reporting Officer(s):</b> | P Mastrodomenico    |                    |                     |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman  | <b>Amended by:</b> | -                   |

**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 S Radalj on behalf of the owners D and I Payne, for proposed additional two (2)-storey single house to existing single house at No. 18 (Lot 100) Leake Street, corner Grosvenor Road, North Perth, and as shown on plans stamp-dated 2 April 2004, 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 Leake Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) the 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 main dwelling building wall(s);*
- (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) 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;*

- (vi) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *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;*
- (ix) *standard visual truncations, in accordance with the Town's Policies and/or 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 access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (xi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the external wall height not exceeding 6.0 metres;*
  - (b) *the deletion of the carport within the front setback area, and the car parking bays within the front setback area being open, uncovered and having vehicular access only from the right of way;*
  - (c) *the proposed car bays and associated crossover for the existing dwelling do not form part of this approval;*
  - (d) *a visual truncation of 2.0 metres by 2.0 metres being provided at the intersection of the right of way and the Leake Street footpath; and*
  - (e) *a visual truncation of 1.0 metre by 1.0 metre being provided at the intersection of the driveway and the right of way.*

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

- (xii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s); and*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Leake 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);*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Franchina, Seconded Cr Ker**

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

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**LANDOWNER:** D and I Payne  
**APPLICANT:** S Radalj  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential R40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

| Requirements              | Required                   | Proposed                   |
|---------------------------|----------------------------|----------------------------|
| Street Setbacks:          |                            |                            |
| Carport                   | 6.0 metres                 | 1.0 metre                  |
| First floor (main wall)   | 6.0 metres                 | 5.6 metres                 |
| First floor (balcony)     | 6.0 metres                 | 3.2 metres                 |
| Side Setbacks:            |                            |                            |
| South (ground floor)      | 1.5 metres                 | 1.0 metre                  |
| South (carport)           | 1.0 metre                  | 0.5 metre                  |
| South (store)             | 1.0 metre                  | Nil                        |
| South (first floor)       | 1.5 metres                 | 1.0 metre                  |
| North (ground)            | 1.5 metres                 | Nil                        |
| North (first floor)       | 1.2 metres                 | Nil                        |
| Wall Height:              |                            |                            |
| South and North           | 6.0 metres                 | 6.2 metres                 |
| Carport Width             | 50 percent of lot frontage | 75 percent of lot frontage |
| Plot Ratio                | N/A                        | N/A                        |
| Density - Exiting Lot 100 | 3 Single Houses            | 3 Single Houses            |

|                    |                                                                          |
|--------------------|--------------------------------------------------------------------------|
| Use Class          | Single House                                                             |
| Use Classification | "P"                                                                      |
| Lot Area           | Proposed Lot - 235 square metres<br>Existing Lot 100 - 913 square metres |

**SITE HISTORY:**

On 17 October 2003 the Western Australian Planning Commission conditionally approved a green title subdivision and a survey strata subdivision on the subject parent lot. One lot will retain the single house which fronts Leake Street. The subject proposed site is currently vacant and has a width of 9.34 metres and a maximum depth of 24.7 metres. A 5.0 metres wide privately owned, unsealed right of way abuts the southern side of the lot.

A planning application for a single house on the subject site was conditionally approved under delegated authority on 30 March 2004. The following condition was included;

"(i) *the applicant/owner(s) advise (prospective) purchasers of the proposed dwelling property, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements;*"

The previously approved planning application depicted two open parking bays within the front setback area with vehicular access from the right of way.

**DETAILS:**

The applicant seeks approval for an additional a two storey-single house to the existing single house.

**CONSULTATION/ADVERTISING:**

Two written submission was received from the adjacent landowners advising that they have no objection to the proposal provided it does not limit the potential for redevelopment of their lots.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Overshadowing**

Due to the orientation of the lot, the proposed single house shadows over the right of way. No undue overshadowing takes place over the adjoining lots and it is therefore deemed to comply with the overshadowing requirements of the R Codes.

**Street Setback - Ground Floor/Carport Width**

The proposed carport is setback 1.0 metre from the front boundary. The subject carport does represent a variation, and in light of the previous Planning Approval granted for a single house on the subject site and the impact on the streetscape, the double carport within the front setback area should be deleted, and replaced with two open uncovered car bays with vehicular access only off the right of way.

**Street Setback - First Floor**

The proposed balcony is setback 3.2 metres from the front boundary and the main wall is setback 5.6 metres. The required setback as per the Town's Policy is 6.0 metres relating to the Monastery Locality, however, in this instance due to the depth of the subject site (24.7 metres proposed), the staggering of the upper floor and no objections received, the proposed setbacks are considered to be acceptable and therefore supported.

**Side Setbacks**

The applicant proposes variations to the north and south side setbacks on both the ground floor and first floor. The required setbacks are 1.0 metre to 1.5 metres, and nil to 1.0 metre setbacks are proposed. Due to the nature of the variations, the narrowness of the subject site (9.34 metres proposed) and no objections received, the proposed setbacks are considered to be acceptable and therefore supported in this instance.

**Wall Height**

The north and south elevation proposes a wall height of 6.2 metres, which has been conditioned to comply with the Town's requirements of 6.0 metres.

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

**10.1.2 No. 6 (Lot 21) Camelia Street, North Perth – Proposed Front Car Bay to Existing Single House**

|                              |                     |                    |                     |
|------------------------------|---------------------|--------------------|---------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 1 June 2004         |
| <b>Precinct:</b>             | Smith's Lake; P8    | <b>File Ref:</b>   | PRO2208; 00/33/2147 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                     |
| <b>Reporting Officer(s):</b> | M Bonini            |                    |                     |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman  | <b>Amended by:</b> | -                   |

**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 S Costa on behalf of the owner G Costa for proposed front car bay to existing single house at No.6 (Lot 21) Camelia Street, North Perth, and as shown on the plans stamp dated 19 March 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services Division;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

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**LANDOWNER:** G Costa  
**APPLICANT:** S Costa  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

|                    |                   |
|--------------------|-------------------|
| Use Class          | Single House      |
| Use Classification | "P"               |
| Lot Area           | 526 square metres |

| Requirements    | Required                                                                        | Proposed                                                    |
|-----------------|---------------------------------------------------------------------------------|-------------------------------------------------------------|
| Street Setbacks | Car parking is to be accessible from existing rights-of-way where it is sealed. | One car parking bay proposed within the front setback area. |
| Plot Ratio      | N/A                                                                             | N/A                                                         |

**SITE HISTORY:**

The subject site received approval for construction of a single house and garage on 4 September 2003 under delegated authority. The single house and garage is currently under construction. The site abuts a rear right of way 5 metres wide, which is Town owned and sealed. The garage has access from the right of way.

**DETAILS:**

The applicant is seeking a reconsideration of a condition of approval dated 4 September 2003. The applicant is proposing a hard stand car bay within the front setback area to meet the needs of the owner's medical condition.

The applicant has provided the following comments in support of the application:

*"I...wish to state that all the Council requirements regarding my new house and garage which are currently being constructed on Lot 21 Camelia Street North Perth, have been carried out and wish to make only one minor amendment.*

*The amendment is to have the car bay relocated from the back of my house to the front of my house, as shown on the attached site plan. This front car bay would then use the already existing driveway.*

*The reason for this is that due to my ill health and motive disability (see attached doctor's letter), its easier for me to access a car that is parked in the front car bay, as then I have to confront only one step. Whereas by having the car bay at the back it leaves with a dilemma as I then have to confront 5 steps.*

*Furthermore, as my house is opposite the Redemptorist Monastery as well as the Redemptorist Retreat, there are days when people attending these two venues park their cars along the entire length of Camelia Street. Therefore if I do not have a front car bay for off-street parking, it would mean that I would have to walk a long distance from my front gate to get to my families, friend's or doctor's car. Because of my ill health I am not able to drive a car, so I have to rely on other people to pick me up and drop me off, and by having my car bay at the front of my house it will facilitate this for me."*

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and no submission has been received by the Town.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The condition previously imposed on the delegated approval dated 4 September 2003 states as follows:

*"prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the proposed open hard stand car bay proposed in the front setback area shall be accommodated at the rear of the lot with vehicular access via the right of way. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"*

The above condition reflects the requirements of Town's Policies relating to Street Setbacks and Vehicular Access.

The Town's amended Policy relating to Street Setbacks states the following conditions:

*"For an item to be approved under Delegated Authority, all of the following criteria are to be complied with to the satisfaction of the Town:*

- (i) Right of Way Trafficability - The right of way is unsealed or not programmed to be sealed within the current, or subsequent financial year, whichever is the more appropriate, in accordance with the Town's right of way upgrade program.*
- (ii) Carport Within Front Setback Area Visual Permeability (Open) - Any carport with the front setback area shall be one hundred (100) per cent open on all sides at all times (open type gates/panels are permitted), except where it may abut the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like).*
- (iii) Carport Within Front Setback Area Visual Permeability (Width) - The total width of any carport within the front setback area does not exceed 50 per cent of the lot frontage at the building line.*
- (iv) Garage Reduced Visual Impact - Garages setback a minimum of 6.0 metres from the frontage street, or at least 500 millimetres behind the line of the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like)."*

The Town's amended Policy (as approved at the Ordinary Meeting of Council held on 27 April 2004) specifies a number of conditions. All criteria are to be complied with. In this case, the right of way is sealed and trafficable. Accordingly, the Council's approval is required. In this particular instance, it is considered that due to the owner's medical condition, it restricts the use of the right of way for one car bay. This leaves limited feasible alternative but to rely on a car bay to be located within the front setback area for easy access to and from the residence.

On the above basis, the proposal is considered acceptable in this instance, subject to standard and appropriate conditions to address the above matters.

**10.1.6 No. 97 (Lot 3) Forrest Street, Dual Frontage to Alma Road, Mount Lawley – Proposed Additional Two (2)-Storey Single House to Existing Single House**

|                              |                     |                    |                     |
|------------------------------|---------------------|--------------------|---------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 31 May 2004         |
| <b>Precinct:</b>             | Norfolk, P10        | <b>File Ref:</b>   | PRO2777; 00/33/2203 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                     |
| <b>Reporting Officer(s):</b> | P Mastrodomenico    |                    |                     |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman  | <b>Amended by:</b> | -                   |

**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 B J and D D Lennon on behalf of the owner F L Lennon, for proposed additional two (2)-storey single house to existing single house at No. 97 (Lot 3) Forrest Street dual frontage to Alma Road, Mount Lawley, and as shown on plans stamp-dated 23 April 2004, 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 Alma Road and Forrest Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iv) a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) 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;*
- (vii) standard visual truncations, in accordance with the Town's Policies and/or 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 access ways to ensure that the safety of pedestrians and other road users is not compromised;*

- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 4 and the games room on the northern elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (xi) *the 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 main building walls of the house and the west boundary/parapet wall;*
- (xii) *subject to first obtaining the consent of the owners of No. 97 (lot 3) Forrest 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. 97 (lot 3) Forrest Street in a good and clean condition;*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Alma Road and Forrest Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xiv) *the carport by owner to existing single house and stores by owner to both single houses do not form part of this approval and have not been approved by the Town;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

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|                           |                                                                                    |
|---------------------------|------------------------------------------------------------------------------------|
| <b>LANDOWNER:</b>         | F L Lennon                                                                         |
| <b>APPLICANT:</b>         | B J and D D Lennon                                                                 |
| <b>ZONING:</b>            | Metropolitan Region Scheme - Urban<br>Town Planning Scheme No. 1 - Residential R40 |
| <b>EXISTING LAND USE:</b> | Vacant                                                                             |

**COMPLIANCE**

| <b>Setback</b>                        | <b>Required</b>                                                                                        | <b>Proposed</b>              |
|---------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------|
| Street Setbacks:<br>Carport           | 6.0 metres                                                                                             | 3.21 metres                  |
| First Floor (balcony)                 | 6.0 metres                                                                                             | 5.61 metres                  |
| Side Setbacks:<br>West (carport wall) | 1.0 metre                                                                                              | Nil                          |
| Privacy<br>North - Games room window  | Window within 6.0 metres of a boundary to be screened in accordance with the Residential Design Codes. | No screening shown on plans. |
| Plot Ratio                            | N/A                                                                                                    | N/A                          |
| Density                               | 2 single houses                                                                                        | 2 single houses              |

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

**SITE HISTORY:**

The subject site is currently vacant. The lot width is 13.42 metres and a maximum of 22.5 metres in depth. A brick and tile property fronts Forrest Street. A subdivision was conditionally approved by the Western Australian Planning Commission on 10 July 2001.

**DETAILS:**

The applicant seeks approval for a two storey-single house fronting Alma Road.

**CONSULTATION/ADVERTISING:**

No written submissions were received during the advertising period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

## COMMENTS:

### **Street Setback - Ground Floor**

The proposed carport is setback 1.0 metre from the front boundary. The subject carport does represent a variation however, there is provision in Town's Street Setbacks Policy to support carports in the front setback area provided that it maintains unobstructed views between the street and house at ground level. The carport can be supported in this instance due to the narrow nature of the lot and the garage structure within the street setback area that exist on the adjoining property.

### **Street Setback - First Floor**

The proposed balcony is setback 5.61 metres from the front boundary. The required setback as per the Town's Policy relating to the Alma Locality is 6.0 metres, however, there is a provision in the R Codes that allows a lesser setback for a minor incursion.

The R Codes states the following;

*"A porch, balcony, verandah, chimney or the equivalent may...project not more than one metre into the building setback area, provided that the total of such projections does not exceed 20% of the frontage at any level."*

The subject balcony complies with the above requirement of the R Codes. Council has supported balconies in the past based on the above provision. The balcony is therefore considered to be acceptable and supported in this instance.

### **West Setback**

The applicant proposes a variation to the ground floor (carport) setback requirement on the west elevation. The required setback is 1.0 metre and a nil setback is proposed. Due to the single storey nature of the variations, the existing garage on the neighbouring property and no objections received, the proposed setbacks are considered to be acceptable and therefore supported.

### **Overshadowing**

Due to the orientation of the lot, the proposed single house shadows over Alma Road. No undue overshadowing takes place over the adjoining lots and it is therefore deemed to comply with the overshadowing requirements of the R Codes.

### **Overlooking**

With regard to the potential for unreasonable overlooking from the first floor games room window, it is considered necessary that relevant screening conditions are applied to this window to comply with the privacy requirements of the Residential Design Codes. A condition has also been applied for bedroom 4 to be screened as there are insufficient screening details shown on the plans.

### **Carport and Stores by Owner**

The site plans show a single carport and car bay by owner to the existing single house and stores by owner for both single houses. Insufficient details of the carport and stores have been submitted, therefore a condition should be applied stating these structures do not form part of this approval.

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

**10.1.8 No. 160 (Lot 2) Fitzgerald Street, Corner Stuart Street, Perth - Proposed Change of Use from Light Industry to Artist's Studio and Private Gallery, and Associated Office and Alterations**

|                              |                     |                    |                     |
|------------------------------|---------------------|--------------------|---------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 31 May 2004         |
| <b>Precinct:</b>             | Beaufort, P13       | <b>File Ref:</b>   | PRO2734; 00/33/2151 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                     |
| <b>Reporting Officer(s):</b> | J Barton            |                    |                     |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman  | <b>Amended by:</b> | -                   |

**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 Posner on behalf of the owner Nyvlem Rensop Pty Ltd, for proposed change of use from light industry to artist's studio and private gallery and associated office and alterations at No. 160 (Lot 2) Fitzgerald Street, corner Stuart Street, Perth, and as shown on the plans date-stamped 22 March 2004 (survey plan) and amended plans stamp-dated 23 April 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of access, facilities and car parking for people with disabilities in accordance with the Building Code of Australia (BCA);*
- (ii) 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;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) the hours of operation for exhibitions shall be restricted to 4pm to 7pm, inclusive, on Sundays only, and gallery opening times being restricted to Wednesday, Thursdays and Fridays from 11am to 5pm, and Sundays from 2pm to 5pm, inclusive, only. Other gallery opening times shall be by appointment only;*
- (v) a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vi) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*

- (viii) *prior to the issue of a Building Licence, or first occupation of the development, which ever occurs first, 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;*
- (ix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Stuart Street and Fitzgerald Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence, or first occupation of the development, which ever occurs first. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (x) *prior to the first occupation of the development, two (2) class three (3) bicycle parking rails shall be provided in accordance with the Town's Policy relating to Parking and Access and at locations convenient to the entrance of the premises on the Stuart Street verge. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

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**LANDOWNER:** Nyvlem Rensop Pty Ltd  
**APPLICANT:** M Posner  
**ZONING:** Metropolitan Region Scheme: Urban and abuts Other Regional Road reservation.  
Town Planning Scheme No.1: Residential/ Commercial (R80) and abuts Other Regional Road reservation.

**EXISTING LAND USE:** Light Industry

**COMPLIANCE:**

| <b>Requirements</b>      | <b>Required</b>                                                                        | <b>Proposed</b>                                  |
|--------------------------|----------------------------------------------------------------------------------------|--------------------------------------------------|
| Beaufort Precinct Policy | Residential component not to be less than 66% of the existing or approved floor space. | No residential component proposed at this stage. |

|                    |                   |
|--------------------|-------------------|
| Use Class          | Use not listed    |
| Use Classification | "SA"              |
| Lot Area           | 374 square metres |

**SITE HISTORY:**

- 22 March 2004 Planning Application received for proposed change of use from light industry to artist's studio, private gallery, and associated office and alterations.
- 23 April 2004 Applicant submitted amended plans to reduce the size of the gallery and provide more car parking bays, as the previous proposal did not comply with the Town's car parking requirements due to the size of gallery.

**DETAILS:**

The subject proposal involves alterations to the existing light industrial premises, and a change of use to artist's studio, private gallery and associated office. The applicant is proposing minor internal alterations, and minor external changes to the colour of the building.

Signage has also been indicated on the plans for indicative purposes, however, no details have been provided, and the application form does not indicate that the proposal includes approval for signage. Given this, a standard signage condition has been recommended.

The applicant submitted the attached letter of justification to explain the nature of the proposed use.

The subject land abuts a Town-owned, 3.04 metres wide, sealed right of way.

**CONSULTATION/ADVERTISING:**

The application was advertised by the applicant for more than 21 days, from 23 April 2004 to 18 May 2004 to adjacent neighbours, through on-site signage and in the local newspaper.

No submissions were received during the public consultation period.

The proposal abuts an Other Regional Road reservation (Fitzgerald Street), however, referral to the Department for Planning and Infrastructure is not considered necessary as no new crossovers are proposed onto Fitzgerald Street.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Structural Component**

The proposed use is to be conducted within the existing building, and only minor internal structural modifications are proposed. The applicant also proposes to upgrade the exterior of the building through the use of contemporary colours and signage, however, no structural changes are proposed to the exterior. As mentioned previously, a standard condition has been recommended for signage approval.

### Use

The art studio and gallery use is classified 'SA' in the Residential-Commercial zone, as the use is not listed in the TPS No. 1 use class table.

The Scheme defines 'SA' as follows;

*"means that the use is not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 37."*

In the Residential/Commercial zone, the Town's Beaufort Precinct Policy states the following:

*"Over time, this area is to be transformed from a predominantly commercial area to an area of compatible residential and commercial uses. Commercial uses are not to be permitted to develop independently of residential uses.*

*Mixed-use developments proposing the integration of (or close relationship between) work place and residence are to be favoured where acceptable levels of residential amenity can be maintained.*

*Building design should focus on residential character and be in keeping with the design of original inner city housing and commercial buildings.*

*The re-use, conversion or extension of existing buildings is strongly encouraged. New development should make every effort to retain the distinctive historical character of the area. This is to be attained through the development of a continuous edge of buildings which front the street.*

*A variety of compatible commercial uses is to be encouraged. Commercial activities should mostly serve the city centre and the research and development, education and community services of the adjacent East Perth Redevelopment Area.*

*Activities related to computer consultancy, corporate business services, data processing, management and consultancy services, media, publishing, advertising and similar uses are to be supported.*

*The protection and enhancement of the amenity and general environmental standards of existing and future residential development in and around the Precinct is important.*

*Ensuring the compatibility of commercial and residential uses is, therefore, necessary and building design should aim to avoid conflict between the two uses.*

*On-site landscaping - including the use of water conservation measures and appropriate local and native plant species, where applicable - should contribute to the attractive and mature planting in streets.*

*Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets. Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces.*

*They should, therefore, be located underground or at the rear of properties. Separate garages or carports located in the front setback are inappropriate.*

*Reductions in on-site parking requirements for residential development are to be considered where normal provision is difficult to achieve, or where the Town of Vincent can be convinced that normal provision is not warranted.*

**Uses**

*Uses are to be as listed in the Residential/Commercial Zone of the Zone Table in the Town of Vincent Town Planning Scheme No. 1.*

*ii) Mixed Residential/Commercial Development:*

*Developments comprising residential and commercial uses:*

- a) are to contain a residential component of no less than 66 per cent of the existing or approved floor space;*
- b) are to take measures to minimise conflict between non-residential and residential uses when approval is sought for a mixed use development; and*
- c) the Town of Vincent may consider variation of the standards specified in this Precinct Policy to enable the development to conform to the historic character of the area, particularly with redevelopment on small lots"*

Notwithstanding the above, the landowners do not wish to redevelop the site yet for residential purposes, and they only wish to convert the existing industrial building into an artist's studio and gallery at this stage, as the site has been vacant for over nine (9) months.

Although the proposal is contradictory to the intent of the above Policy, as no residential component is proposed, the proposed use does satisfy some aspects of the Policy, as the proposal will retain the existing building and sufficient parking has been provided.

Although no residential component has been provided, it is envisaged that this building will be converted into a residential use in the near future, and the proposed use will not create an undue impact on the amenity of the area, or the street, as no significant changes are proposed to the existing building.

In light of the above, the proposed use is considered to be in harmony with the existing environment, which is predominately commercial in nature, and it is also considered to be an acceptable alternative to the previous industrial use.

**Car Parking and Bicycle Parking Provisions**

The Town's Policy relating to Parking and Access requires one (1) bay per fifty (50) square metres of gross floor area for offices and art galleries. Given that the applicant has reduced the area of the artist's studio, the gross floor area is down to approximately 175 square metres.

In light of the above, only four (4) car bays are required, and four car parking bays have been provided within the existing building at the rear.

The Town's Senior Technical Officer advised that the proposed parking bays are not strictly in accordance with the Town's requirements, however, they are considered to be functional.

The Town's Policy relating to Parking and Access also requires two (2) class three (3) bicycle racks for visitors, however end of trip facilities are not required. Given this, a condition has been recommended for the provision of two (2) class three (3) bicycle racks.

**Hours**

The applicant is proposing to use the subject land as an artist's studio during the week, and for gallery openings on Wednesdays, Thursdays and Fridays from 11am to 5pm, and Sundays from 2pm to 5pm, and other times by appointment. The applicant envisages an average of two to three visitors per day to gallery openings, and it is unlikely that this would be within the same time frames.

Additionally, the applicant is also proposing to have the occasional art exhibitions approximately eight (8) to nine (9) times per year, which will attract more visitors and two (2) to three (3) casual employees. However, this is a rare event and exhibitions will be held on Sundays only from 4pm to 7pm, which is a quiet time as most of the other commercial properties in the area are closed on Sundays.

Given the above, and the site's close proximity to public transport and public car parks, the proposed use is considered acceptable in this instance, subject to a condition restricting the days and times of gallery openings and exhibitions.

**Conclusion**

In light of the above, and given that no objections were received, the proposal is considered to enhance the area and the streetscape, and provide a better alternative to the existing industrial use. Given this, approval is recommended, subject to standard and relevant conditions to address the above mentioned matters.

**10.1.9 No. 11 (Lot 118) Barnet Place, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses**

|                              |                     |                    |                     |
|------------------------------|---------------------|--------------------|---------------------|
| <b>Ward:</b>                 | North               | <b>Date:</b>       | 1 June 2004         |
| <b>Precinct:</b>             | Smith's Lake, P 6   | <b>File Ref:</b>   | PRO2686; 00/33/2115 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                     |
| <b>Reporting Officer(s):</b> | V Lee, H Eames      |                    |                     |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman  | <b>Amended by:</b> | -                   |

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owners Altat Constructions and Capo Holdings Pty Ltd, for proposed demolition of existing single house and construction of two (2) two-storey single houses at No. 11 (Lot 118) Barnet Place, North Perth, and as shown on plans stamp dated 20 May 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 9 and No. 13 Barnet Place, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 9 and No. 13 Barnet Place, in a good and clean condition;*
- (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 Barnet Place shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (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) 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;*

- (viii) *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;*
- (ix) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xi) *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;*
- (xii) *standard visual truncations, in accordance with the Town's Policies and/or 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 access ways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Barnet Place 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);*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

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|                           |                                               |
|---------------------------|-----------------------------------------------|
| <b>LANDOWNER:</b>         | Altat Constructions and Capo Holdings Pty Ltd |
| <b>APPLICANT:</b>         | Altat Constructions and Capo Holdings Pty Ltd |
| <b>ZONING:</b>            | Metropolitan Region Scheme - Urban            |
|                           | Town Planning Scheme No. 1 - Residential R 30 |
| <b>EXISTING LAND USE:</b> | Single House                                  |

**COMPLIANCE:**

| <b>Requirements</b>                                                                                                                                                                                                                                    | <b>Required</b>                                                                                                              | <b>Proposed</b>                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Density                                                                                                                                                                                                                                                | 2 Single Houses                                                                                                              | 2 Single Houses                                                                                                                |
| Setbacks :<br>Unit 1<br>- Side - eastern (internal)<br>ground floor<br>first floor<br>- Side - western<br>- Rear to right of way<br>Unit 2<br>- Side - eastern<br>- Side - western (internal)<br>ground floor<br>first floor<br>- Rear to right of way | 1.5 metres<br>1.9 metres<br>1.5 metres<br>1.5 metres<br>2 metres<br>1.5 metres<br>1.8 metres<br>1.5 metres                   | 1.2 metres<br>1.2 to 2.3 metres<br>1.2 to 4.2 metres<br>1 metre<br>1.2 to 8 metres<br>1.2 metres<br>1.2 to 3 metres<br>1 metre |
| Buildings on Boundary                                                                                                                                                                                                                                  | 1 metre                                                                                                                      | Garages proposed on boundaries, complies with Clause 3.3.2 of R Codes.                                                         |
| Town's Policy relating to the Barnet Locality                                                                                                                                                                                                          | A general height limit of two storeys provided the second storey is generally setback a minimum of 6 metres from the street. | Proposed balcony to Unit 1, setback 5 metres from Barnet Place.                                                                |
| Plot Ratio                                                                                                                                                                                                                                             | N/A                                                                                                                          | N/A                                                                                                                            |

|                    |                   |
|--------------------|-------------------|
| Use Class          | Single House      |
| Use Classification | 'P'               |
| Lot Area           | 764 square metres |

**BACKGROUND:**

The site is occupied by a single storey, single house.

**SITE HISTORY:**

|              |                                                                             |
|--------------|-----------------------------------------------------------------------------|
| 3 March 2004 | Development application received by the Town.                               |
| 1 April 2004 | Application advertised for community consultation.                          |
| 20 May 2004  | Revised plans received addressing a number of non-compliances and concerns. |

**DETAILS:**

The proposal involves the demolition of the existing single storey dwelling and the construction of two (2) two-storey single houses, both with frontage to Barnet Place as the primary street, and vehicular access from a rear sealed, 5.0 metres wide, resumed right of way that is vested in the Town of Vincent.

**CONSULTATION/ADVERTISING:**

The proposal was advertised for a two week period. One objection was received during the community consultation period, which raised concerns regarding the number of non-compliances in the original plans and concerns regarding privacy.

The revised plans received by the Town on 20 May 2004 were not re-advertised as they addressed many of the concerns previously raised and reduced the number of variations to the Residential Design Codes (R Codes).

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

The subject property is located within the Barnet Locality, which was originally part of the wetland known as Smith's Lake. The area was utilised as market gardens before subdivision in the 1950's. Barnet Place is one of the few cul de sacs in the Town of Vincent, and the only one of its style, with houses radiating from its 'head'.

The existing dwelling is a single storey, detached brick and tile and is likely to have been built in the 1960's / 1970's. It is not listed on the Town's Municipal Heritage Inventory. The dwelling itself, is not considered to have any heritage significance, and the proposed demolition is supported, subject to standard conditions.

**Setbacks**

Setback Variations to Adjacent Existing Dwellings

The proposed dwellings have variations to the side setbacks adjacent to existing dwellings along the street. It is noted that the side boundaries of the lots are not square and are angled from the road. This results in setbacks to portions of these side boundaries not complying with the requirements of the R Codes.

Given that the development is generally setback from the side boundaries, it is considered that there is adequate ventilation and visual separation between the buildings. The variations to side setbacks are not considered to unduly detrimentally affect the amenity of the area. Accordingly, these variations are supported.

Setback Variations between Proposed Dwellings

The side setback variations between the proposed dwellings do not compromise privacy or ventilation between the proposed dwellings, as windows have been placed so there is no direct overlooking between the dwellings. These variations are considered to be minor and are therefore supported.

Setback Variations to the Right of Way

The R Codes generally require that dwellings are setback 1.5 metres from the right of way. In this instance the right of way is 5 metres wide and the 1 metre setback proposed is considered to provide adequate manoeuvring area from the proposed garages. Therefore, this variation is supported.

Setback Variation to Barnet Place

The proposed balcony to Unit 1 is setback 5 metres from Barnet Place. Due to the 'open' nature of the proposed balcony, it is not considered to add bulk to the building and is not considered to have an undue affect on the streetscape. Accordingly, this variation is supported.

**Privacy**

Overlooking issues in the original plans received have been addressed in the revised plans stamp-dated 20 May 2004. Therefore, there are no variations to the Privacy requirements.

**Vehicle Access**

The original plans showed vehicular access from Barnet Place. The revised plans stamp-dated 20 May 2004, show garages and vehicle access from the right of way, which now generally comply with the requirements of the R Codes and the Town's Policies relating to Vehicular Access and Street Setbacks.

**Summary**

Accordingly, it is recommended that the revised plans stamp-dated 20 May 2004 be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.11 Western Australian Planning Commission's Statement of Planning Policy No. 5.2 - Telecommunications Infrastructure, and Guidelines for the Location, Siting and Design of Telecommunications Infrastructure; and Town of Vincent Draft Telecommunications Facilities Strategy**

|                              |                                             |                    |             |
|------------------------------|---------------------------------------------|--------------------|-------------|
| <b>Ward:</b>                 | Both Wards                                  | <b>Date:</b>       | 31 May 2004 |
| <b>Precinct:</b>             | All Precincts                               | <b>File Ref:</b>   | PLA0001     |
| <b>Attachments:</b>          | <a href="#">001</a> ; <a href="#">002</a> ; |                    |             |
| <b>Reporting Officer(s):</b> | Y Scheidegger                               |                    |             |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman                          | <b>Amended by:</b> | -           |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report relating to the:
- (a) *Western Australian Planning Commission's Statement of Planning Policy No. 5.2 - Telecommunications Infrastructure and Guidelines for the Location, Siting and Design of Telecommunications Infrastructure; and*
  - (b) *Town of Vincent Draft Telecommunications Facilities Strategy; and*
- (ii) **ADVISES** the Western Australian Planning Commission and of the Town's comments relating to the Statement of Planning Policy and Guidelines on Telecommunications Infrastructure, as contained in this report.

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**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

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**BACKGROUND:**

The Western Australian Planning Commission's (WAPC) Statement of Planning Policy No. 5.2 - Telecommunications Infrastructure, states the following:

*"Before 1991, telecommunications services in Australia were provided by a single carrier, Telecom. Its activities were governed only by Commonwealth legislation. Deregulation of the industry followed with the introduction of the Telecommunications Act 1991. This legislation gave carriers the right to construct telecommunications facilities on any land or attach a facility to a building or other structure for the purpose of supplying a telecommunications service. Although carriers were subject to consultation and environmental assessment procedures they were immune from State planning and environmental legislation.*

*On 1 July 1997 the original Telecommunications Act was repealed and replaced by the Telecommunications Act 1997. The main effect of the new legislation was that it required the installation of telecommunications facilities, except those that are exempted specifically by the legislation, to comply with State (and local) planning and environmental approval procedures."*

Local Governments are currently seeking a balance between the general community concern about amenity and health impacts, needs of mobile telephone users and appropriate land use planning within their municipalities. The Town continually seeks to maintain the amenity of the area and reduce the scale and bulk of telecommunications facilities that can unduly affect the existing skyline.

The Council at its Ordinary Meeting held on 21 November 2000 resolved the following:

*"That the Council;*

- (i) authorises the Chief Executive Officer to prepare a Strategic Plan for Telecommunications Facilities within the Town of Vincent in close liaison with all known Carriers;*
- (ii) advises the Western Australian Municipal Association of the details contained in this report; and*
- (iii) advises that this consultation in no way commits the Town."*

The Council at its Ordinary Meeting held on 25 June 2002 resolved the following:

*"That the Council;*

- (i) receives the Draft Town of Vincent Telecommunications Facilities Strategy dated June 2002, as "Laid on the Table";*
- (ii) advertises the Draft Town of Vincent Telecommunications Facilities Strategy dated June 2002 for public comment for a period of six (6) weeks; and*
- (iii) after the expiry of the public comment period reviews the Draft Town of Vincent Telecommunications Facilities Strategy having regard to any written submissions received."*

#### **DETAILS:**

#### **WAPC Statement of Planning Policy No. 5.2 - Telecommunications Infrastructure (SPP)**

The WAPC's SPP is shown as an attachment to this report. An introduction summary of the WAPC's SPP on the WAPC's website is as follows:

*"SSP provides a policy framework for the preparation, assessment and determination of applications for planning approval of telecommunications facilities within the context of the planning system of Western Australia.*

*The policy outlines the background of telecommunications services, aerial cables and mobile telephone networks. Provision is included for the planning for telecommunications infrastructure and explains the processes involved. The objectives of the SPP are to:*

- facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally responsible manner to meet community needs;*
- facilitate the development of an effective state-wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Western Australia as set out in the Town Planning and Development Act 1928 and the State Planning Strategy;*

- *assist community understanding of the issues involved in the design and installation of telecommunications infrastructure and provide opportunities for community input to decision making;*
- *promote a consistent approach in the preparation, assessment and determination of applications for planning approval of telecommunications infrastructure;*
- *minimise disturbance to the environment and loss of amenity in the provision of telecommunications infrastructure; and*
- *ensure compliance with all relevant health and safety standards in the provision of telecommunications infrastructure.*

*The Policy applies to the zoning, subdivision and development of land throughout Western Australia in respect of all telecommunications infrastructure other than those facilities exempted under the Telecommunications Act.*

*The SPP also includes the guiding principles for the location, siting and design of telecommunications infrastructure, and provisions for matters to be considered when determining planning applications and information required to be submitted when lodging a planning application. There is also provision that detailed guidelines can also be prepared by the WAPC. Any relevant provision of the SPP may be included in local planning schemes and policies."*

In terms of the Town, the SPP is a proactive and positive step forward in the rollout of telecommunications facilities; however, specifically the SPP is still required to adequately address the following issues:

1. the replacement/removal of existing non low-impact telecommunications facilities with more suitably designed telecommunications facilities such as those that would comply with the Town's Draft Telecommunications Facilities Strategy (Strategy);
2. the definition for low-impact telecommunications facilities does not prohibit the installation of low impact telecommunications facilities onto existing non low-impact telecommunications facilities or an accumulation of low-impact telecommunications facilities, which, can result in non low-impact telecommunications facilities; and
3. areas/places of local heritage significance have not been addressed in the SPP.

**Western Australian Planning Commission (WAPC) Guidelines for the Location, Siting and Design of Telecommunications Infrastructure (Guidelines)**

The WAPC Guidelines is shown as a further attachment to this report.

The principal purpose of these Guidelines is to assist local government and planning practitioners in planning for telecommunications infrastructure at the local level. Underlying this purpose is the need to facilitate the provision of telecommunications services to the community, in an efficient and cost-effective way. The Guidelines outlines its application and who should use them. The Guidelines also reiterates the guiding principles for the location, siting and design of telecommunications infrastructure and addresses certain construction and operational issues relevant to the development of facilities.

The Guidelines provides design guidelines for the following design issues:

- location;
- integration;
- design; and
- landscaping

Procedures for application and assessment and consultation and notification are also outlined in the Guidelines.

The Guidelines support co-location; however, it is disappointing to see that innovative design measures have not been included as a vital aspect of the design of telecommunications infrastructure.

The Guidelines use as a guide for best practice for local governments is generally supported by the Town; however, they could have further addressed the issue of innovatively designed telecommunications facilities instead of concentrating on the screening of base stations, co-location and well as other localised issues.

Other information regarding telecommunications facilities for example; specific telecommunications facilities examples, clear definitions with photographs and raising general community awareness through public information sessions/workshops would be advantageous to the rollout of telecommunications facilities in Western Australia.

The Town supports the streamlining approach that the SPP and Guidelines propose in terms of the need to only advertise telecommunications facilities if they do not comply with the above-mentioned documents, however, the Town would like to take this issue further by only supporting telecommunications facilities without advertising if they comply with the Town's draft Strategy.

#### **Town of Vincent Draft Telecommunications Facilities Strategy (Strategy)**

The Strategy was advertised for a period of six (6) weeks from 11 July 2002 to 2 September 2002. Comments were received from various organisations and individual persons. These comments are yet to be revised and summarised and a report is still to be prepared and submitted to the Council for consideration and final adoption of the Draft Strategy. The pressing matter of dealing with the Draft Strategy was somewhat reduced by the reduction of applications for the installation of telecommunications facilities in the Town and those proposals received have only been for low-impact telecommunications facilities.

The Draft Strategy to date has been used for internal reference purposes by the Town's Officers when proposals have been submitted to the Town for telecommunications facilities.

The Draft Strategy is "*Laid on the Table*".

#### **Town of Vincent Planning and Building Policies**

The Town's current Policy relating to Telecommunications Facilities has been reviewed as part of the Strategy, however, with the release of the WAPC's SPP and Guidelines, this Policy is required to be reviewed again.

#### **Town of Vincent Town Planning Scheme No. 1 (TPS No. 1)**

There is currently no provision in the Town's TPS No. 1 directly relating to telecommunications facilities. It is proposed that provision for telecommunications facilities be addressed in the review of the Town's TPS No. 1. This may include a direct link to the Strategy enabling the Strategy to control the location, siting and design of telecommunications infrastructure in the Town.

#### **GIS Implications**

Information pertaining to all telecommunication facilities located within the Town is stored on an Access database and is proposed to be converted into MapInfo and depicted spatially across the Town. The database was prepared in June 2002 and a review of existing and any new sites within the Town will need to be undertaken and updated accordingly.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Result Areas: 1.4 *"Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment...*  
*n) Develop policies for telecommunications infrastructure."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In light of the above comments, it is recommended that the Council receives this report and advises the WAPC of the comments contained in this report.

**10.2.1 Results of Community Consultation for the Proposed Traffic Safety Improvement on Eton Street, Mount Hawthorn - South of Gill Street**

|                              |                      |                    |             |
|------------------------------|----------------------|--------------------|-------------|
| <b>Ward:</b>                 | North                | <b>Date:</b>       | 1 June 2004 |
| <b>Precinct:</b>             | North Perth P8       | <b>File Ref:</b>   | TES0156     |
| <b>Attachments:</b>          | <a href="#">001:</a> |                    |             |
| <b>Reporting Officer(s):</b> | R Lotznicher         |                    |             |
| <b>Checked/Endorsed by:</b>  | -                    | <b>Amended by:</b> | -           |

**RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the results of the Community Consultation for the Proposed Traffic Safety Improvement on Eton Street, Mount Hawthorn - South of Gill Street;*
- (ii) *APPROVES the implementation of the proposal as shown in Plan No 2269-CP-1 estimated to cost \$15,000; and*
- (iii) *ADVISES the respondents and the North Perth Precinct Group of its decision.*

**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND:**

At the Ordinary Meeting of Council held on 27 April 2004, the Council received a report on a proposal to implement Traffic Management improvements in Eton Street, North Perth.

After considering the report, the following resolution was adopted:

*“That the Council;*

- (i) *RECEIVES the report on the Traffic Safety Improvement proposed for Eton Street, North Perth, south of Gill Street;*
- (ii) *APPROVES in principle the proposal as shown on attached Plan No. 2269-CP-1 as endorsed by the Town's Local Area Traffic Management Advisory Group at its meeting held on 19 April 2004, estimated to cost \$15,000;*
- (iii) *CONSULTS with the residents of Eton Street with regard to the proposal, giving them 21 days in which to provide comments; and*
- (iv) *RECEIVES a further report on the proposal at the end of the community consultation period.”*

**DETAILS:**

In accordance with clause (iii) of the Council's resolution, on 4 May 2004, twenty one (21) letters together with an attached comment sheet and reply paid envelope, were distributed to residents in Eton Street, requesting their comments on the proposal as outlined on attached Plan No 2269-CP-1.

At the conclusion of the consultation period on 21 April 2004, seven (7) responses had been received representing a 33 % response.

The responses received are outlined as follows:

| <i>Proposal</i>                                                                                                                           | <i>In Favour</i> | <i>Against</i> |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------|
| Proposed two (2) strategically placed low profile speed humps to be installed at either sides of the crest as shown on Plan No 2269-CP-1. | 7                | 0              |

Related Comments *In Favour* of proposal

- A welcome addition to our street safety.
- In favour
- Request an additional speed hump north of Gill street on Eton.
- We are very pleased that the safety improvements will be put in place in the locations stated on the map.
- In favour
- There were approximately 32 North Perth residents present at the North Perth Precinct meeting held on 12 May 2004. It was evident from the discussion that there was no opposition to the plan. The only other suggestion was to have a lower speed level for the street. It would be appreciated if the precinct group could be advised of when the matter will be presented to the Council. It would also be appreciated if the street could be monitored once the proposal has been implemented to determine whether additional measures are required.

Related Comments *In Favour* of the proposal with an alternative suggestion

- Proposed speed humps are probably fine, however, I suggest that narrow islands be placed along the middle of Eton Street and eliminate parking in the street.

Officers' Comments

As can be seen from the comments received, the majority of respondents are in favour of the proposal and it is considered that no changes are warranted.

It is considered that an additional speed hump, as suggested, could be accommodated however it is recommended that this be placed on hold pending a further assessment once the current proposal has been in place for some time.

With regard to lowering the speed limit, Main Roads WA will not carry this out in isolation and it would need to be looked at on an area wide basis. In the past this has required extensive consultation, traffic calming, signage and line marking to create a 40 kph Local Area Traffic Zone. Since the introduction of the area wide 50 kph speed limit on residential streets, the approval for any further 40 kph zones has been placed on hold.

With regard to the installation of a central island and the banning of kerbside parking, it is considered that due to the proliferation of crossovers at this location and that parked cars can assist in calming traffic, it is considered that this suggestion cannot be supported in this instance.

**CONSULTATION/ADVERTISING:**

The respondents in Eton Street who provided comments regarding the proposal will be advised of the Council's resolution.

**LEGAL AND POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Draft Plan 2002-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds totalling \$15,000 were allocated in the 2003/2004 budget. These funds are sufficient to implement the proposal.

**COMMENTS:**

As can be seen from the results of the community consultation, the majority of residents canvassed are in favour of the proposal.

It is therefore recommended that the Council approves the implementation of the Traffic management proposal estimated to cost \$15,000 as outlined on attached Plan 2269-CP-1 and that the respondents and the North Perth Precinct Group be advised of the Council's resolution.

**10.2.4 Tender No 283/04 - Supply of One (1) 8-10Tonne Single Cab Tip Truck**

|                              |              |                    |             |
|------------------------------|--------------|--------------------|-------------|
| <b>Ward:</b>                 | Both         | <b>Date:</b>       | 2 June 2004 |
| <b>Precinct:</b>             | All          | <b>File Ref:</b>   | TEN0058     |
| <b>Attachments:</b>          | -            |                    |             |
| <b>Reporting Officer(s):</b> | R Lotznicher |                    |             |
| <b>Checked/Endorsed by:</b>  | -            | <b>Amended by:</b> | -           |

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender submitted by W A Hino Sales & Service for the Supply of an 8-10 Tonne Single Cab Tip Truck at a cost of \$78,709 (after trade-in) in accordance with the specifications as detailed in Tender No 283/04.*

**COUNCIL DECISION ITEM 10.2.4**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND:**

Tenders closed on Wednesday 26 May 2004 for the Supply of One (1) 8-10 Tonne Single Cab Tip Truck Complete and six (6) tenders were received.

**DETAILS:**

Details of all submissions received for Tender 283/04 are as follows (*Incl GST*): -

Supply of new vehicle and trade.

| Description           | Major Motors Pty Ltd | W.A Hino Sales & Service | Skipper Trucks          |
|-----------------------|----------------------|--------------------------|-------------------------|
| <b>Make / Model</b>   | Isuzu FVD 950        | Hino Ranger - Pro 10     | Mitsubishi Fighter 10.0 |
| <b>Tendered Price</b> | \$129,950.00         | \$124,709.00             | \$120,076.00            |
| <b>Less Trade-in</b>  | \$35,000.00          | \$46,000.00              | \$38,500.00             |
| <b>Gross Price</b>    | <b>\$94,950.00</b>   | <b>\$78,709.00</b>       | <b>\$81,576.00</b>      |

Outright Purchase

| Caversham Truck Hire | W&P Truck & Machinery Sales | P&G Body Builders |
|----------------------|-----------------------------|-------------------|
| \$34,500.00          | \$41,361.00                 | \$18,040.00       |

Note: These were not considered further as the prices submitted were less than the trade in prices received.

An evaluation panel consisting of the Executive Manager Technical Services and Principal Supervisor Engineering Services assessed the conforming tenders using the selection criteria in accordance with the follows table:

| Factor                    | Weighting | Evaluation Criteria                                                                                                         |
|---------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------|
| Life Cycle Costs          | 10%       | Service//maintenance costs                                                                                                  |
| Price Tender              | 25%       | The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the Town's discretion |
| Mandatory Product Feature | 25%       | Product features essential to undertake required function. Specification conformance. Response and Detail to Specification  |
| Warranty                  | 15%       | Assessed on performance. Warranty period offered                                                                            |
| Delivery                  | 5%        | Required in eight (8) weeks                                                                                                 |
| Special Facilities        | 10%       | Ease of vehicle servicing. Availability of spare parts. Number of technical support staff available.                        |
| Operators Ergonomics      | 10%       | East of operation/controls. Operator comfort                                                                                |

Tenderers were required to address all of the above criteria, separately comprehensively and in the order listed above in their submission.

**Selection Criteria**

|                           | Weighting % | Major Motors Pty Ltd | W.A Hino Sales & Service | Skipper Trucks |
|---------------------------|-------------|----------------------|--------------------------|----------------|
| Life Cycle Costs          | 10          | 5                    | 5                        | 10             |
| Price Tender              | 25          | 21                   | 25                       | 24             |
| Mandatory Product Feature | 25          | 25                   | 22                       | 12             |
| Warranty                  | 15          | 12                   | 15                       | 15             |
| Delivery                  | 5           | 0                    | 0                        | 5              |
| Special Facilities        | 10          | 10                   | 10                       | 10             |
| Operators Ergonomics      | 10          | 10                   | 10                       | 10             |
| <b>Total</b>              | <b>100</b>  | <b>83</b>            | <b>87</b>                | <b>86</b>      |

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL AND POLICY:**

The tender was advertised in accordance with the Local Government Act, Tender Regulations.

**STRATEGIC IMPLICATIONS:**

Although not directly affiliated with a key result area, this would fall in the general category in the Town's Strategic Plan 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 c) Continue to design and implement infrastructure improvements for public open space."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Sufficient funds have been allocated as part of the 2003/2004 budget for replacement of this item of plant.

**COMMENTS:**

All three vehicles are suitable for the tasks required, however the Mitsubishi's engine output was slightly below specification.

The Isuzu truck was considered suited to the tasks required, having a greater load capacity and a more powerful engine.

However, following the evaluation process, the Hino truck was considered to be best value and complied with the specifications.

The Town currently operates two (2) Hino's, namely the Street sweeper and a Waste Management truck.

It is therefore recommended that the tender submitted by WA Hino Sales and Service for the supply of an 8-10 Tonne Single Cab Tip Truck in accordance with the specifications as detailed in Tender No 283/04 be approved.

**10.3.2 Authorisation of Expenditure for the Period 01 May - 31 May 2004**

|                              |                     |                    |             |
|------------------------------|---------------------|--------------------|-------------|
| <b>Ward:</b>                 | -                   | <b>Date:</b>       | 5 June 2004 |
| <b>Precinct:</b>             | -                   | <b>File Ref:</b>   | FIN0005     |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |             |
| <b>Reporting Officer(s):</b> | P Forte             |                    |             |
| <b>Checked/Endorsed by:</b>  | N Russell           | <b>Amended by:</b> |             |

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) Schedule of Accounts for the period 1 May – 31 May 2004 and the list of payments;*
- (ii) direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) direct lodgement of Child Support to the Australian Taxation Office;*
- (v) direct lodgement of creditors payments to the individual bank accounts of creditors;  
and*
- (vi) direct lodgement of Superannuation to Local Government and City of Perth  
superannuation plans;*

*as shown in Appendix 10.3.2.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**DECLARATION OF INTEREST**

| <b>Members/<br/>Officers</b> | <b>Voucher</b> | <b>Extent of Interest</b> |
|------------------------------|----------------|---------------------------|
|------------------------------|----------------|---------------------------|

Nil.

**BACKGROUND:**

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

**DETAILS:**

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

| <b>FUND</b>                                              | <b>CHEQUE NUMBERS/<br/>PAY PERIOD</b>                 | <b>AMOUNT</b>         |
|----------------------------------------------------------|-------------------------------------------------------|-----------------------|
| <b>Municipal Account</b>                                 |                                                       |                       |
| Town of Vincent Advance Account                          | EFT                                                   | \$896,724.64          |
|                                                          | EFT                                                   | \$800,000.00          |
|                                                          | EFT                                                   | \$786,833.98          |
| <b>Total Municipal Account</b>                           |                                                       | <b>\$2,483,558.62</b> |
| <b>Advance Account</b>                                   |                                                       |                       |
| Automatic Cheques                                        | 47435-47438, 47440-47487,<br>47489-47572, 47574-47839 | \$518,299.39          |
| Manual Cheques                                           |                                                       | \$0.00                |
| Transfer of Creditors by EFT<br>Batch 241, 244, 248, 249 |                                                       | \$1,267,187.87        |
| Transfer of PAYG Tax by EFT                              | May 2004                                              | \$138,244.10          |
| Transfer of GST by EFT                                   | May 2004                                              | \$0.00                |
| Transfer of Child Support by EFT                         | May 2004                                              | \$491.54              |
| Transfer of Superannuation by EFT<br>City of Perth       | May 2004                                              | \$24,704.84           |
| Local Government                                         | May 2004                                              | \$65,788.61           |
| <b>Total Advance Account</b>                             |                                                       | <b>\$2,014,716.35</b> |
| <b>Transfer of Payroll by EFT</b>                        | May 2004                                              | <b>\$461,328.03</b>   |
| <b>Bank Charges &amp; Other Direct Debits</b>            |                                                       |                       |
| Bank Charges – CBA                                       |                                                       | \$2,165.95            |
| Lease Fees                                               |                                                       | \$1,516.96            |
| Corporate Master Cards                                   |                                                       | \$4,374.30            |
| Australia Post Lease Equipment                           |                                                       | \$311.77              |
| 2 Way Rental                                             |                                                       | \$3,397.10            |
| Loan Repayment                                           |                                                       | \$38,891.92           |
| B/Park ATM Cash Agreement                                |                                                       | \$0.00                |
| <b>Total Bank Charges &amp; Other Direct Debits</b>      |                                                       | <b>\$50,658.00</b>    |
| <b>Less GST effect on Advance Account</b>                |                                                       | <b>-\$80,468.00</b>   |
| <b>Total Payments</b>                                    |                                                       | <b>\$4,929,793.00</b> |

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area 4.2 – Governance and Management

*“Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.”*

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

Vouchers, supporting invoices and other relevant documentation are available for inspection by Councillors at any time following the date of payment and are laid on the table.

**10.3.3 Revised Youth Development Grants – Policy and Guidelines**

|                              |                       |                    |             |
|------------------------------|-----------------------|--------------------|-------------|
| <b>Ward:</b>                 | Both                  | <b>Date:</b>       | 28 May 2004 |
| <b>Precinct:</b>             | All                   | <b>File Ref:</b>   | FIN 0018    |
| <b>Attachments:</b>          | <a href="#">001</a>   |                    |             |
| <b>Reporting Officer(s):</b> | P. Flinn              |                    |             |
| <b>Checked/Endorsed by:</b>  | J. Anthony/M. Rootsey | <b>Amended by:</b> |             |

**OFFICER RECOMMENDATION:**

*That Council APPROVES the revised Youth Development Grants – Policy and Guidelines (as shown at Appendix 10.3.3) as detailed in this report.*

**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND:**

The following resolution was adopted under delegated authority on 17 December 2003 – 9 February 2004;

*“That the Council;*

- (i) APPROVES the proposed new Policy and Guidelines – Youth Development Grants as shown in Appendix 10.4.1; and*
- (ii) AUTHORIZES the Chief Executive Officer to:*
  - (a) advertise the proposed new policy for a period of twenty one (21) days, seeking public comment;*
  - (b) report back to Council with any public comments received; and*
  - (c) include the Policy in the Policy Manual if no public submissions are received.*

**DETAILS:**

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

- Community Service
- Music
- Arts
- Academic

The attached policy will ensure consistency throughout the application process and provide young people with equal access to the grant funds.

Advertisements calling for public comment were placed in the Voice News and on the Town of Vincent website on 4 April 2004.

Copies of the policy were available for viewing at the Town of Vincent Administrative and Civic Centre.

The public consultation period ended on 28 April 2004. One submission was received from Mr Dudley Maier, 51 Chatsworth Rd, Highgate 6003, which has been summarised below with comments by the Youth Officer.

**Mr Maier**

- “The \$500 limit should be mentioned near the top”
- “Instead of “sporting achievements” it should be “sporting events” (What we can’t fund)”
- “The example of the ‘National Spell Competition’ should be ‘National Spelling Competition’

**Officer's Comments**

These comments have been considered and changes made as appropriate, which include, moving the statement “*Grants are available up to \$500. The Town’s decision is final and no negotiations will be entered into*” to the beginning of the document under the heading Background. “Sporting achievements” has been changed to “sporting events”, and “National Spell Competition” has been changed to “National Spelling Competition”.

**Mr Maier**

- “I believe there should be some recognition of the applicant’s ability to contribute financially.”

**Officer's Comments**

This point has been considered and the following statement has been included in the policy under the section: *What we can’t fund*:  
“The total cost of an event or program”

**Mr Maier**

- “There should be a statement that the grant going to an individual may be reduced if there are a number of applications for the same event. It is not hard to envisage a person getting \$500 to go to a music camp and then have 30 applicants for a school choir to go to the same event next year”

**Officer's Comments**

In the section: what we can’t fund it states; “groups, businesses and service providers”. This has been done to ensure that the individual is specifically targeted, and that they are able to develop their own skills. If the Youth Officer was to receive thirty applications for the same program or event from Town of Vincent residents he/she would offer each applicant \$50. It states at the beginning of the document that grants are available up to \$500, therefore it is not necessary to give the entire amount. Therefore it is believed that the current wording of the policy would allow officers to deal with possible scenarios as identified by Mr Maier.

**Mr Maier**

- “The sort of activities that will be funded should be a bit more clearly defined with a greater emphasis on individual development. Does the Town want to fund people going to interstate contests, or ‘educational’ tours of foreign countries?”

**Officer's Comments**

This point has been considered, and the following statement has been included in the policy: “All grant applications will be assessed on individual merit.” The policy does not need to be too specific in regards to what activities will be funded. Each application will be addressed according to each criterion, to ensure that the project or event will provide the applicant with the opportunity to further develop their skills in areas such as community services, arts, music and academia.

**CONSULTATION/ADVERTISING:**

Advertisements calling for public comment were placed in the Voice News and on the Town of Vincent website on 4 April 2004. The consultation period ended on 28 April at 4.00pm. All advertisements were removed after this date.

**LEGAL/POLICY:**

This policy will form part of the Town's policy manual.

**STRATEGIC IMPLICATIONS:**

The development of the Town of Vincent Youth Development Grants is in keeping with the Town of Vincent Strategic Plan 2003 - 2008.

Key Result Area 2 - Community Development  
2.4 c) Support and implement youth development programs.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$4,000 has been allocated to the Youth Development Grant budget.

**COMMENTS:**

In adopting this recommended policy there will be a number of benefits. The Youth Development Grants will provide long term developmental opportunities that assist young people to strive for, and achieve their goals in a variety of areas. The grants are designed to assist young people to access opportunities that are presented to them. The Youth Development Grants will have lasting and positive repercussions for young people living in the Town.

**10.3.4 Disability Access and Inclusion Plan 2005 - 2010**

|                              |                     |                    |             |
|------------------------------|---------------------|--------------------|-------------|
| <b>Ward:</b>                 | Both                | <b>Date:</b>       | 28 May 2004 |
| <b>Precinct:</b>             | All                 | <b>File Ref:</b>   | CMS 0053    |
| <b>Attachments:</b>          | N/A                 |                    |             |
| <b>Reporting Officer(s):</b> | S Jarman            |                    |             |
| <b>Checked/Endorsed by:</b>  | J Anthony/M Rootsey | <b>Amended by:</b> |             |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the process identified to develop the Disability Access and Inclusion Plan 2005 – 2010; and*
- (ii) *NOTES that the Disability Access and Inclusion Plan will be submitted to Council for adoption by February 2005.*

**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND:**

The Town of Vincent's Disability Access and Inclusion Plan was developed in 2001 and reviewed in 2002. The Town of Vincent is now due to formulate an up-to-date Disability Access and Inclusion Plan. The new Disability Access and Inclusion Plan is proposed to be a five year plan, 2005 – 2010, which is the same time frame currently being used by other local governments.

Previously the "Disability Access and Inclusion Plan" was titled the "Disability Services Plan". The Disability Services Act WA (1993), which determines that all local governments are to lodge a plan, was reviewed in 2001. As a part of this review one of the recommendations was to change the name from "Disability Services Plan" to "Disability Access and Inclusion Plan".

A Disability Access and Inclusion Plan is a legal requirement for all local governments under the Western Australian Disability Services Act 1993. Once completed all Council Disability Access and Inclusion Plans are lodged with the Disability Services Commission. The Town is required to report annually to the Commission on the progress of the plan via the Town's annual report. The Disability Access and Inclusion Plan is a working document which aims to ensure that all services and facilities are accessible to people with disabilities when improvement and service developments are made.

The compulsory key outcomes for the plan as determined by the Disability Services Commission are:

- Adapt existing functions, facilities and services to meet the needs of people with disabilities and their carers;
- To improve the access to buildings and facilities for people with disabilities;
- Provide information regarding functions, facilities and services in formats which will meet the communication requirements of people with disabilities;
- To increase Elected Member, management and staff awareness and skills of the needs of people with disabilities in delivering advice and services;
- To provide opportunities for people with disabilities to participate in public consultations, grievance mechanisms and decision-making processes;

Additional two outcomes used by Town of Vincent in the previous DSP (2001-2002):

- Provision of services which meet the specific needs of people with disabilities;
- Provision of welfare advice and support to people with disabilities and their families/carers.

#### **DETAILS:**

The stages in developing a Disability Access and Inclusion Plan include gathering information relating to:

- details of the population of people with disabilities within the Town;
- facilities and services provided by the Town;
- access issues as identified by councillors and council staff;
- Town's access initiatives; and
- community consultation – residents and prominent disability agencies.

#### **CONSULTATION/ADVERTISING:**

The plan for gathering the above information from council staff and the community will include the following:

Consultation regarding council staff and facilities:

- 2004 Access Audit information on council buildings and facilities; and
- Workshops with council staff to identify barriers and strategies within the section they deliver services.

Community Consultation:

Feedback from the community will be able to be given in any of the following formats:

- attendance at one of the two drop-in sessions – August;
- mail-out of a feedback form, with reply-paid option;
- feedback form to be accessible on the Town's website;
- phone-in feedback; or
- via email to the Town's Disability Services Officer.

Other formats and advertising for gaining community consultation will include:

- Accessing the results of the Disability Services Research Report 2003;
- Information gained from recent meetings and consultations with local agencies;
- Flyer advertising DSP review and drop-in community consultation sessions;
- Notice in the Town's newsletter (end June);
- Letters to local agencies inviting their comments. Also requesting promotion of information regarding DSP review and community consultation to clients;
- Gain feedback from Universal Access Advisory group; and
- Place advertisements of review and options for consultation in the local papers.

**LEGAL/POLICY:**

The Disability Access and Inclusion Plan is a requirement under the Disability Services Act WA 1993.

**STRATEGIC IMPLICATIONS:**

The Disability Access and Inclusion Plan addresses the following section of the Town's Strategic Plan 2003-2008:

Key Result Area Two: Community Development

"2.6 Ensure that issues affecting access and equity for all community members are addressed in all strategies.

- a) *Revise and ensure compliance with access and equity policy.*
- b) *Ensure compliance with legislative requirements.*
- c) *Develop creative solutions to access and equity issues, relevant to the Town's diverse community."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The provision of improving facilities and services has been included in the budget for a number of years. The new plan would not significantly impact on the budget but would direct money to different areas to ensure identified targets are met.

**COMMENTS:**

The time frame allocated for this project will be from June to December 2004. The Disability Access and Inclusion Plan will be submitted to the Council for adoption in February 2005.

Key factors affecting the participation of people with disabilities in their community include the physical, social and economic environments in which they live. With the direct involvement of people with disabilities and disability agencies in the planning of community services and facilities, local governments are ideally placed to influence these environments and consequently make positive changes on the lives of people with disabilities.

The Disability Access and Inclusion Plan is important in setting goals for future developments within the Town and ensuring that all service areas are aware of their responsibilities with regard to people with disabilities.

**10.3.8 Adoption of the Loftus Recreation Centre Business Plan 2004/2005**

|                              |               |                    |             |
|------------------------------|---------------|--------------------|-------------|
| <b>Ward:</b>                 | South         | <b>Date:</b>       | 27 May 2004 |
| <b>Precinct:</b>             | Oxford Centre | <b>File Ref:</b>   | ORG0053     |
| <b>Attachments:</b>          | -             |                    |             |
| <b>Reporting Officer(s):</b> | M Rootsey     |                    |             |
| <b>Checked/Endorsed by:</b>  | John Giorgi   | <b>Amended by:</b> |             |

**OFFICER RECOMMENDATION:**

*That the Council ADOPTS the Loftus Recreation Centre Business Plan for the period 1 July 2004 to 30 June 2005 as "Laid on the Table", on a Confidential basis.*

**COUNCIL DECISION ITEM 10.3.8**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND:**

The Loftus Recreation Centre has for a number of years been leased to the Western Australian Community Recreation Association Inc (WACRA) and managed by LeisureCo Pty Ltd Australia. In 1996 the WACRA Board agreed to the establishment of a separate Vincent Community Recreation Association (VCRA) and the Lease and Management of the Centre was transferred to the control of that new Association.

The management of the Centre was tendered in 2001 with the tender awarded to LeisureCo Pty Ltd Australia the incumbent manager for the Centre through the Vincent Community Recreation Association for a further five (5) year period.

As part of its management practices, Leisure Australia and VCRA are required to prepare a Business Plan for the Centre each year.

**DETAILS:**

The Board of VCRA (which includes Councillor Lake as Chairperson, with Cr Farrell as Deputy, the Chief Executive Officer and Executive Manager, Corporate Services as well as three (3) Leisure Australia nominees) recently adopted a Business Plan for 2004/05 at its Board meeting of 26 May 2004 for the Centre. A copy of that Plan is "*Laid on the table*" on a confidential basis as it contains commercial - in confidence information.

The Business Plan includes a detailed set of goals and targets for the various components of the Centre being facilities, services, organisation, promotion and finance. The Plan shows forecast revenue of \$1,554,274 and costs of \$1,496,280 for an estimated surplus of approximately \$57,994 to be achieved after rent of \$102,000 and sinking fund contribution of \$42,000.

Under the current lease contract, any surplus up to the level specified in the five (5) year forecast is to be paid to the VCRA to be held as working capital and for the future equipment purchases and business cash flow support. Further surplus in excess of the above are to be shared by Leisure Co and the VCRA in the order of 50%.

The fee structure on which these goals are set is included on pages 17 and 18 of the Plan and it is proposed to spend approximately \$31,000 on capital items to achieve the goals and targets as specified on page 19 of the Plan. Capital expenditure is funded from retained funds held by the VCRA.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The Centre is managed under a lease agreement between LeisureCo Pty Ltd Australia and the Town of Vincent.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2004-2008, Key Result Area 2 - Community Development  
*"2.4 Provide a range of community programmes"*

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated revenue received from the Centre has been included in the 2004/05 Draft Annual Budget. The revenue is included in the Loftus Centre cost centre with the amount of \$40,000 transferred to Loftus Centre Revenue Fund for future major maintenance and capital works.

**COMMENTS:**

The Business Plan also provides details of market research, a priority and progress report and an evaluation of the Centre including a strengths, weakness, opportunity and threat (SWOT) analysis. The Plan is a comprehensive document and a basis on which the Centre should be run for 2004/2005 and is recommended for adoption.

**10.4.5 Department of Sport and Recreation (DSR) Office Building, No. 246  
Vincent Street, Leederville - Approval of Colour Scheme**

|                              |                   |                    |             |
|------------------------------|-------------------|--------------------|-------------|
| <b>Ward:</b>                 | South             | <b>Date:</b>       | 28 May 2004 |
| <b>Precinct:</b>             | Oxford Centre, P4 | <b>File Ref:</b>   | RES0062     |
| <b>Attachments:</b>          | -                 |                    |             |
| <b>Reporting Officer(s):</b> | John Giorgi       |                    |             |
| <b>Checked/Endorsed by:</b>  | -                 | <b>Amended by:</b> | -           |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of the Department of Sport and Recreation (DSR) Office Building at 246 Vincent Street, Leederville colour scheme, as detailed in this report; and*
- (ii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to approve a variation of the colour scheme in a case of urgency, unavailability of materials or other valid reason.*

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**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

**BACKGROUND:**

At the Ordinary Meeting of Council held on 4 November 2003, the Council approved of the tender to construct an Office Building at 246 Vincent Street, Leederville.

Regular progress reports have been submitted to the Council.

**Colour Scheme**

On 17 May 2004, the Project Architect presented the colour scheme to an Elected Member Forum, which was also attended by Senior Officers of the Department of Sport and Recreation.

The Project Architect has finalised the colour boards for the exterior and interior (except fitout fittings and fixtures - which are being prepared by Oldfield Knott Architects). The Architect has liaised with Oldfield Knott Architects in the preparation of the colours. The following is the colour scheme presented by the Project Architect;

**Exterior Colour Scheme**

| ITEM                                                             | CODE  | FINISHES/COLOUR                                                 |
|------------------------------------------------------------------|-------|-----------------------------------------------------------------|
| ROOF                                                             | R     | SHALE GREY<br>COLORBOND                                         |
| CFC WALL LINING; CONCRETE WALL<br>PANELS                         | W1/E  | 70YY 63/045 THE MASTER PALETTE                                  |
| STEEL COLUMNS, SUNSHADING<br>SCREENS                             | W3/E  | COLOUR MATCHING<br>C/B OFF WHITE<br>84608/DULUX POWDER COATINGS |
| CFC WALL LINING/ROOF                                             | W2/E  | EAGLE CREST<br>T160-4W TAUBMANS                                 |
| POWDERCOATED CAPPINGS ON W1/E                                    | PC1   | C/B OFF WHITE 84608<br>DULUX POWDER COATINGS                    |
| POWDERCOATED CAPPINGS ON W/C1,<br>VENTILATION GRILLS/ PLANT ROOM | PC2   | C/B GULL GREY 83246<br>DULUX POWDER COATING                     |
| WALL CLADDING                                                    | W/C1  | CHAMPAGNE METALLIC No M9177<br>ALPOLIC                          |
| STONE CLADDING                                                   | W/C2  | DONNEYBROOK STONE                                               |
| VISION GLASS                                                     | VG    | 6MM GREEN CLASSIC STOPSOL<br>WALSH'S GLASS                      |
| SPANDREL GLASS                                                   | SG    | COLOURBACK GLASS<br>COLOUR: 442 (ID 39)<br>WALSH'S GLASS        |
| CURTAIN WALL FRAME/ WINDOW FRAME                                 | CW/F  | ARROWHEAD 50258<br>DULUX POWDER COATINGS                        |
| DOOR PANELS                                                      | DF/P  | CLOUD BURST<br>30GG 26/036                                      |
| VENTILLATION GRILLS ON DOORS                                     | G/D   | C/B ARMOUR GREY 84760<br>DULUX POWDERCOATINGS                   |
| FLOOR TILE/EXTERNAL RAMP<br>(200X200) R12                        | FT3   | NOCE<br>(MULDOON TILES)                                         |
| FLOOR TILE/EXTERNAL RAMP<br>(200X200) R12                        | FT3-a | CERCOM; BRAUNITE; QUERCIA<br>(ORGINICAL CERAMICS)               |
| SUN SHADING CLOTH                                                |       | COLOUR: IVORY OZONE                                             |

**Interior Colour Scheme/Floor Finishes**

| ITEM                              | CODE | FINISHES/COLOUR                                                                   |
|-----------------------------------|------|-----------------------------------------------------------------------------------|
| CARPET - 100% WOOL (48OZ/Yd)      | C    | MAGNETIC<br>COLOUR: POLE<br>GODFREY HURST                                         |
| FLOOR TILE/FOYER (300X300) R9     | F1   | MONOCERAM<br>M031581 CEM BR 30 KD<br>(IMPORTED CERAMICS)                          |
| FLOOR TILE/ WET AREAS (48X48) R10 | F2   | GU OCERA CERAMIC MONTANA<br>SERIES<br>COLOUR: GRANITY GREY<br>(EUROPEAN CERAMICS) |
| VINYL                             | V    | SAND GREY<br>ACCOLADE PLUS SHEET VINYL                                            |

**Interior Colour Scheme/Wall Finishes**

| ITEM                                | CODE  | FINISHES/COLOUR                                    |
|-------------------------------------|-------|----------------------------------------------------|
| MAIN WALL TILE - TOILET (200X100)   | WT1   | WHITE COLOUR 9016 PRL GLOSS<br>(ORIGINAL CERAMICS) |
| MAIN WALL TILE / TEA PREP (200x100) | WT2   | ALABASTER GLOSS<br>JUN HUA<br>(EUROPEAN CERAMICS)  |
| WALL TILE /PATTERN (50x50)          | WT1-a | WHITE COLOUR 9016 PRL GLOSS<br>(ORIGINAL CERAMICS) |
| MAIN WALL COLOUR                    | W1    | DUSTY DAWN T112-1W<br>TAUBMANS                     |
| FEATURE WALLS/FOYER                 | W/F   | SELECTET GRANITE PANELLING                         |

**Interior Colour Scheme/Lift Car Finishes**

| ITEM                  | CODE | FINISHES/COLOUR     |
|-----------------------|------|---------------------|
| LAMINATE/WALLS        |      | NATURAL CANVAS 7022 |
| STAINLESS STEEL/WALLS |      | 304 HAIRLINE NO 320 |
| MIRROR/WALLS          |      | DARKER TINT COLOUR  |

**Interior Colour Scheme/Laminated Finishes**

| ITEM                 | CODE | FINISHES/COLOUR                             |
|----------------------|------|---------------------------------------------|
| BENCHTOPS / TEA PREP | L/B1 | COSMIC LIGHT GREY<br>PEARL FINISH<br>FORMEX |
| BENCHTOPS / TOILETS  | L/B2 | STONE M01<br>PEARL FINISH<br>FORMEX         |
| VERTICAL SURFACES    | L/V  | SILKY MAPLE<br>NATURAL FINISH<br>LAMINEX    |
| KICKBOARD            | L/K  | GRANITE GREY<br>PEARL FINISH<br>FORMEX      |

**Interior Colour Scheme/Door Frame/Panels**

| ITEM              | CODE | FINISHES/COLOUR             |
|-------------------|------|-----------------------------|
| DOOR FRAME/PANELS | DF/P | CLOUD BURST<br>30GG 26/0 36 |

The DSR have considered the colour selections and have formally approved of their colours, (except for the carpet colour and vision glass) as required under the Agreement to Lease document. At the time of writing this report, the Town was awaiting confirmation of the final two materials and this is expected prior to the Council Meeting.

**LEGAL/POLICY IMPLICATIONS:**

The Agreement to Lease (Clause 3.) between the Town and the Minister for Works (on behalf of the Department of Sport and Recreation) requires the Town's approval of the internal colour scheme.

**ADVERTISING/COMMUNITY CONSULTATION:**

N/A.

**STRATEGIC IMPLICATIONS:**

This project is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 *"Promote business opportunities in the Town."*

**COMMENT:**

The approval of the internal colour scheme is essential in order to maintain critical dates for the construction of the office building. Accordingly, Council's approval is requested.

**10.4.9 Information Bulletin**

|                              |                     |                    |            |
|------------------------------|---------------------|--------------------|------------|
| <b>Ward:</b>                 | -                   | <b>Date:</b>       | 2June 2004 |
| <b>Precinct:</b>             | -                   | <b>File Ref:</b>   | -          |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |            |
| <b>Reporting Officer(s):</b> | A Smith             |                    |            |
| <b>Checked/Endorsed by:</b>  | John Giorgi         | <b>Amended by:</b> | -          |

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 8 June 2004 as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.9**

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**DETAILS:**

The items included in the Information Bulletin dated 8 June 2004 are as follows:

| <b>ITEM</b> | <b>DESCRIPTION</b>                                                                                           |
|-------------|--------------------------------------------------------------------------------------------------------------|
| IB01        | Letter from Department of Local Government and Regional Development - Minister's Financial Management Awards |
| IB02        | Letter from Department of Local Government and Regional Development - Minor Change of Boundaries             |
| IB03        | Letter from Western Australian Local Government Association - Contaminated Sites Act 2003                    |
| IB04        | Letter from Western Australian Local Government Association - Heritage Loan Scheme - Round 2                 |
| IB05        | No. 30 (Lot 161) Summers Street East Perth - Town Planning Appeal No. 100 of 2004 - Statement by Respondent  |
| IB06        | Planning and Development Bill 2004 - Submission by the Western Australian Local Government Association       |
| IB07        | Town Planning Appeals Register                                                                               |
| IB08        | Cash in Lieu Policy Review and Car Parking and Access Policy Review                                          |
| IB09        | Response to Questions on Notice - Ordinary Meeting of Council Held on 25 May 2004 - Mr D Maier               |
| IB10        | Register of Petitions - Progress Report - June 2004                                                          |
| IB11        | Register of Notices of Motion - Progress Report - June 2004                                                  |
| IB12        | Register of Reports to be Actioned - Progress Report - June 2004                                             |

**10.1.5 No. 115a (Lot 101) Fairfield Street, Mount Hawthorn – Proposed Two (2)-Storey Single House**

|                              |                     |                    |                      |
|------------------------------|---------------------|--------------------|----------------------|
| <b>Ward:</b>                 | North               | <b>Date:</b>       | 31 May 2004          |
| <b>Precinct:</b>             | Mount Hawthorn, P1  | <b>File Ref:</b>   | PRO 2741; 00/33/2130 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                      |
| <b>Reporting Officer(s):</b> | M Bonini            |                    |                      |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman  | <b>Amended by:</b> | -                    |

**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 T Noonan on behalf of the owners R P and F Sabatino for proposed two (2)-storey single house on No. 115a (Lot 101) Fairfield Street, Mount Hawthorn, and as shown plans stamped 12 May 2004, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) 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;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) 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;*
- (vii) a road and verge security bond or bank guarantee of \$880 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

- (viii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 and 3 on the western elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. 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;*
- (ix) *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 Fairfield Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (x) *subject to first obtaining the consent of the owners of No. 115 Fairfield 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. 115 Fairfield Street in a good and clean condition; and*
- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Lake, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Ker**

*That a new clause (xii) be added as follows:*

- "(xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the front upper storey setback including the roof and balcony, being a minimum of 6 metres from Fairfield Street.*

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

Debate ensued.

**AMENDMENT CARRIED (5-3)**

(Cr Torre was an apology for the meeting.)

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

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

*That;*

- (i) *clause (viii) be deleted and the remaining clauses renumbered; and*
- (ii) *a new clause (xi) be added as follows:*

*"(xi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows of bedrooms 2 and 3 on the first floor western elevation being relocated so that they are adjacent to each other and in the middle of the western elevation. The portion of these windows within the 4.5 metres 45 degrees cone of vision of the northern and southern side boundaries, 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.*

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

**AMENDMENT CARRIED (8-0)**

Moved Cr Doran-Wu, Seconded Cr Franchina

*That the Item be DEFERRED due to the extent of conditions required and to further investigate the matter.*

**CARRIED (6-2)**

(Cr Torre was an apology for the meeting.)

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

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|                           |                                                                                    |
|---------------------------|------------------------------------------------------------------------------------|
| <b>LANDOWNER:</b>         | R P and F Sabatino                                                                 |
| <b>APPLICANT:</b>         | T Noonan                                                                           |
| <b>ZONING:</b>            | Metropolitan Region Scheme - Urban<br>Town Planning Scheme No. 1 - Residential R30 |
| <b>EXISTING LAND USE:</b> | Single House                                                                       |

**COMPLIANCE:**

| Requirement                                   | Required                                            | Proposed                     |
|-----------------------------------------------|-----------------------------------------------------|------------------------------|
| Setbacks -<br>North Ground Floor (Guest Room) | 1.0 metre                                           | 0.8 metre                    |
| South Ground Floor (Garage, Family, Lounge)   | 1.0 metre                                           | 0 metre                      |
| East/Front First Floor (Balcony)              | 6 metres                                            | 5 metres                     |
| Privacy -<br>Bedroom 2 West Facing Window     | 4.5 metres or screening as per R Codes requirements | 3.6 metres to south boundary |
| Bedroom 3 West Facing Window                  | 4.5 metres or screening as per R Codes requirements | 3.6 metres to north boundary |
| Plot Ratio                                    | N/A                                                 | N/A                          |
| Density                                       | Single House                                        | Single House                 |

|                    |                   |
|--------------------|-------------------|
| Use Class          | Single House      |
| Use Classification | "P"               |
| Lot Area           | 418 square metres |

**SITE HISTORY:**

There is a right of way that abuts the western boundary of the lot. The right of way is 5 metres in width, privately owned and not sealed.

**DETAILS:**

The applicant seeks approval for a two storey-single house with orientation towards Fairfield Street and vehicular access from the rear right of way. The proposal is considered to comply with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non-compliances.

**CONSULTATION/ADVERTISING:**

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

*"One of our main objections is on the first floor (south) balcony, ensuite, sitting, walk in robe and bedroom 2 where the proposed setbacks are from 1.2 metres to 3.6 metres. We strongly urge the Council to apply the required setbacks as per the Residential Design Codes (R Codes) and the Town's Policies.*

*Another major concern to us is the 4.6 metre setback from the front eastern boundary which not only affects light into our front rooms on both levels, but goes against the fabric of the whole street landscape which is set back predominantly at 6 metres."*

The second letter raises the following points;

*1. North Ground Floor*

*We have no objection to the proposed setback of the guest area to 0.8 metres.*

*2. North First Floor*

*We strongly object to the sitting room and balcony setback at 2.7 and 1.9 metres respectively and want standard Town of Vincent Residential Design Code settings of 4.4 metres to apply in*

*each case. In due course it is our intention to add a second storey to our property and our privacy and potential city views will be jeopardised.*

*On another issue not raised in your letter and of concern to us is the eastern setback of 4.6 metres of the proposed dwelling. The vast majority of homes in the street are on the same setback of 6.0 metres and this adds to the appeal of the area. We are extremely concerned that if this proposed development is not at the same setback as the existing dwellings this will be intrusive upon the streetscape."*

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**North Setback**

The north setback variation is related to the ground floor. The required setback is 1 metre from the north boundary. The applicant proposes 0.8 metre. The adjoining affected neighbours have consented to this variation stating the following;

*"We have no objection to the proposed setback of the guest area to 0.8 metres."*

The variation is considered to be minor and is therefore supported in this instance.

**Overshadowing**

An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 115 Fairfield Street. The outcome of this assessment established that a total of 121 square metres of the adjoining property will be overshadowed. This equates to 28 percent. This is considered to be within the requirements as per the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 35 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

**South Setbacks**

The variations for the south elevation relate to the boundary walls on the south boundary and the setback relating to the entrance. The variation to the setback of the entry does not comply with the requirement by a maximum of 0.2 metre. This again is considered to be a minor variation and therefore supportable. In relation to the boundary walls, the R Codes permit boundary wall development on one side boundary with restrictions placed on the height and length of the boundary wall. In this instance, the proposed development involves boundary walls for the garage, lounge and family rooms on the south boundary. All are of single storey nature and comply with the provision for boundary wall development within the R Codes. The boundary walls are not considered to be over imposing, and help to make effective use of space for the development proposed on the site. The boundary walls are considered acceptable and therefore supported in this instance.

### **East Setback**

The setback variation to the east/front boundary relates to the balcony. The setback requirement as per Town's Policy is 6 metres. The balcony is proposed at 5 metres. This variation is considered to be supportable as it represents a minor incursion into the street setback area and in accordance with the R Codes, an incursion of no more than 1 metre is permitted given that the projection does not exceed 20 per cent of the frontage at any level. The balcony is considered to comply with this provision and is therefore supported.

### **Privacy Setback**

The privacy setbacks that do not comply relate to the west facing windows of bedroom 2 and 3. The required setback distance for bedroom windows are 4.5 metres to the boundaries, the setbacks provided are 3.6 metres for both windows.

The applicant has provided the following comments in relation to these variations;

*"With regard to 'Cone of Vision' setbacks to Bed 2 & 3, we ask that Council show discretion given that impact on neighbour is expected to be minimal and that when these areas are occupied, privacy will be of more importance to our client rather than the neighbour."*

In order to ensure that the privacy of both the owner and the neighbours are met, the windows are required to be screened in accordance with the requirements of the R Codes as reflected in the 'Officer Recommendation'.

### **Response to Objections Received**

The objections received oppose certain setbacks of the development. Subsequent to the concerns raised, the plans were amended to achieve compliance with the first floor (south) balcony, ensuite, sitting, walk-in-robe and bedroom 2. The sitting room and balcony setback also raised as a concern has been changed to comply.

In relation to the front setback, the proposal was assessed in accordance with the setback requirement of the R Codes based on the zoning of the subject lot. In this instance, the ground floor front setback requirement is 4 metres. The proposal is therefore found to comply with the current requirements.

In this instance, the proposal is considered supportable, and it is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

**10.3.9 Use of Britannia Reserve – Community Consultation and proposed use of Les Lilleyman Reserve by Subiaco Football Club**

|                              |                        |                    |             |
|------------------------------|------------------------|--------------------|-------------|
| <b>Ward:</b>                 | North                  | <b>Date:</b>       | 1 June 2004 |
| <b>Precinct:</b>             | Mt Hawthorn P1         | <b>File Ref:</b>   | RES0001     |
| <b>Attachments:</b>          | <a href="#">001</a>    |                    |             |
| <b>Reporting Officer(s):</b> | M Rootsey, John Giorgi |                    |             |
| <b>Checked/Endorsed by:</b>  |                        | <b>Amended by:</b> |             |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the community consultation on the options for the use of Britannia Reserve by the Subiaco Football Club;*
- (ii) *APPROVES the use of the Les Lilleyman Reserve by the Subiaco Football Club Colts as their alternative training ground, as detailed in this report subject to:*
  - (a) *consultation for a period of twenty-one (21) days with local residents surrounding Les Lilleyman Reserve on the proposal (including holding a public meeting);*
  - (b) *the preparation of a lighting plan for the proposed upgrading of the existing lighting at Les Lilleyman Reserve, which ensures no "light spill" which exceeds 15lux to the properties adjoining the reserve;*
  - (c) *the Hellenic Cricket Club being advised of the details of this proposal;*
- (iii) *APPROVES BY ABSOLUTE MAJORITY the reallocation of the funds (as listed in Budget 2003/04 - \$65,000) for the upgrade of lights at Britannia Reserve to Les Lilleyman Reserve for the upgrade of lighting and alterations to the existing changerooms;*
- (iv) *RECEIVES a further report on the outcome of the community consultation;*
- (v) *AUTHORISES the Chief Executive Officer to finalise the use of Les Lilleyman Reserve terms and conditions with the Subiaco Football Club; and*
- (vi) *ADVISES the respondents and Subiaco Football Club of the Council decision.*

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**Moved Cr Doran-Wu, Seconded Cr Ker**

*That the recommendation be adopted subject to:*

- (i) *a new subclause (ii)(b) being inserted as follows and the remaining subclauses renumbered:*
  - "(b) *officers preparing an indicative map showing an area for residents that will be classified as "off-leash" and this to be included as part of the community consultation;"*

(ii) *deleting the existing clause (iv) and inserting a new clause (iv) as follows:*

*"(iv) RECEIVES a further report on the outcome of the community consultation and include indicative costs on the refurbishment of the changerooms and funding sources;*

(iii) *deleting the existing clause (v) and inserting a new clause (v) as follows:*

*"(v) AUTHORISES the Chief Executive Officer to finalise the use of Les Lilleyman Reserve terms and conditions with the Subiaco Football Club after the community consultation report has been received and any comments have been taken into consideration; and"*

Debate ensued.

**Moved Cr Ker, Seconded Cr Doran-Wu**

*That the order of existing clauses (iii) and (iv) be reversed and the new clause (iv) reworded as follows:*

*"(iii) RECEIVES a further report on the outcome of the community consultation and include indicative costs on the refurbishment of the changerooms and funding sources;*

*(iii) subject to the consideration of the further report, CONSIDERS APPROVES BY ABSOLUTE MAJORITY the reallocation of the funds (as listed in Budget 2003/04 - \$65,000) for the upgrade of lights at Britannia Reserve to Les Lilleyman Reserve for the upgrade of lighting and alterations to the existing changerooms;*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

Debate ensued.

**Moved Cr Chester, Seconded Cr Farrell**

*That clause (v) be amended to read as follows:*

*"(v) AUTHORISES the Chief Executive Officer to finalise the use of Les Lilleyman Reserve terms and conditions with the Subiaco Football Club after the community consultation report has been received and any comments have been taken into consideration and for a report to be provided to the Council for final determination; and*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

Debate ensued.

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.3.9**

*That the Council;*

- (i) ***RECEIVES*** the report on the community consultation on the options for the use of Britannia Reserve by the Subiaco Football Club;
- (ii) ***APPROVES*** the use of the Les Lilleyman Reserve by the Subiaco Football Club Colts as their alternative training ground, as detailed in this report subject to:
  - (a) *consultation for a period of twenty-one (21) days with local residents surrounding Les Lilleyman Reserve on the proposal (including holding a public meeting);*
  - (b) *officers preparing an indicative map showing an area for residents that will be classified as "off-leash" and this to be included as part of the community consultation;*
  - (c) *the preparation of a lighting plan for the proposed upgrading of the existing lighting at Les Lilleyman Reserve, which ensures no "light spill" which exceeds 15lux to the properties adjoining the reserve; and*
  - (d) *the Hellenic Cricket Club being advised of the details of this proposal;*
- (iii) ***RECEIVES*** a further report on the outcome of the community consultation and include indicative costs on the refurbishment of the changerooms and funding sources;
- (iv) *subject to the consideration of the further report, CONSIDERS* the reallocation of the funds (as listed in Budget 2003/04 - \$65,000) for the upgrade of lights at Britannia Reserve to Les Lilleyman Reserve for the upgrade of lighting and alterations to the existing changerooms;
- (v) ***AUTHORISES*** the Chief Executive Officer to finalise the use of Les Lilleyman Reserve terms and conditions with the Subiaco Football Club after the community consultation report has been received and any comments have been taken into consideration and for a report to be provided to the Council for final determination; and
- (vi) ***ADVISES*** the respondents and Subiaco Football Club of the Council decision.

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**BACKGROUND:**

At the Ordinary Council Meeting of 24 February 2004 the following resolution was adopted.

*That the Council;*

- (i) ***RECEIVES*** the report from the Britannia Reserve Working Group;
- (ii) ***RECEIVES*** the following recommendations made by the Working Group:
  - (a) *the alternative preferred location for Subiaco Football Club training is Option C as outlined on attached Plan No. A1-2239-CP.1A;*
  - (b) *extensive consultation presenting a range of options considered by the Working Group be conducted for a period of six (6) weeks with the community, in particular the Britannia Road and Leederville Garden residents, with regard to the proposal for Subiaco Football Club to train at the northern end of the reserve;*

- (c) *Floreat Athena Women's Soccer team to be advised of the preferred option;*
  - (d) *the Minutes of the Britannia Reserve Working Group be public documents to be included in the following scheduled Council Meeting Agenda, Information Bulletin; and*
- (iii) *ENDORSES the Britannia Reserve Working Group's recommendation and lists funds for consideration in the 2004/05 draft budget for the Town to examine the sustainable long term provision of open space to the Town's residents given the following:*
- (a) *Increasing residential densities;*
  - (b) *Declining amounts of private open space;*
  - (c) *Increasing demands on the Town's facilities by State and Regional sporting organisations;*
  - (d) *Identified demands to rezone land zoned parks and recreation to residential;*
  - (e) *Identified demands for open space to be used for purposes that precluded their use as Open Space or for recreation, eg. The provision of car parking;*
  - (f) *Informal (casual) utilisation rates by the Town's residents are not fully identified; and*
- (iv) *RECEIVES a further report on the outcome of the community consultation as recommended in Clause (ii)."*

**DETAILS:**

Extensive consultation has been undertaken in accordance with clause ii(b) of the Council decision of 24 February 2004. Details were distributed to the residents in the area surrounding Britannia Reserve. Advertisements for comment were placed in both local newspapers.

The consultation period for comment closed on 23 April 2004. At the end of the period the Town received 213 submissions (including letters, petitions, \*"Have Your Say" forms, and standard letters and are categorised as follows:

| Submission | Comment                                                                                                                                            |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 3          | supporting Option C                                                                                                                                |
| 4          | rejecting Option C for Option B                                                                                                                    |
| 7          | rejecting Option C in preference for Option A                                                                                                      |
| 7          | supporting the presence of Subiaco Football Club on Britannia Reserve                                                                              |
| 43         | rejecting Option C in favour of Option A or Les Lilleyman Reserve<br>(the above includes a Leederville Gardens resident's petition)                |
| 150        | rejecting all options for the use of Britannia Reserve by Subiaco Football Club<br>(ie: 134 standard letters, 12 individual letters and 4 emails). |

\* *It should be noted that most of the "Have Your Says" are anonymous. The integrity of these is therefore questionable, and they have not been included in the above.*

The main reasons for objection to the use of Britannia Reserve are as follows:

- Britannia Reserve is already over used in an area of close density housing.
- The rights of residents to have peaceful enjoyment of their properties and maintain their quality of life.

Comments:

The Town's Administration does not believe that the reasons specified against the proposed use are supportable. Britannia Reserve is a very large area and apart from weekend rugby, receives normal usage. With respect to the "peaceful enjoyment" and "quality of life" reasons, this is a subjective comment. The Town is not aware of any issues to justify that the amenity of the residents was being substantially affected.

**Proposed use of Les Lilleyman Reserve**

In an attempt to find a resolution to the matter, the Town's Executive Manager Corporate Services and Executive Manager Technical Services met with representatives of Subiaco Football Club on 14 May 2004.

During that meeting the option for the use of Les Lilleyman Reserve was revisited, as a result the parties arranged a site visit at the end of the meeting. Subiaco Football Club were positive in their reaction to reconsider the use of Les Lilleyman Reserve as an option following the site visit. The Subiaco Football Club were requested to provide a written response to the option of using Les Lilleyman Reserve as their alternative training ground. A letter was received from the Subiaco Football Club on 18 May 2004 which stated a willingness to use Les Lilleyman Reserve subject to certain points for the Town's consideration. These are as follows:

1. Priority use of the reserve from 4.30pm-7.30pm Monday to Friday.
2. Light towers to be installed as a priority.
3. Exclusive use of the changeroom facilities from March-October from 4.30pm-7.30pm.
4. Exclusive use of the existing canteen room to be modified for use as a gymnasium.
5. We would require the ground for approximately four (4) colts games each season and approximately 12 development squad games during April/May and Sept/Oct school holidays.
6. We would require that the gym (existing canteen area) had access to the (men's) toilets and a shower installed in this area.
7. The continued use of Les Lilleyman Reserve under the aforementioned terms and conditions to be incorporated in the Head Lease for Leederville Oval.

In response the Town has advised the following (Town's response is in italics):

1. Priority use of the reserve from 4.30pm-7.30pm Monday to Friday.

*Priority use of the oval will be granted to Subiaco Football Club for the period March to October. Cricket clubs will have priority use in the summer, however it is acknowledged that cricket clubs, when training during this time, only utilise the net area in the southern corner of the oval. This would accommodate any use of the oval that Subiaco may have outside this period.*

2. Light towers to be installed as a priority.

*It will be recommended to Council to transfer The funds allocated for lighting upgrade at Britannia Reserve to Les Lilleyman Reserve. This will be recommended with a report on Britannia Reserve, which will be submitted to the Council meeting on 8 June.*

*A lighting plan is currently being prepared to ensure there are no issues with residents. A public meeting will be held to advise local residents of the proposal and any comments received referred to Council. You will be welcome to attend this meeting.*

*The Town will undertake to install the lighting to the same level as is installed on Beatty Park Reserve (100-130 lux) as a matter of priority once all the relevant matters are approved.*

3. Exclusive use of the changeroom facilities from March-October from 4.30pm-7.30pm

*Agreed*

4. Exclusive use of the existing canteen room to be modified for use as a gymnasium.

*Exclusive use can be provided to Subiaco for the period March to October.*

5. We would require the ground for approximately four (4) colts games each season and approximately 12 development squad games during April/May and Sept/Oct school holidays.

*Agreed – no additional fee will be required.*

6. We would require that the gym (existing canteen area) had access to the (men's) toilets and a shower installed in this area.

*The Town in principle has no objections to these alterations, however these are currently being planned and costed with the necessary funding sourced.*

7. The continued use of Les Lilleyman Reserve under the aforementioned terms and conditions to be incorporated in the Head Lease for Leederville Oval.

*The Town does not include conditions of reserves use in their leases. However, in this regard the Town would recommend that the Memorandum of Understanding (MOU), regarding the usage of Les Lilleyman Reserve (which would be signed by both parties) will be included as an addendum to the lease documentation. The lease will also include the club's annual contribution of \$1,000 (indexed to CPI) for this use.*

The Subiaco Football Club Colts are not currently training at Britannia Reserve even though they have authority to do so until September through a regular casual use booking form. It is understood that due to lack of lighting at this venue, Subiaco are utilising other venues.

### **Les Lilleyman Reserve**

Les Lilleyman Reserve is a large active sports reserve comprising 35,511m<sup>2</sup> (3.55ha) and has a usable play area of 19,000m<sup>2</sup> (1.9ha). It is bounded by London Street on the west, Gill Street on the south, Ellesmere Street on the north and with residences on the west side. It is important to note there is a steep embankment which acts as a buffer zone of approximately 30 metres between the active part of the reserve and the residences. Attached is a plan and an aerial photograph of the reserve.

The reserve is designated as an "off-leash" dog area (except when it is "used for a function, sports training or activities approved by the Council"). This is the same as Britannia Reserve (south of Namatjira Place). The Town's officers are of the opinion that as the reserve is not extensively used, there is minimal opportunity for conflict between the players and dogs at Les Lilleyman Reserve and is therefore supported.

Les Lilleyman Reserve has a number of distinct advantages for the use by Subiaco Football Club Colts, these are:

- There is no existing sporting club users of the grounds during winter season
- The reserve is not overlooked by residents
- There is some lighting there already
- The ground is of sufficient size to allow the Club to cooperate with current dog users
- There is car parking available on site

The reserve will be used predominantly for the Subiaco Football Club Colts squad, however there may be occasions when Leederville Oval is unfit for use that members of the senior teams may train on this reserve.

The Subiaco Football Club now recognise the favourable factors for the use of Les Lilleyman Reserve, however given the community reaction to their use of Britannia Reserve are cognisant of not transferring the issue from one location to another. It is therefore important that the relevant consultation is undertaken with local residents.

### **Previous Council Decisions**

At the Special Council meeting of 30 October 2001 Item 5.2:

*“Proposed Redevelopment of; 1. Leederville Oval, 246 Vincent Street, Leederville, into a Foot ball Centre of Excellence and Proposed Offices and Clubrooms; 2. Loftus Centre Land – for a State Indoor Multi-Use Sports Centre; and 3. Proposal to Redevelop and Lease Perth Oval – Pier Street, Perth – Construction of a Multi-Purpose Rectangular Sports Stadium and Construction of Public Open Space.”*

Clause 2 of the recommendation stated:

*“to authorise the Chief Executive Officer to enter into the necessary legal agreements with the State Government of Western Australia, Department of Sport and Recreation and other organisations for the partnership proposals as detailed in this report.”*

Furthermore of Page 13 of the report as part of the Leederville Oval Joint Tenancy Proposal, Point 5 stated:

#### *“Alternative Training Ground*

*The Town will make available one of the Town’s Reserves for Colts football training purposes, (e.g. Les Lilleyman Reserve, Beatty Park Reserve or Britannia Oval Reserve). These Reserves contain change rooms and lights.”*

At the Ordinary Council meeting of 16 December 2003 Item 10.3.6:

*“That the Council;*

- (i) RECEIVES the report on the usage of Britannia Reserve;*
- (ii) AUTHORISES the Chief Executive Officer:*
  - (a) to allow dogs off leash on the area of Britannia Reserve to the north of the prolongation of Namatijra Place to where it meets the Mitchell Freeway, during the times when the Subiaco Football club is training on the southern portion of the reserve as an interim short term solution;*

- (b) *to set up a Working Group comprising:*
- *up to two (2) Elected Members (namely Cr Doran-Wu {Chair} and Cr Chester);*
  - *Executive Manager Corporate Services;*
  - *Executive Manager Technical Services;*
  - *Manager Law and Order Services and/or Senior Ranger;*
  - *two (2) representatives of the Subiaco Football Club (one with voting rights); and*
  - *two (2) community representatives (nominations to be advertised);*
  - *one (1) representative from winter code sports club users; and*
  - *one (1) representative from summer code sports club users;*

*to investigate the best options for the use of the reserve for all users for the Council's consideration;*

- (iii) *APPOINTS Cr Doran-Wu (Chair) and Cr Chester to the Working Group;*
- (iv) *NOTES a further report will be submitted to the Council in February 2004, once the Working Group has considered the matter;*
- (v) *REQUESTS the Chief Executive Officer to confirm with all sporting clubs what their training times are; and*
- (vi) *REQUESTS the Chief Executive Officer to arrange a meeting between nominated Councillors, the Britannia Users Group and the Town's Officers for early January 2004 to identify key issues of the current arrangement."*

#### **CONSULTATION/ADVERTISING:**

The Britannia Reserve consultation appears in the Voice News on 27 March 2004 and Guardian Express on 30 March 2004.

#### **LEGAL/POLICY:**

The use of the Town of Vincent Parks and Public Reserves is governed by a Local Law.

In accordance with the Council decision of 30 October 2001, the Council has a legal obligation to make available one of the Town's reserves for SFC Colts football training (eg: Les Lilleyman, Britannia Reserve or Beatty Park).

It is important that the local community around the Les Lilleyman Reserve are advised of this proposal to avoid any repetition of the issues that were forthcoming at Britannia Reserve.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008, Key Result Area 2 – Community Development

*"a) Seek community initiatives and involvement in the development of programmes and provides facilities and other recreational reserves appropriate to the Town's needs."*

#### **FINANCIAL/BUDGET IMPLICATIONS:**

There is an amount of \$65,000 allocated to the upgrade of lights at Britannia Reserve on the 2003/04 budget. It is recommended that these funds be transferred by Council to Les Lilleyman Reserve.

Subiaco Football Club has agreed to pay \$1,000 per annum (increased by CPI) for the use of a reserve in the Town.

**COMMENTS:**

This matter has generated significant community interest. It is however, acknowledged that the Town has to manage its reserves to balance between its sporting and community needs.

A solution at Britannia Reserve for Subiaco Football Club training may be forthcoming but given the community comments, the relationship will mostly likely be strained and unharmonious.

However, there is no doubt that the use of Les Lilleyman Reserve as the alternative training venue is the preferred option for the reasons outlined in the body of this report.

As the Council is aware, both East Perth Football Club (EPFC) and Subiaco Football Club (SFC) have relocated to Leederville Oval, which has proved most successful. The West Australian Football League and Department of Sport and Recreation have both strongly endorsed this joint ground sharing concept and this is now being promoted as a preferred model throughout the West Australian Football League.

As part of EPFC's relocation to Leederville the Town has provided them with the use of Beatty Park Reserve for Colts training. It has also upgraded the Reserve lighting at an estimated cost of \$50,000 and carried out minor changeroom alterations. The use of Beatty Park Reserve by EPFC is working satisfactorily.

During discussions with Subiaco Football Club, prior to their relocation to Leederville Oval, the use of an alternative ground was identified as a critical factor. Accordingly it was included in one of SFC's conditions of relocation (and approved by Council). It is therefore important that SFC be treated in an equitable manner to EPFC.

Accordingly it is therefore recommended that approval be given to SFC for the use of Les Lilleyman Reserve as detailed in this report.

**10.1.10 Planning and Building Policies - Amendment No. 17 Relating to Leederville Precinct - Scheme Map 3, Smith's Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9 and Locality Statements Plan, and Amendment No. 16 Relating to - Appendix No. 13 - Design Guidelines for No. 57 (Lots 178,179 and 416) Monmouth Street, Mt Lawley**

|                              |                                                                                                                                     |                    |                                      |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------|
| <b>Ward:</b>                 | Both Wards                                                                                                                          | <b>Date:</b>       | 31 May 2004                          |
| <b>Precinct:</b>             | All Precincts                                                                                                                       | <b>File Ref:</b>   | PLA0148; PLA0149;<br>PRO2387; 122233 |
| <b>Attachments:</b>          | Appendices: <a href="#">A</a> ; <a href="#">B</a> ; <a href="#">C</a> ; <a href="#">D</a> , <a href="#">E</a> , <a href="#">F</a> . |                    |                                      |
| <b>Reporting Officer(s):</b> | C Mooney                                                                                                                            |                    |                                      |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman                                                                                                                  | <b>Amended by:</b> | -                                    |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final amended versions of the Policies relating to Leederville Precinct - Scheme Map 3, Smith's Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, and the new Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, as shown in Appendices 10.1.10 (a), (b), (c), (d), and (e), respectively, resulting from the advertised amended versions of the Policies and new Policy having been reviewed with regard to the written submissions received during the formal advertising period as outlined in Appendix 10.1.10 (f), in accordance with Clauses 47 (4), and (5) (a) of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended versions of the Policies relating to Leederville Precinct - Scheme Map 3, Smith's Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, and the new Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, as shown in Appendices 10.1.10 (a), (b), (c), (d), and (e), respectively; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smith's Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, and the new Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, as shown in Appendices 10.1.10 (a), (b), (c), (d), and (e), respectively, in accordance with Clause 47 (6) of Town of Vincent Town Planning Scheme No. 1.*

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Moved Cr Ker, Seconded Cr Lake

*That the recommendation be adopted.*

Cr Farrell departed the Chamber at 7.00pm.

Debate ensued.

**Moved Cr Ker, Seconded Cr Lake**

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

*"(ii) ADOPTS the final amended versions of the Policies relating to Leederville Precinct - Scheme Map 3, Smith's Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, and the new Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, as shown in Appendices 10.1.10 (a), (b), (c), (d), and (e), respectively, subject to the photograph of the three storey home (lower one of the three) on page 2 of 4 in Appendix 10.1.10(c) Brentham – Locality Plan 9 being replaced or removed; and"*

**AMENDMENT CARRIED (7-0)**

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

**MOTION AS AMENDED CARRIED (6-1)**

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

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

**COUNCIL DECISION ITEM 10.1.10**

*That the Council;*

- (i) *RECEIVES the final amended versions of the Policies relating to Leederville Precinct - Scheme Map 3, Smith's Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, and the new Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, as shown in Appendices 10.1.10 (a), (b), (c), (d), and (e), respectively, resulting from the advertised amended versions of the Policies and new Policy having been reviewed with regard to the written submissions received during the formal advertising period as outlined in Appendix 10.1.10 (f), in accordance with Clauses 47 (4), and (5) (a) of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended versions of the Policies relating to Leederville Precinct - Scheme Map 3, Smith's Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, and the new Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, as shown in Appendices 10.1.10 (a), (b), (c), (d), and (e), respectively, subject to the photograph of the three storey home (lower one of the three) on page 2 of 4 in Appendix 10.1.10(c) Brentham – Locality Plan 9 being replaced or removed; and*

- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smith's Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, and the new Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, as shown in Appendices 10.1.10 (a), (b), (c), (d), and (e), respectively, in accordance with Clause 47 (6) of Town of Vincent Town Planning Scheme No. 1.*
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**BACKGROUND:**

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

**Amendment No.16**

The Council at its Ordinary Meeting held on 24 February 2004 resolved the following:

*"That the Council;*

- (i) *RECEIVES the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, as shown in Attachment 10.1.22;*
- (ii) *ADOPTS the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley to be applied immediately;*
- (iii) *ADVERTISES the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
- (a) *reviews the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, having regard to any written submissions; and*
- (b) *determines the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, with or without amendment, to or not to proceed with them."*

**Amendment No.17**

The Council at its Ordinary Meeting held on 9 March 2004 resolved the following:

*"That the Council;*

- (i) *RECEIVES the amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, as shown in Appendices 10.1.16 (a), (b) (c) and (d), respectively;*

- (ii) *ADOPTS the amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, to be applied immediately;*
- (iii) *ADVERTISES the amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject amended Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject amended Policies; and*
  - (c) *forwarding a copy of the subject amended Policies to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
  - (a) *REVIEWS the amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, having regard to any written submissions; and*
  - (b) *DETERMINES the amended version of the Policies relating to Leederville Precinct - Scheme Map 3, Smiths Lake Precinct - Scheme Map 6, Brentham - Locality Plan 9, and Locality Statements Plan, with or without amendment, to or not to proceed; and*
- (v) *NOTES that clause 20 (4)(g) (ii), relating to the Banks Precinct P15, in the Town's Town Planning Scheme No. 1 - Scheme Text will be amended to reflect Scheme Amendment No. 15, as part of the review of Town Planning Scheme No.1."*

#### **CONSULTATION/ADVERTISING:**

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

Advertising of the new and amended Policies concluded on 27 April 2004. Two submissions were received, for both Amendment No. 16 and Amendment No. 17, respectively.

#### **DETAILS:**

The Schedule of Submissions, including the Officer's Responses, are shown in Appendix 10.1.10 (f).

#### **Amendment No. 16**

Two submissions were received in regard to the Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley.

As a result, the Policy has not been amended as they reflect the conditional Planning Approval granted by Council at its Ordinary Meeting held on 9 March 2004 for construction of 12 two-storey single houses on the subject property. Nevertheless, the comments made in the submissions, have been given due consideration, and their concerns have been duly addressed in the Schedule of Submissions.

**Amendment No. 17**

**Policy relating to Leederville Precinct - Scheme Map 3**

No objections were received and therefore, the final version of the Policy relating to Leederville Precinct - Scheme Map 3 is shown in Appendix 10.1.10 (a) to this report.

**Policy relating to Smith's Lake Precinct - Scheme Map 6**

No objections were received and therefore, the final version of the Policy relating to Smiths Lake Precinct - Scheme Map 6 is shown in Appendix 10.1.10 (b) to this report.

**Policy relating to Brentham - Locality Plan 9**

No objections were received and therefore, the final version of the Policy relating to Brentham - Locality Plan 9 is shown in Appendix 10.1.10 (c) to this report.

**Policy relating to Locality Statements Plan**

No objections were received and therefore, the final version of the Policy relating to Locality Statements Plan is shown in Appendix 10.1.10 (d) to this report.

In regard to the comment made by the Western Australian Planning Commission in relation to the adjustment of precinct boundaries, this matter will be considered during the review of the Town's Town Planning Scheme No 1.

In regard to the comments made by the Smith's Lake Precinct Group in relation to the query on the number of lots involved in the Policy amendment, relating to Residential/Commercial R80, Commercial and Local Centre zonings, one lot is involved in each of these zonings within the Precinct. Additionally the query regarding 'Development Standards' and subsequent renumbering from the previous version of the Policy, the development standards are required to allow for assessment of various development types within the Local Centre. They have not changed from the previous Policy and have only been renumbered.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Results Area One: Environment and Infrastructure:

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

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

In light of the above, it is recommended that Council receives and adopts the amended Policies and the new Policy, in line with the 'Officer Recommendation'.

**10.1.1 Further Report - No. 2 (Lot 104) Hammond Street (Corner Charles Street), West Perth- Proposed Construction of Three (2) Two-Storey Grouped Dwellings**

|                              |                     |                    |                     |
|------------------------------|---------------------|--------------------|---------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 31 May 2004         |
| <b>Precinct:</b>             | Cleaver; P5         | <b>File Ref:</b>   | PRO2584; 00/33/1936 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                     |
| <b>Reporting Officer(s):</b> | J Barton            |                    |                     |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman  | <b>Amended by:</b> | -                   |

**FURTHER 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 Metamorphica Architecture and Interiors on behalf of the owner J Ho, for the proposed construction of three (2) two-storey group dwellings at No. 2 (Lot 104) Hammond Street (corner Charles Street), West Perth, and as shown on the amended plans stamp dated 17 May 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) a right of way security bond and/or bank guarantee for \$880.00 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;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (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 Hammond and Charles Streets shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
  - (vii) *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;*
  - (viii) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
  - (ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern, eastern and western elevations of the northern balconies of all three grouped dwellings on the first floor, shall be screened with a permanent obscure material and be non open-able to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
  - (x) *the carport being 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);*
  - (xi) *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;*
  - (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Hammond 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);*
  - (xiii) *loft space areas are not permitted within the roof space; and*
  - (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the areas of common property to ensure that the development is a grouped dwelling development. The revised plans shall not result in any greater variations to the Residential Design Codes and the Town's Policies;*
- to the satisfaction of the Chief Executive Officer.*

---

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted subject to clause (xiv) be amended to read as follows:*

- "(xiv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating;*
- (a) the areas of common property to ensure that the development is a grouped dwelling development; and*

**(b) the overall height of the building being reduced to a maximum height of 6 metres to the top of the external walls and 9 metres to the top of the roof pitch, from the natural ground level.**

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

Debate ensued.

Cr Farrell returned to the Chamber at 7.05pm.

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.1.1**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Metamorphica Architecture and Interiors on behalf of the owner J Ho, for the proposed construction of three (2) two-storey group dwellings at No. 2 (Lot 104) Hammond Street (corner Charles Street), West Perth, and as shown on the amended plans stamp dated 17 May 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) a right of way security bond and/or bank guarantee for \$880.00 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;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

- (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 Hammond and Charles Streets shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *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;*
- (viii) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern, eastern and western elevations of the northern balconies of all three grouped dwellings on the first floor, shall be screened with a permanent obscure material and be non open-able to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (x) *the carport being 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);*
- (xi) *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;*
- (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Hammond 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);*
- (xiii) *loft space areas are not permitted within the roof space; and*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) *the areas of common property to ensure that the development is a grouped dwelling development; and*

- (b) *the overall height of the building being reduced to a maximum height of 6 metres to the top of the external walls and 9 metres to the top of the roof pitch, from the natural ground level.*

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

*to the satisfaction of the Chief Executive Officer.*

**FURTHER REPORT:**

At the Ordinary Meeting held on 23 March 2004, the Council resolved to defer determination of the previous application for three (3) three-storey single houses, as per the applicant's request, so that the applicant could amend the plans to address the Town's concerns, in order to receive a favourable recommendation from the Town's Planning and Building Services.

On 17 May 2004, the applicant submitted amended plans for three (2) two-storey grouped dwellings, to address the majority of the Town's concerns with the previous plans.

The applicant also advised that the owner wishes to built strata the subject land in order to meet the site area requirements for grouped dwellings, as the Residential Design Codes (R-Codes), requires the provision of common property for grouped dwellings. Built strata titles meet the abovementioned site area requirements, as the area surrounding all three (3) units will become common property, except for the building area, which will be exclusively owned by the prospective purchasers of each unit. Given this, a condition has been recommended so that common property is indicated prior to the issue of a Building Licence, to ensure that the development is a grouped dwelling development.

**COMPLIANCE:**

| <b>Requirements</b>     | <b>Required</b>                                            | <b>Proposed</b>                                                |
|-------------------------|------------------------------------------------------------|----------------------------------------------------------------|
| Setbacks                |                                                            |                                                                |
| <u>Unit 1</u>           |                                                            |                                                                |
| South- Upper- Front     | 6 metres                                                   | 4.27 metres (balcony)                                          |
| North- Upper-Rear       | 3 metres                                                   | 2.62 metres                                                    |
| <u>Unit 2</u>           |                                                            |                                                                |
| South- Upper-Front      | 6 metres                                                   | 4.27 metres (balcony)                                          |
| North- Upper-Rear       | 3 metres                                                   | 2.62 metres                                                    |
| <u>Unit 3</u>           |                                                            |                                                                |
| South- Upper-Front      | 6 metres                                                   | 3.91 metres (balcony)                                          |
| North- Upper- Rear      | 3 metres                                                   | 2.62 metres                                                    |
| Building Height         |                                                            |                                                                |
| Unit 1- Front Elevation | 6 metres to top of wall and 9 metres to top of roof pitch. | 7.3 metres to top of wall and 9.3 metres to top of roof pitch. |
| Unit 2- Front Elevation | 6 metres to top of wall and 9 metres to top of roof pitch. | 7.3 metres to top of wall and 9.3 metres to top of roof pitch. |
| Unit 3- Front Elevation | 6 metres to top of wall and 9 metres to top of roof pitch. | 7.2 metres to top of wall and 9.2 metres to top of roof pitch. |

| Requirements   | Required                                                                                                                                                                                                    | Proposed                                                                                                    |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Overall Height | 2 storeys, including loft                                                                                                                                                                                   | 2 storeys, not including loft.                                                                              |
| Privacy        | 7.5 metres from the balconies to Units 1, 2 and 3 along the rear northern side.                                                                                                                             | 2.62 metres from the balconies to Unit 1, 2 and 3 at the rear, northern side (screening required)           |
| Plot Ratio     | 0.65 = 338 square metres (site area = 500 square metres, plus 20 square metres for the Charles Street corner truncation). Therefore, the plot ratio area requirement is 112.66 square metres per unit site. | Unit 1 = 0.72 (124 square metres)<br>Unit 2 = 0.72 (124 square metres)<br>Unit 3 = 0.76 (131 square metres) |
| Density        | R80 Cleaver Precinct, therefore R60, as multiple dwellings are not permitted. Maximum number of dwellings = 3 grouped dwellings.                                                                            | 3 grouped dwellings.                                                                                        |

### Density

The subject land is zoned R80, and under the R-Codes *"all standards for Grouped Dwellings and Single Houses within R80-R160 areas are as for the R60 Code"*. Given this, the R60 density applies in this instance.

The applicant is proposing three (3) lots on a five hundred and twenty (520) square metres lot, including twenty (20) square metres for the corner truncation. Under the previous 1991 Residential Planning Codes, an average of 166.66 square metres is required for grouped dwellings, and the current R-Codes permit this requirement to follow through for grouped dwellings until 31 December 2004.

On the previous application no common property was indicated, and the dwellings were considered to be single houses, therefore the proposal did not comply with the average site area requirements of 180 square metres for single houses. However, the applicant advised that the new proposal is for three (3) grouped dwellings, as they are proposing to strata the three lots after Development Approval is granted. Given that common property is proposed as mentioned above in the details section, the proposal is considered to comply with the site area requirements for grouped dwellings.

### Height

The applicant is seeking a variation to the height of the building, as 7.2 metres to 7.3 metres is proposed to the top of the wall, which sits just below the curved roof, in lieu of 6 metres, and 9.2 metres to 9.3 metres to the top of the roof pitch, in lieu of 9 metres.

The variation to the height of the development is considered minor and is not considered to create an undue impact on the amenity of the neighbours, as there is no adverse impact in terms of overshadowing. Also, the proposal is almost within the overall 9 metres height requirements and there are similar developments in the immediate area which exceed the Town's height requirements.

Furthermore, the applicant has removed the loft areas from the roof, as they did not comply with the required roof pitch for a loft.

In light of the above, the variation is supported.

### **Plot Ratio**

The proposed plot ratio variations are not considered to create an undue impact on the amenity of the streetscape, or the area generally, as the subject land has two street frontages, and one side abuts a right of way, which creates a sense of openness. Additionally, various similar developments in the immediate area and across the street exceed the plot ratio requirements.

In light of the above, the proposal is considered to be generally in-keeping with the bulk and scale of the contemporary buildings in the area, and the proposal is therefore not considered to create a significant undue impact on the streetscape, or the area generally.

### **Setbacks**

The rear setback variations, as highlighted in the above Compliance Table, are minor and are supported subject to standard screening conditions, which would in turn reduce the setback requirement and ensure that the rear setbacks actually comply with the R-Codes.

Given that the applicant is proposing the subdivision of an original corner lot, the Town can consider variations to the 6 metres front setback requirement to the upper floor. Given this, and the reduced setbacks to the buildings either side of the subject land, the proposed setbacks are not considered to create a significant undue impact on the amenity of the area, or the streetscape, and the proposal is therefore considered acceptable in this instance.

### **Streetscape**

New contemporary developments are supported within the Town, provided that they respond to the established character of the area, through certain design elements. The proposals height, roof type, bulk, scale and plot ratio are generally considered to contribute towards the changing contemporary character of this area, and the proposal is therefore supported.

### **Car Parking and Access**

The applicant has amended the previous plans to provide two (2) car bays per dwelling, therefore, the car parking provisions comply with the R-Codes. Additionally, the Town's Technical Services has advised that the second car bay to unit one (1) complies with the Town's requirements, as it is considered to be similar to a tandem car parking situation. Furthermore, the crossover is setback sufficiently from the Charles Street intersection.

In response to the objector's concerns, the Town's Technical Services advised that the crossover to Unit 1 is not too close to Charles Street, therefore, there should not be traffic hazards. Furthermore, it should be noted that visitor's car parking is not required under the R-Codes, for less than four (4) dwellings.

The objector also seeks '*creative solutions*' from the Town regarding the current parking problems in Hammond Street. However, this is a separate matter not related to this application, and the objector's comments have been forwarded to the Town's Technical Services and Law and Order Services for consideration.

### **Privacy**

The applicant seeks a variation to the R-Codes visual privacy requirements, as the balconies on the upper floor at the rear are setback 2.62 metres, in lieu of 7.5 metres. Such overlooking issues are considered to create an undue impact on the amenity of the adjoining neighbours, and a standard screening condition has therefore been recommended.

### **Conclusion**

Given the above, the proposed development is not considered to create a significant undue impact on the amenity of the area, and approval is recommended for the amended proposal, subject to standard and appropriate conditions to address the above matters.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 23 March 2004:

*"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Metamorphica Architecture & Interiors on behalf of the owner Justin Ho, for the proposed construction of three (3) three-storey single houses at No. 2 (Lot 104) Hammond Street (corner Charles Street), West Perth, as shown on the plans stamp dated 17 November 2003, for the following reasons:*

- (i) the proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the density, height, setback, plot ratio, and car parking requirements of the Residential Design Codes and the Town's Lindsay Locality Statement Policy; and*
- (iii) consideration of the objections received.*

---

*Cr Franchina returned to the Chamber at 7.55pm. He was advised that Items 10.4.6 and 10.4.10 had been carried (5-0).*

*COUNCIL DECISION ITEM 10.1.12*

*Moved Cr Lake, Seconded Cr Doran-Wu*

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

*CARRIED (6-0)*

*(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)*

---

*LANDOWNER: Justin Ho*  
*APPLICANT: Metamorphica Architecture and Interiors*  
*ZONING: Metropolitan Region Scheme: Urban*  
*Town Planning Scheme No.1: Residential-R80*  
*EXISTING LAND USE: Vacant land*

*COMPLIANCE:*

| <i>Requirements</i>        | <i>Required</i> | <i>Proposed</i>    |
|----------------------------|-----------------|--------------------|
| <i>Setbacks</i>            |                 |                    |
| <u><i>Unit 1</i></u>       |                 |                    |
| <i>South- Upper- Front</i> | <i>6 metres</i> | <i>4.2 metres</i>  |
| <i>North- Upper-Rear</i>   | <i>3 metres</i> | <i>2.62 metres</i> |
| <u><i>Unit 2</i></u>       |                 |                    |
| <i>South- Upper-Front</i>  | <i>6 metres</i> | <i>4.3 metres</i>  |
| <i>North- Upper-Rear</i>   | <i>3 metres</i> | <i>2.62 metres</i> |

| <i>Requirements</i>                                                     | <i>Required</i>                                                                                                                                                                                                                                                                                                                                            | <i>Proposed</i>                                                                                                                                                                                                               |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Unit 3</i><br><i>South- Upper-Front</i><br><i>North- Upper- Rear</i> | <i>6 metres</i><br><i>3 metres</i>                                                                                                                                                                                                                                                                                                                         | <i>3.9 metres</i><br><i>2.62 metres</i>                                                                                                                                                                                       |
| <i>Building Height</i>                                                  |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                               |
| <i>Unit 1- Front Elevation</i>                                          | <i>7 metres to top of concealed roof.</i>                                                                                                                                                                                                                                                                                                                  | <i>8.7 metres</i>                                                                                                                                                                                                             |
| <i>Unit 2- Front Elevation</i>                                          | <i>7 metres to top of concealed roof.</i>                                                                                                                                                                                                                                                                                                                  | <i>8.7 metres</i>                                                                                                                                                                                                             |
| <i>Unit 3- Front Elevation</i>                                          | <i>7 metres to top of concealed roof.</i>                                                                                                                                                                                                                                                                                                                  | <i>8.7 metres</i>                                                                                                                                                                                                             |
| <i>Overall Height</i>                                                   | <i>2 storeys (including loft)</i>                                                                                                                                                                                                                                                                                                                          | <i>3 storeys</i>                                                                                                                                                                                                              |
| <i>Carports</i>                                                         | <i>Permitted in front setback area, should be enclosed on one side only.</i>                                                                                                                                                                                                                                                                               | <i>Enclosed on two-sides, however, applications are willing to remove parapet walls in-between the carports to comply with acceptable development requirements.</i>                                                           |
| <i>Car Parking and Access</i>                                           | <i>2 car parking bays per dwelling</i><br><br><i>Crossover to be offset 0.5 metre from side boundary</i>                                                                                                                                                                                                                                                   | <i>1 car parking bay per dwelling</i><br><br><i>Crossovers setback nil and crossover to Unit 1 too close to Charles Street</i>                                                                                                |
| <i>Privacy</i>                                                          | <i>7.5 metres</i>                                                                                                                                                                                                                                                                                                                                          | <i>2.62 metres (screening required)</i>                                                                                                                                                                                       |
| <i>Plot Ratio</i>                                                       | <i>0.65</i>                                                                                                                                                                                                                                                                                                                                                | <i>Unit 1 = 0.72</i><br><br><i>Unit 2 = 0.72</i><br><br><i>Unit 3 = 0.76</i>                                                                                                                                                  |
| <i>Site Area</i>                                                        | <i>Average lot area for single houses is 180 square metres (no common property shown to indicate a grouped dwelling development, and all lots have direct street frontages, therefore 166.6 square metre lot area requirement for grouped dwellings is not applicable to this application).</i><br><br><i>Total lot area required = 540 square metres.</i> | <i>Average lot area = 173.3 square metres per lot</i><br><br><i>Total lot area provided = 520 square metres (500 square metres plus 20 square metres for truncation). Applicants seek 5 per cent variation under R-Codes.</i> |

|                           |                          |
|---------------------------|--------------------------|
| <i>Use Class</i>          | <i>Single House</i>      |
| <i>Use Classification</i> | <i>"P"</i>               |
| <i>Lot Area</i>           | <i>500 square metres</i> |

*SITE HISTORY:*

*The subject land is currently vacant and abuts a 6 metres wide, sealed right of way which has resumed and vested in the Town.*

*On 15 December 2003, the Town's Officers advised the applicant by facsimile highlighting the areas of non-compliance, and advising the applicants that the Town could not support the proposal, given the extent of non-compliances proposed. The Town offered the applicant the opportunity to reduce the amount of non-compliances, in order to achieve a favourable outcome.*

*On 16 January 2004, the applicant formally responded to the above facsimile by submitting a letter of justification (attached) for the proposed variations. The applicants were only willing to address the parapet wall issue in between the carports, and did not wish to alter any other aspects of the development, as they advised that the developments warrant the variations proposed.*

*DETAILS:*

*The proposal is for the construction of three (3), three-storey single houses, with numerous variations to the R-Codes and the Town's Policies.*

*The applicant has submitted a letter of justification (attached) in support of the proposed variations.*

*In summary, the applicant's main justification for the proposed variations is due to the fact that Council has previously approved similar developments in the immediate area, which included significant variations to the 1991 Residential Planning Codes and the Town's Policies at that time. Some examples of such developments are mentioned below:*

- At an Ordinary Meeting of Council held on 25 September 1995, the Council granted conditional approval for four grouped dwellings at No. 1 (Lot 103) Hammond Street, West Perth (opposite the subject land) which included significant density, plot ratio, setback and car parking variations.*
- At an Ordinary Meeting held on 26 May 1994, the Council (City of Perth) resolved to approve five (5) two-storey grouped dwellings at No. 174-176 (Lot 1 and Part Lot 2) Charles Street (corner Violet Street), West Perth, which also included significant car parking, density and parapet wall height variations.*

*It is noted that the above examples, as well as others developments in the immediate area, did not comply with the development requirements at that time. However, such examples, as mentioned above, are not considered to set a precedent in the Town for developments which exceed the R-Codes acceptable development requirements, as each new application is assessed on individual merit in light of the current requirements.*

*It is to be noted that the Town's Solicitors (Minter Ellison) has recently advised the Town that precedence is not a good reason to approve non-complying developments, as every new proposal is a fresh application, which should be assessed on its own individual merits. Also, the subject land is a vacant site, therefore, the variations can be reduced through redesign.*

*The other points raised in the applicant's justification letter (attached), relating to plot ratio, height and privacy, are addressed in the relevant sections of this report.*

*CONSULTATION/ADVERTISING:*

*The proposal was advertised to the adjoining neighbours from 17 February 2004 to the 2 March 2004.*

*Two submissions were received during the advertising period, being one letter of objection from three different landowners (Nos. 3, 4 and 6 Hammond Street), and one letter of comment from the Cleaver Precinct Action Group (CPAG).*

*The matters and concerns raised are summarised below:*

- *Privacy.*
- *Two bays should be provided per dwelling.*
- *Visitors parking should be provided.*
- *Access is dangerous being so close to Charles Street.*
- *Access should be from Oak Lane.*
- *Other non-compliances are unacceptable.*

*The CPAG also advised that they are not against the proposed density of the development, just the car parking and privacy variations.*

*LEGAL/POLICY:*

*Nil.*

*STRATEGIC IMPLICATIONS:*

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

*FINANCIAL/BUDGET IMPLICATIONS:*

*Nil.*

*COMMENTS:*

*Density*

*The subject land is zoned R80, and under the R-Codes, "all standards for Grouped Dwellings and Single Houses within R80-R160 areas are as for the R60 Code". Given this, the R60 density applies in this instance.*

*The applicants are proposing three (3) lots on a five hundred (500) square metres lot. Under the current R-Codes, an average of one hundred and eighty (180) square metres, and a minimum of one hundred and sixty (160) square metres is required per lot for Single Houses.*

*The applicant argues that the proposal is for three (3) grouped dwellings as "all the property apart from the perimeters of the units will be regarded as common properties". However, no such common property has been indicated on the proposed plans, and there is no need for common property as each lot has its own direct frontage to a dedicated street, and each dwelling clearly sits on its own lot, with no need for shared land.*

*In light of the above, the proposed dwellings are considered to be single houses, until such time as the applicant can clearly demonstrate the need for common property, except other than to seek dispensation for a lower site area requirement.*

*Given that the proposal does not meet the average site area requirements of 540 square metres in total, and given the extent of variations proposed, three (3) dwellings are considered to be over-development of the site, and a five (5) per cent site area variation under Clause 3.1.3 of the R-Codes is not considered appropriate in this instance.*

#### *Height*

*The applicants are seeking a variation to the height of the building, as 8.7 metres is proposed to the top of the concealed roof, in lieu of 7 metres.*

*The applicant argues that the roof is considered to be a pitched roof under the R-Codes, therefore the 9 metres requirement to the top of the roof should apply. However, the roof curves from back to the front, and the proposal appears like a three-storey development when viewed from the street, especially given the storage areas in the roof space. A flat roof, not a pitched roof, is clearly visible from the front elevation. Given this, the roof is considered to be a concealed roof, and the 7 metres requirement applies.*

*Furthermore, the storage areas within the roofs are not considered to fall within the Town's intent of a loft area, due to the roof pitch. Given this, the proposal is contrary to the Town's Florence Locality Statement, which states that developments in this area should be two-storey including lofts.*

*The height of the development is considered to dominate the streetscape, and create an undue impact on the amenity of the neighbours, and the locality generally.*

*The building height and roof pitches of the developments at No. 1 Hammond Street (opposite subject land) and on the corner of Charles Street and Violet Street, are considered to be more in harmony with the locality, contributing towards a pleasant and attractive streetscape.*

*In light of the above, the variation is not supported.*

#### *Plot ratio*

*The plot ratio variations, together with the other variations, are considered to increase the bulk and scale of the proposal. The bulky, box-style development is also considered to dominate the streetscape, providing no visual relief, or interest, when viewed from the street.*

*In response to the applicant's justification regarding the plot ratio calculations, the balconies were not included in the calculation. However, the stores were included in the plot ratio area, as they are not considered to be common to the three dwellings, as each property clearly sits on its own lot.*

*The proposal is considered to create an undue impact on the streetscape and the area generally, and the variations are therefore not supported.*

#### *Setbacks*

*The rear setback variations, as highlighted in the above Compliance Table, are minor and could be supported on their own, subject to standard screening conditions, which would in turn reduce the setback requirement.*

*However, the front setback variations, together with the other variations, are generally not supported, as they are considered to contribute to the over development of the site, increasing the bulk and scale of the proposal.*

*In light of the above, and given the extent of other variations proposed, the front setback variations are not supported.*

#### *Streetscape*

*New contemporary developments are supported within the Town, provided that they respond to the established character of the area, through certain design elements. However, the proposals height, roof type, bulk, scale and plot ratio are not considered to contribute towards an attractive streetscape, and the proposal will therefore reduce the amenity enjoyed by residents in the area, which is contrary to the Town's Florence Locality Statement.*

#### *Parapets*

*Parapet walls are not permitted in the front setback area, and carports should be enclosed on one side only. The proposal includes three (3) carports enclosed on two-sides, with parapet walls in the front setback area. However, the applicants are willing to remove parapet walls in-between the carports to comply with acceptable development requirements.*

*In the event that the application gains approved, a condition should be recommended to ensure that the parapets are removed in the front setback area, so that carports are open on three (3) sides.*

#### *Car Parking and Access*

*The applicants are proposing variations to the car parking requirements, as only one (1) bay per dwelling has been provided in lieu of two (2) bays per dwelling. Although this is an inner City area, close to public transport, the proposed dwellings contain three (3) bedrooms each, and it is inevitable that the majority of the future inhabitants will have at least two cars per household.*

*Given that there is currently an extreme shortage of car parking in Hammond Street, as many of the dwellings in the street only have one (1) on-site car bay each, it is therefore not considered appropriate in this instance to approve a shortfall of three (3) bays.*

*In response to the objector's concerns, it is noted that the crossover to Unit 1 is too close to Charles Street, which could cause traffic hazards. Also, the crossovers should be offset 0.5 metre from each side boundary to reduce the dominance of concrete driveways in the front setback area, so as not to detract from the streetscape. Furthermore, it should be noted that visitor's car parking is not required under the R-Codes, for less than four (4) dwellings.*

*The objector also seeks 'creative solutions' from the Town regarding the current parking problems in Hammond Street. However, this is separate matter not related to this application, and the objector's comments have been forwarded to the Town's Engineering Services and Law and Order Services for comment.*

*In light of the above, and given the objections received, the proposed car parking variations will exacerbate the existing parking problem in Hammond Street, and the variation is therefore not supported.*

#### *Privacy*

*The applicant seeks a variation to the R-Codes visual privacy requirements, as the balconies on the upper floor at the rear are setback 2.62 metres, in lieu of 7.5 metres. Such overlooking issues are considered to create an undue impact on the amenity of the adjoining neighbours, and the applicants request to not screen the balconies is therefore not supported.*

#### *Storage Areas*

*The applicant has indicated storage areas in the roof space on the cross-sectional diagrams, however, the applicant did not provide floor diagrams for the roof storage areas. Under the R-Codes, such storage areas should be included in the total plot ratio area, however, given the lack of details, the roof storage areas could not be calculated and included in the plot ratio area.*

*In light of the above, the storage areas would further exacerbate the plot area variation, and the roof spaces are therefore not supported.*

*Conclusion*

*Given the above, the extent of the variations sought, the objections received, the proposed development is not considered to contribute towards the amenity of the area, and refusal is recommended".*

**10.1.3 No. 241 (Lot 66, Strata Lot 1) Walcott Street, North Perth – Outbuilding and Alterations to Existing Grouped Dwelling (Application for Retrospective Planning Approval)**

|                              |                     |                    |                     |
|------------------------------|---------------------|--------------------|---------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 31 May 2004         |
| <b>Precinct:</b>             | Norfolk; P10        | <b>File Ref:</b>   | PRO2757; 00/33/2157 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                     |
| <b>Reporting Officer(s):</b> | M Bonini            |                    |                     |
| <b>Checked/Endorsed by:</b>  | D Abel, R Boardman  | <b>Amended by:</b> | -                   |

**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 L Clasby for outbuilding and alterations to existing grouped dwelling (application for retrospective Planning Approval) at No.241 (Lot 66, strata lot 1) Walcott Street, North Perth, and as shown on the plans stamp dated 25 March 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. The shed/outbuilding shall comply with this requirement within 28 days from the date of this Planning Approval notification;*
- (iii) no plumbing or sanitary facilities or fixtures shall be provided to or within the outbuilding structure without the prior approval of such by the Town; and*
- (iv) the outbuilding structure shall not be used for industrial, commercial or habitable purposes and is for the sole personal use of the inhabitants of the dwelling only;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.3**

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Doran-Wu**

*That the Item be DEFERRED for further investigation and information.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**LANDOWNER:** L Clasby  
**APPLICANT:** As above  
**ZONING:** Metropolitan Region Scheme: Urban  
 Town Planning Scheme No.1: Residential R60  
**EXISTING LAND USE:** Grouped Dwelling

**COMPLIANCE:**

|                    |                   |
|--------------------|-------------------|
| Use Class          | Grouped Dwelling  |
| Use Classification | "P"               |
| Lot Area           | 958 square metres |

| Requirements                | Required                                                          | Proposed                       |
|-----------------------------|-------------------------------------------------------------------|--------------------------------|
| Setbacks -<br>South setback | 1 metre                                                           | 0 metre                        |
| West setback                | 1 metre                                                           | 0 metre                        |
| Boundary Wall - South       | 3 metres average with maximum of 3.5 metres to one side boundary. | 3.3 metres average and maximum |
| Plot Ratio                  | 0.65 (215.8 square metres)                                        | 0.59 (197.95 square metres)    |

**SITE HISTORY:**

The subject site is currently occupied by three grouped dwellings. The unauthorised structures are located on strata Lot 1. Lot 1 has frontage to Walcott Street.

**DETAILS:**

The applicants/owners are seeking retrospective Planning Approval for an outbuilding and alterations to the existing grouped dwelling.

The applicant has provided the following comments in support of the application:

*"Retrospective Approval is sought on the following alteration not in accordance with previous Building Licence for property at 241 Walcott Street, North Perth.*

*Re: Extended Room*

1. *Weatherboard and plasterboard wall removed to widen enclosed verandah / sleepout to create room as per structural report provided.*
2. *Roof extended out to parapet wall to create room. Constructed in steel beams and zincalume sheets as per structural report provided.*
3. *Timber floors constructed on brick piers.*

*Re: Approved Verandah*

1. *Exterior wall (outer only) taken down and rebuilt as brick tiles were corroded making wall unstable and dangerous. New brick tiles installed to stabilise.*
2. *Provisions made in outer brick wall for future plans for double doors from lounge room - see floor plan and structural report.*
3. *Stairs moved from position on previous approved verandah to the end of verandah.*

*Re: Front Verandah*

*Brick balustrade removed and replaced with 125x125 timber posts.*

*Re: Garden Shed*

*A 3 x 4.5 metre zincalume shed has been added to the property for which I seek approval."*

A Structural Engineer has provided the following comments upon inspection of the structures:

1. *I have inspected these structures and checked their structural design.*

2. *The strength and stability properties of the structural elements comply with the requirements of the Building Codes of Australia and all relevant SAA Codes.*
3. *This Certificate applies to the attached drawings in A3 format signed by me.*
4. *Statement / Conditions:  
The previous brick balustrade to the front verandah has been removed and the posts have been replaced. A lintel has been installed in the side wall to the lounge room to allow for the future fitting of a double door to the side verandah".*

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and one written submission has been received by the Town. The main points raised in the submission are as follows:

*"I object to the shed on 241 Walcott Street being placed right against the side fence on the west boundary for the following reasons:*

- (i) water runs off the shed roof directly into our property.*
- (ii) the very narrow gap between the shed and fence allows rubbish to collect which cannot be cleared (eg leaf litter - which may be a fire hazard)*
- (iii) the shed is a typical 'backyard' shed constructed of zincalume or some similar metal which is aesthetically inappropriate for a front garden.*
- (iv) the activities which can be carried out in a shed could produce the noise which would affect our quality of life...*

*The modifications made to the buildings have impinged on our privacy and have proved a detriment to the peaceful enjoyment of our home."*

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The subject application was submitted to the Town subsequent to the unauthorised works being completed. The applicant has undertaken the works without a Planning Approval and as such retrospective Planning Approval is sought. The applicant proposes an outbuilding and alterations to an existing grouped dwelling.

The applicant is seeking a variation in relation to the abovementioned non-compliances relating to setbacks and boundary wall development.

The setback variations relate to the shed and also to the rear modifications of the existing dwelling. The rear modifications extend the internal floorspace of the residence to the common boundary. The boundary development is adjoining two stores that are located on strata Lots 2 and 3. It is considered that the modification does not cause undue negative impact to the amenity of the adjoining lots.

The setback relating to the outbuilding does not comply with the required setback distance from the west boundary. The adjoining affected lot experiences storm water run off from the outbuilding. The outbuilding is considered acceptable in its present location, however, it is necessary that the stormwater runoff be rectified as reflected in the condition of the 'Officer Recommendation'. The outbuilding also involves a boundary wall on the west boundary. The boundary wall is considered to be acceptable due to its height being a little more than a standard 1.8 metres high fence, that is 1.825 metres.

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 development involves boundary wall for the rear alterations of the residence on the south boundary. Whilst it is a deviation from the requirements of the R Codes, such a provision can be varied. The boundary wall is not considered to be over imposing, and adjoins boundary development on strata Lots 2 and 3. The boundary wall is considered acceptable and therefore supported in this instance.

On the above basis, the additions are considered acceptable, subject to standard and appropriate conditions to address the above matters.

**10.2.2 Streetscape Improvements - Fitzgerald Street Business Precinct, North Perth**

|                              |                       |                    |             |
|------------------------------|-----------------------|--------------------|-------------|
| <b>Ward:</b>                 | South                 | <b>Date:</b>       | 1 June 2004 |
| <b>Precinct:</b>             | North Perth Centre P9 | <b>File Ref:</b>   | PKG0029     |
| <b>Attachments:</b>          | <a href="#">001:</a>  |                    |             |
| <b>Reporting Officer(s):</b> | R Lotznicher          |                    |             |
| <b>Checked/Endorsed by:</b>  | John Giorgi           | <b>Amended by:</b> | -           |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the Streetscape Improvements - Fitzgerald Street Business Precinct, North Perth;*
- (ii) *ADOPTS, in principle, the proposal as outlined on attached Plan No. 2273-CP-1;*
- (iii) *NOTES that some of the areas which are most suitable for planting additional verge trees and the installation of seating comprise private property and these property owners may be required to contribute to any future proposed works within the private land;*
- (iv) *NOTES that as there are only sufficient funds available in the current budget to implement Stage 1 of the proposal it reallocates BY AN ABSOLUTE MAJORITY \$80,000 from the Mt Hawthorn Business Precinct Upgrade and reinstates these funds to the Mt Hawthorn project in the 2005/2006 financial year;*
- (v) *CONDUCTS a public meeting in June 2004, at a suitable venue in Fitzgerald Street, to present and discuss the proposal and invites all interested stake holders to attend;*
- (vi) *CONSULTS with all stakeholders, following the public meeting, giving 21 days to provide written comments on the proposal; and*
- (vii) *RECEIVES a further report at the conclusion of the consultation period.*

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**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted.*

Mayor Catania advised that as he works in premises in close proximity, he would declare a proximity interest in this Item. Mayor Catania departed the Chamber at 7.07pm and did not speak or vote on the matter. Deputy Mayor, Cr Ian Ker, assumed the Chair.

**Moved Cr Lake, Seconded Cr Chester**

*That Standing Orders be suspended to allow the Presiding Member - Cr Ker to speak (as he was the mover of the item prior to assuming the Chair).*

**CARRIED (7-0)**

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

Debate ensued.

Moved Cr Lake, Seconded Cr Chester

*That Standing Orders be resumed.*

**CARRIED (7-0)**

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

Moved Cr Lake, Seconded Cr Farrell

*That a new clause (viii) be included as follows:*

*"(viii) prior to implementing the works, Council reviews parking and traffic on Fitzgerald Street between Raglan Road and Angove Street including access to and from side streets;"*

Debate ensued.

**AMENDMENT CARRIED (7-0)**

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

Moved Cr Chester, Seconded Cr Doran-Wu

*That a new clause (ix) be inserted as follows:*

*"(ix) investigate the cost and placing of banner poles in the central median (not to detract from a continual row of central median trees) including the cost of erecting and removal of banners."*

Debate ensued.

**AMENDMENT CARRIED (7-0)**

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

Moved Cr Lake, Seconded Cr Cohen

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

*(ii) ADOPTS, in principle, the proposal as outlined on attached Plan No. 2273-CP-1 suggesting the consultation gives alternative options such as exotic trees, as outlined in the report and Australian trees (with Apple Gums for the median strip and Coral Gums and Apple Gums on the verge);*

**AMENDMENT CARRIED (7-0)**

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

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (8-0)**

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

**COUNCIL DECISION ITEM 10.2.2**

*That the Council;*

- (i) *RECEIVES the report on the Streetscape Improvements - Fitzgerald Street Business Precinct, North Perth;*
- (ii) *ADOPTS, in principle, the proposal as outlined on attached Plan No. 2273-CP-1 suggesting the consultation gives alternative options such as exotic trees, as outlined in the report and Australian trees (with Apple Gums for the median strip and Coral Gums and Apple Gums on the verge);*
- (iii) *NOTES that some of the areas which are most suitable for planting additional verge trees and the installation of seating comprise private property and these property owners may be required to contribute to any future proposed works within the private land;*
- (iv) *NOTES that as there are only sufficient funds available in the current budget to implement Stage 1 of the proposal it reallocates BY AN ABSOLUTE MAJORITY \$80,000 from the Mt Hawthorn Business Precinct Upgrade and reinstates these funds to the Mt Hawthorn project in the 2005/2006 financial year;*
- (v) *CONDUCTS a public meeting in June 2004, at a suitable venue in Fitzgerald Street, to present and discuss the proposal and invites all interested stake holders to attend;*
- (vi) *CONSULTS with all stakeholders, following the public meeting, giving 21 days to provide written comments on the proposal;*
- (vii) *RECEIVES a further report at the conclusion of the consultation period;*
- (viii) *prior to implementing the works, Council reviews parking and traffic on Fitzgerald Street between Raglan Road and Angove Street including access to and from side streets; and*
- (ix) *investigate the cost and placing of banner poles in the central median (not to detract from a continual row of central median trees) including the cost of erecting and removal of banners.*

---

**BACKGROUND:**

At its ordinary meeting held on 25 February 2003, the Council was advised of a petition received from the North Perth Business and Community Association signed by 234 signatories requesting that the streetscape continue into the Fitzgerald Street Business Precinct to the same standard as the Angove Street upgrade.

The following resolution was subsequently adopted:

*“That the Council;*

- (i) *receives the report on the Upgrade and Beautification Request - Fitzgerald Street Business Precinct, North Perth;*

- (ii) *notes that the areas which are most suitable for planting additional trees and installing seating, as requested by the petitioners, comprise private property and is not under the care control and management of the Town;*
- (iii) *writes to the owners of the private properties identified encouraging them to plant suitable trees and provide seating as a commercial decision as well as a contribution to the community;*
- (iv) *considers the proposal as outlined in the report and on attached plan No 2146-CP-1, estimated to cost in the order of between \$190,000 to \$390,000 depending on the scope of works, during its 2003/2004 budget deliberations; and*
- (v) *advises the petitioners of its resolution."*

#### **DETAILS:**

#### **Works previously undertaken in Fitzgerald Street (Angove to Raglan)**

As previously reported between 1997 and 2000, approximately \$390,000 was expended on road rehabilitation and streetscape improvement works in the section of Fitzgerald Street between Angove and Vincent Streets, with the bulk of the funds - \$350,000 - being spent between Angove Street and Raglan Road.

The roadworks component was funded from Metropolitan Regional Road Grants where the State contributed two thirds of the cost with the Town contributing the remaining two thirds.

The streetscape improvement works were fully funded by the Town.

The process included community consultation and a public meeting held at the Rosemount Hotel, North Perth.

The upgrade works previously undertaken in Fitzgerald Street included the following:

#### Verges

- *Replacement of existing slab paths with clay brick paving*
- *Verge trees located behind kerb where possible*
- *Intersection Fitzgerald /Angove – landscaping (South side Angove) brickpaved paths*
- *New public Litter Bins*

#### New Central Median Islands

- *Brick paved infill*
- *Strategically placed openings to allow property and street access*
- *Some centrally planted trees where possible*

#### Road

- *Removal of existing kerbing/Installation of new Kerbing*
- *Drainage improvements Road profiling and resurfacing*
- *Line Marking*

More recent works have included the installation of a decorative safety fence at the intersection of View and Fitzgerald Streets and the formalisation of on-road parking in Fitzgerald Street (*refer attached photos 1 to 8*).

### **Works Previously carried out in Angove Street**

The following works were carried out in Angove Street between Fitzgerald and Daphne Streets (*refer photos 9 to 12*).

#### Verges

- *Installation of bore (Albert Street) for trees/gardens*
- *Reticulated verge trees located behind kerb at 6m spacing (Evergreen Ash)*
- *Intersection Woodville/Angove – Garden beds on all four corners with Bradford Pear trees protected by safety fencing*
- *Removal of street lights attached to wooden poles – south side*
- *Decorative public Litter Bins*
- *Bicycle Parking Rails Street Art work*

#### Central Median

- *Continuous Red Pattern Paved Concrete infill with Charcoal header course*
- *Strategically placed openings to allow access*
- *Red Asphalt surfacing at openings*
- *Double outreach Decorative lighting*
- *Centrally planted London Plane trees*
- *Garden beds at base of trees*

#### Road

- *Removal of existing kerbing/Installation of new Kerbing*
- *Minor widening to accommodate wider central median*
- *Installation of raised plateaus (red asphalt)*
- *Minor drainage Improvements Line Marking*
- *Resurfacing of Embayed parking with Red Asphalt*
- *Resurfacing of traffic lanes with Black Asphalt*

### **Fitzgerald Street Streetscape Upgrade Proposal**

The petitioners previously requested the following to make the North Perth Shopping Precinct a more desirable place to shop:

- More mature trees to provide shade
- More attractive lighting (preferably with underground power)
- Seating (with shade)

#### Verge Trees

It was previously considered that there are few potential areas for the planting of large trees along this section of Fitzgerald Street, as the existing median islands are narrow and the only areas identified were within the private property adjacent to the road reserve.

The only scope available to achieve the "Angove Street" theme is to install additional centre of road islands and plant a similar species of tree as planted in the Angove Street median.

Additional verge trees could be accommodated where no existing awnings exist however the only other locations where trees can be installed are on private property and it is considered that this would need to be funded by the adjoining property owners.

To ensure the trees are maintained to an acceptable standard, a domestic bore is recommended to be installed in the road reserve in Alma Road east of Fitzgerald Street (*refer photos 1 & 2*).

*Officer Comments*

It is important to note that there is no scope to install islands as wide as Angove Street in the Fitzgerald Street carriageway. As the street carries a high volume of traffic, centrally located trees will require pruning resulting in their natural form being compromised and could ultimately result in ongoing damage to trees caused by passing vehicles, especially large commercial vehicles.

In addition, as the trees continue to grow, possible long term damage to the road pavement and kerb may occur. This would require ongoing maintenance.

Lighting

The Angove Street lighting upgrade included the partial undergrounding of power, retention of the overhead distribution lines (south side) and the erection of double outreach decorative street lighting.

The cost for the full undergrounding of power at Angove Street was cost prohibitive based on the available funds allocated for the project. It is proposed that a similar proposal be implemented in Fitzgerald Street

Seating with shade

It would be difficult to accommodate seating with shade on the verge in Fitzgerald Street due to its narrow width (2.0 to 2.5 m). It may appear that there is ample width in the verge, however, the large areas of paving along this section of Fitzgerald Street are in fact private land as follows: (*refer photos 3,4,5,6,7 & 8*)

- South east corner Wasley / Fitzgerald 40m x 8m (320m<sup>2</sup>)
- West side Fitzgerald Street (North Perth Community Bank) 5m x 12m (60m<sup>2</sup>)
- West side Fitzgerald Street between View Street to Alma Road (North Perth Plaza frontage) 78m x 6m (468m<sup>2</sup>)

Therefore, the most suitable locations for the provision of seating in Fitzgerald Street is on privately owned land.

**FINANCIAL/BUDGET IMPLICATIONS:**

**Total Estimated Cost**

| Item                                                        | Estimated Cost   | Comments                                        |
|-------------------------------------------------------------|------------------|-------------------------------------------------|
| Cut Leaf Plane Trees                                        | \$20,000         | Centre of road planting                         |
| Bradford Pear Trees*                                        | \$2,000          | In wide areas (private property)                |
| Evergreen Ash Trees*                                        | \$3,500          | Along verges                                    |
| Supply and Install Domestic Bore                            | \$5,500          | Alma Street verge                               |
| Supply and Install pump                                     | \$5,000          | Submersible type                                |
| Electrical Supply                                           | \$3,000          | Western Power                                   |
| Electrical Cubical                                          | \$4,500          | Control and pump switches                       |
| Reticulation supply and Install *(part)                     | \$35,000         |                                                 |
| Road & Footpath reinstatement                               | \$52,500         |                                                 |
| Street Furniture *(part)                                    | \$22,000         | Rubbish bins and seating                        |
| Partial Underground Power Decorative double outreach lights | \$102,000        | Meadow Spring- with Bourke Hill fitting (Black) |
| Traffic Control / Supervision*                              | \$15,000         |                                                 |
| <b>TOTAL</b>                                                | <b>\$270,000</b> |                                                 |

\* These items will be carried out in Stage 2 if funds are not re-allocated.

Funds totalling \$190,000 have been allocated in the 2003/2004 budget to implement the works. Western Power recently provided a cost to partially underground the power and provide double outreach lighting. This cost was higher than originally allowed for.

The estimated total cost of the proposal as shown on attached Plan No. 2273-CP-1 is \$270,000. Stage 1 of the proposal (\$190,000) could be implemented with the funds currently available. However, it would be appropriate and more beneficial to complete the works as a single project. It would therefore be appropriate to re-allocate \$80,000 to enable this project to be completed. Funds are available in the Mt Hawthorn Business Centre Upgrade as these funds have been carried forward for several years and are not expected to be utilised in 2004-05. If re-allocation is approved from this budget, it would be appropriate to re-instate these funds in the 2005-06 financial year.

**LEGAL/POLICY IMPLICATIONS:**

In 1996, with the introduction of the new Local Government Act 1995, Council Officers contacted the Department of Local Government to determine what Council's powers were with regard to works in private laneways in accordance with the new Act.

Officers were originally advised that works could only be carried out in laneways and streets under the care, control and management of the Town, i.e. dedicated laneways and streets. However, it was then determined that, in accordance with 'good governance', Section 3.1 of the Local Government Act 1995, the Council may perform certain works on private land if these works are in the best interest of the community.

**ADVERTISING/COMMUNITY CONSULTATION:**

It is recommended that a public meeting be held in June 2004, at a suitable venue in Fitzgerald Street, to present and discuss the proposal with all interested stake holders. It is also recommended that Officers further consult with stakeholders following the public meeting, giving 21 days to provide written comments on the proposal.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2003-2008 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"e) Continue to develop and implement streetscape enhancements."*

**COMMENTS:**

The success of the streetscape upgrades carried out in the Town to date suggests that most members of the community, be they businesses, visitors or residents, are very much in favour of these types of upgrading works.

Streetscape improvements not only improve the aesthetics of roadways but also reduce the liability on the Town, resulting from ageing and unsafe footpaths and pavements.

It is considered this was previously undertaken in Fitzgerald Street as outlined in the report.

It is therefore recommended that the Council adopts, in principle, the proposal as outlined on attached Plan No. 2273-CP-1 notes that the areas which are most suitable for planting additional verge trees and the installation of seating, comprise private property and that these property owners would be required to fund any proposed works within the private land, conducts a public meeting in June 2004 at a suitable venue in Fitzgerald Street, to present and discuss the proposal and invites all interested stake holders to attend, consults with all stakeholders, following the public meeting, giving 21 days to provide written comments on the proposal and receives a further report at the conclusion of the consultation period.

It was agreed that as the Mayor was absent from the Chamber and had declared a financial interest in Item 10.3.1 that it be brought forward.

**10.3.1 Investment Report**

|                              |                     |                    |             |
|------------------------------|---------------------|--------------------|-------------|
| <b>Ward:</b>                 | -                   | <b>Date:</b>       | 1 June 2004 |
| <b>Precinct:</b>             | -                   | <b>File Ref:</b>   | FIN0005     |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |             |
| <b>Reporting Officer(s):</b> | J Wearing           |                    |             |
| <b>Checked/Endorsed by:</b>  | N Russell           | <b>Amended by:</b> |             |

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 May 2004 as detailed in Appendix 10.3.1.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Farrell, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

**BACKGROUND:**

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date. Details are attached in Appendix 10.3.1. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

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

**DETAILS:**

Total Investments for the period ended 31 May 2004 were \$9,951,125 compared with \$9,951,125 at 30 April 2004. At 31 May 2003, \$11,121,708 was invested.

Total accrued interest earned on Investments as at 31 May 2004:

|           | Budget  | Actual  | %      |
|-----------|---------|---------|--------|
|           | \$      | \$      |        |
| Municipal | 300,000 | 254,742 | 84.91  |
| Reserve   | 342,000 | 342,777 | 100.23 |

**COMMENT:**

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

Mayor Catania returned to the Chamber at 7.20pm and assumed the Chair. He was advised that Item 10.2.2 was carried with amendments and Item 10.3.1 was carried.

**10.2.3 Response from the Heritage Council of Western Australia Regarding the Proposed Tree Planting Around the Training Pitch at Loton Park, Perth**

|                              |                      |                    |               |
|------------------------------|----------------------|--------------------|---------------|
| <b>Ward:</b>                 | South                | <b>Date:</b>       | 1 June 2004   |
| <b>Precinct:</b>             | Beaufort P13         | <b>File Ref:</b>   | RES0051       |
| <b>Attachments:</b>          | <a href="#">001;</a> |                    |               |
| <b>Reporting Officer(s):</b> | J van den Bok        |                    |               |
| <b>Checked/Endorsed by:</b>  | R Lotznicher         | <b>Amended by:</b> | R. Lotznicher |

**OFFICER RECOMMENDATION:**

*That;*

1. *the Council RECEIVES the report in relation to the response from the Heritage Council of Western Australia regarding the proposed tree planting around the training pitch at Loton Park;*
2. *the Council in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, having received the support of one third of the members, namely Crs Cohen, Ker and Chester resolves to REVOKE or CHANGE the following resolution adopted by the Council at its Ordinary Meeting held on 9 September 2003 (Item 10.4.1) namely;*

*“That the Council;*

- (i) RECEIVES the report and considers the submissions on the Concept Plan for the redevelopment of Loton Park (Yoordgoorading) adjacent to the Multi Purpose Rectangular Sports Stadium, Pier Street Perth;*
  - (ii) APPROVES of the Loton Park (Yoordgoorading) Concept Plans No. 2169-DC-1A and 2169-DC-2A as shown in Appendix 10.4.1;*
  - (iii) AUTHORIZES the Chief Executive Officer to make minor changes to the plans which may arise during the construction of the public open space; and*
  - (iv) APPROVES the substitution of the London Plane trees around the training pitch with species of Flooded Gum and Marri trees.”*
3. *in the event that 2. above is approved, the Council APPROVES BY AN ABSOLUTE MAJORITY;*
    - (i) not to proceed with the planting of Flooded Gums and Marri trees, following information recently received from the Heritage Council of Western Australia, and plants London Plane trees.*

---

**Moved** Cr Cohen, **Seconded** Cr Chester

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Ker**

*That;*

- (i) *the words "Flooded Gums and" be deleted from clause 3(i); and*
- (ii) *a new subclause (ii) be added to clause 3 as follows:*
  - "(ii) writes to the Heritage Council advising Council's preference to plant Eucalyptus rudis – Flooded Gums noting that this is not against the recommendation of the Perth Oval Conservation Plan and relates to the original vegetation of the area.*

Debate ensued.

**AMENDMENT CARRIED (7-1)**

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

(Cr Torre was an apology for the meeting.)

Cr Franchina departed the Chamber at 7.39pm.

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (6-1)**

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

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

**COUNCIL DECISION ITEM 10.2.3**

*That the Council;*

1. *RECEIVES the report in relation to the response from the Heritage Council of Western Australia regarding the proposed tree planting around the training pitch at Loton Park;*
2. *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, having received the support of one third of the members, namely Crs Cohen, Ker and Chester resolves to REVOKE or CHANGE the following resolution adopted by the Council at its Ordinary Meeting held on 9 September 2003 (Item 10.4.1) namely;*

*“That the Council;*

- (i) RECEIVES the report and considers the submissions on the Concept Plan for the redevelopment of Loton Park (Yoordgoorading) adjacent to the Multi Purpose Rectangular Sports Stadium, Pier Street Perth;*
- (ii) APPROVES of the Loton Park (Yoordgoorading) Concept Plans No. 2169-DC-1A and 2169-DC-2A as shown in Appendix 10.4.1;*
- (iii) AUTHORIZES the Chief Executive Officer to make minor changes to the plans which may arise during the construction of the public open space; and*
- (iv) APPROVES the substitution of the London Plane trees around the training pitch with species of Flooded Gum and Marri trees.”*

**3. APPROVES BY AN ABSOLUTE MAJORITY;**

- (i) not to proceed with the planting of Marri trees, following information recently received from the Heritage Council of Western Australia, and plants London Plane trees; and*
- (ii) writes to the Heritage Council advising Council's preference to plant Eucalyptus rudis – Flooded Gums noting that this is not against the recommendation of the Perth Oval Conservation Plan and relates to the original vegetation of the area.*

---

**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 September 2003, a report was presented regarding consideration of public submissions relating to the concept plan for the redevelopment of Loton Park (Yoordgoorading) adjacent to the multi purpose rectangular sports stadium, Pier Street, Perth.

In the report the officers recommended that London Plane Trees be planted in the Loton Park public open space as these would be in keeping with the heritage planting theme of the site.

At the meeting the Council amended the Officer recommendation and approved the substitution of the London Plane trees with species of Flooded Gum and Marri trees.

**DETAILS:**

A copy of the concept plan for the redevelopment of Loton Park was forwarded to the Heritage Council of Western Australia (HCWA) on 31 December 2003, for their assessment and advice.

The attached response from the HCWA of 24 March 2004 was received indicating that their preference would be for exotic species to be used for the planting around the training pitch as originally intended.

This advice was based on, and in accordance with, the intent of the Conservation Plan for the place which was adopted by the Council at its Ordinary Meeting of Council held on 8 November 1999.

Key policies within the Perth Oval Conservation Plan that refer to the landscaping elements are as follows: -

- Policy 3.2 The landscape elements of Perth Oval which give the place its landscape character and which are an integral part of its history and function as a sporting venue, landform, playing surfaces and mature trees around the perimeter, should be conserved.*
- Policy 3.10 The mature trees around the perimeter of the site should be retained and conserved.*
- Policy 3.11 The tree known as 'Charlies Tree' and the Tea Tree hedge along the southern edge of the tennis courts should be retained and conserved.*
- Policy 3.12 The mature perimeter trees, 'Charlies Tree' and the Tea Tree hedge along the southern edge of the tennis courts should be retained and conserved.*
- Policy 3.13 The new planting of Tea Tree along the south-east edge of the tennis courts is appropriate and should be retained. The new plants should be pruned to blend in with the existing, older hedge.*
- Policy 3.14 The new planting of climbing roses along the perimeter fence around the tennis court, although not identified as an original landscape element, is appropriate and could be retained without detriment to the significance of the place.*
- Policy 3.15 Recent planting of shrubs and trees in the carpark at the south-west corner of the site and around the new house on Bulwer Street are not significant and may be retained or removed.*
- Policy 4.1 Zones of Considerable Significance*
- The significant fabric of such spaces or elements is to be preserved, restored and reconstructed as appropriate. Reconstruction is desirable provided sufficient detailed information is available. Adaptation is acceptable to the extent of installing reversible small fixtures, services and partitions, provided this does not affect any external or internal fabric which is of considerable significance. No significant fabric should be removed or action taken to confuse the sense of the space. Structural adaptation is generally unacceptable. However, minor structural adaptation may be considered if it is in keeping with the overall aims of the conservation policy and has minimal impact on the significant fabric. Any alteration to building fabric is to be documented.*
- Landscape elements are not to be removed without due consideration of their heritage values. Where removal of significant trees is necessary due to their condition, appropriate replacement plantings of the same species are to be made.*
- There is to be no new works in open space areas which will adversely affect the setting of the place or obscure important views to and from the site.*

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Draft Plan 2003-2008. 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:**

A specific budget allocation has been allowed for in the 2004/2005 Draft Budget to complete the landscaping works at Loton Park.

The cost of purchase/planting of trees will be sourced from the above budget item upon approval of the 2004/2005 Budget.

**COMMENTS:**

As noted above, the original landscape proposal included the planting of London Plane trees, and exotic species around the training pitch.

While some members of the public commenting on the concept plan had a preference for native species, officers considered that the addition of natives would alter the existing landscape significantly.

Officers further considered the native species identified, in particular the Marri, would be an inappropriate species for planting around Loton Park due to the large size and amount of fruit drop.

It is therefore recommended that the Council reconsiders its decision to substitute the London Plane trees with native species at Loton Park in view of the advice received from HCWA in accordance with the intent of the Conservation Plan for the Perth Oval.

The Mayor advised that the Chief Executive Officer, Executive Managers Corporate Services, Environmental and Development Services and Technical Services have declared a financial interest in this Item.

Cr Doran-Wu departed the Chamber at 7.40pm.

Moved Cr Ker, Seconded Cr Lake

*That the Executive Manager Corporate Services be permitted to remain in the Chamber to answer any questions relating to this Item.*

**CARRIED (6-0)**

(Cr Torre was an apology for the meeting. Crs Doran-Wu and Franchina were absent from the Chamber and did not vote.)

The Chief Executive Officer and Executive Managers Environmental and Development Services and Technical Services departed the Chamber at 7.41pm.

Cr Doran-Wu returned to the Chamber at 7.41pm.

### **10.3.5 Superannuation – Increased Employer Contribution**

|                              |             |                    |             |
|------------------------------|-------------|--------------------|-------------|
| <b>Ward:</b>                 | -           | <b>Date:</b>       | 31 May 2004 |
| <b>Precinct:</b>             | -           | <b>File Ref:</b>   | PER0005     |
| <b>Attachments:</b>          | -           |                    |             |
| <b>Reporting Officer(s):</b> | M Rootsey   |                    |             |
| <b>Checked/Endorsed by:</b>  | John Giorgi | <b>Amended by:</b> |             |

#### **OFFICER RECOMMENDATION:**

*That the Council APPROVES the increase in employer contributions for the;*

- (i) 2004/05 year of 1% in the City of Perth Superannuation Fund [as required by the Trust Deed of the Fund) and the Local Government (Superannuation) Act 1960]; and*
- (ii) Local Government Superannuation Fund by 1% for the 2004/05 year to align it with the employer contribution of the City of Perth Superannuation Fund.*

#### **COUNCIL DECISION ITEM 10.3.5**

Moved Cr Lake, Seconded Cr Cohen

*That the recommendation be adopted.*

Debate ensued.

Cr Franchina returned to the Chamber at 7.43pm

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

The Chief Executive Officer and Executive Managers Environmental and Development Services and Technical Services returned to the Chamber at 8.00pm approximately.

**(This Item was recommitted at 9.12pm – Refer to page 176)**

**BACKGROUND:**

At the Ordinary Council meeting of 12 August 2003 the following resolution was adopted.

*“That the Council;*

- (i) APPROVES the increase in employer contribution for the Local Government Superannuation Fund by 2% for the 2003/04 year to align it with the employer contribution of the City of Perth Superannuation Fund;*
- (ii) ENDORSES the proposed increase for the 2004/05 year of 1% for employer contribution for the City of Perth Superannuation Fund;*
- (iii) ENDORSES that the proposed 1% increase in the City of Perth Superannuation be matched by a similar 1% increase in the employer contribution to the Local Government Superannuation Fund; and*
- (iv) ENSURES the necessary funds are included in the 2004/05 Draft Budget to meet the suggested increases.”*

The Town of Vincent as an employer is required by law to make a statutory contribution to a superannuation fund of 9%. The Town makes a further percentage contribution to the superannuation fund if the employee makes a voluntary contribution.

The Town of Vincent pays superannuation contributions to two funds.

Namely, the City of Perth Superannuation Fund, for those employees who elected to remain members upon the split from the City of Perth and the Local Government Superannuation Fund, for all employees who have joined the Town from that point.

There are currently fifty eight (58) full contributing members out of two hundred and forty three (243) employees in the Local Government Superannuation Plan, and twenty eight (28) full contributing members of thirty four (34) members of the City of Perth Superannuation Fund.

**DETAILS:**

The Town received advice last year from the City of Perth Superannuation Fund that it has had conducted its triennial actuarial review of the City of Perth Superannuation Fund which indicated that an increase in funding is required going forward to ensure members benefits in the Fund continue to remain fully serviced in future years.

The City of Perth, as a result, considered the recommendation of the Trustee at the City of Perth Superannuation Fund and agreed to increase their employer contribution rate to the Fund for contributory members from 13% to 14% of salaries with effect from 1 July 2003.

The obligations of the Town in regard to the City of Perth Superannuation Fund are governed by both the Trust Deed of the Fund and Section 170D of the Local Government (Superannuation) Act 1960.

Section 170D of this Act states that the Town is required "to participate in and comply with the City of Perth scheme in the same way and to the same extent as the City of Perth would be required to if the person were its employee".

As a consequence of this, the Town proposes to increase the rate of employer contribution for Contributory members of the City of Perth Superannuation Fund from 14% to 15%, with effect from 1 July 2004 (this is shown in the table below).

| <b>Superannuation Fund</b> | <b>Statutory Contribution</b> | <b>Employer Contribution</b> | <b>Total</b> |
|----------------------------|-------------------------------|------------------------------|--------------|
| <b>2003/04</b>             |                               |                              |              |
| City of Perth              | 9%                            | 5%                           | 14%          |
| Local Govt                 | 9%                            | 5%                           | 14%          |
| <b>2004/05</b>             |                               |                              |              |
| City of Perth              | 9%                            | 6%                           | 15%          |
| Local Govt                 | 9%                            | 6%                           | 15%          |

On 27 April 2004 the Town of Vincent received a letter from the City of Perth Superannuation Fund advising the following.

*"As you will be aware from our letters dated 14 February 2003 and 22 April 2003, the results of the most recent triennial review indicated an increase in funding is required going forward to ensure members' benefits in the Fund continue to remain fully secured in future years. The City of Perth have recently agreed to increase their level of employer contributions for contributory members by a further 1% to 15% of salaries with effect from 1 July 2004. This is in line with the recommendation of the Fund Actuary.*

*Consequently, the Town of Vincent is also required to increase their employer contribution rate for Contributory members of the City of Perth Superannuation Fund from 14% to 15% of salary from 1 July 2004 in accordance with the terms of the Fund's Trust Deed and the Local Government (Superannuation) Act 1960."*

The difference between the two superannuation funds was identified in the Independent Organisational Review. The following is an extract on the matter from the report.

*"The consultants are of the opinion that the Town of Vincent is contributing an appropriate percentage level towards superannuation as part of its remuneration packages. However there are staff employed by the Town who are linked to the City of Perth Superannuation Scheme that has an employer contribution 1% above industry standard. This presents an inequity amongst Town of Vincent employees and is a matter for the Elected Council to consider after receiving advice from the Executive Management Team."*

Recommendation 18 of the Independent Organisational Review states: "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.

#### **CONSULTATION/ADVERTISING:**

N/A

#### **LEGAL/POLICY:**

The Town's obligations are governed by the Trust Deed of the Fund for the City of Perth Superannuation Fund and Section 170D of the Local Government (Superannuation) Act 1960 for the Local Government Superannuation Scheme.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area Four of the Draft Plan 2004-2008 – 4.4 Maintain a positive work environment that encourages employees to give their best and work in safety.  
*“e) Review employee remuneration and conditions and benchmark to industry standards”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The relevant funds have been provided in the 2004/05 Draft Budget to accommodate the proposed increases in employer contributions to both superannuation funds.

**COMMENTS:**

The recommendation to increase the employer contribution for the Local Government Superannuation Fund is presented to maintain the equity and fairness of remuneration between employees of the two funds. This will ensure consistency to remuneration packages of employees of the Town of Vincent and is in accordance with the Independent Organisational Review recommendation.

**10.3.6 Recovery of Outstanding Sundry Debtor and Delegation to CEO to Recover Outstanding Debts, Rates and Monies**

|                              |                        |                    |             |
|------------------------------|------------------------|--------------------|-------------|
| <b>Ward:</b>                 | Both                   | <b>Date:</b>       | 19 May 2004 |
| <b>Precinct:</b>             | All                    | <b>File Ref:</b>   | FIN0007     |
| <b>Attachments:</b>          | -                      |                    |             |
| <b>Reporting Officer(s):</b> | M Rootsey, John Giorgi |                    |             |
| <b>Checked/Endorsed by:</b>  |                        | <b>Amended by:</b> |             |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *AUTHORISES the Chief Executive Officer to proceed with the legal recovery actions as recommended to collect the outstanding sundry debt of \$771.17, as listed in the Confidential Schedule at Appendix 10.3.6; and*
- (ii) *pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:*

| <i>No.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>Area</i>               | <i>Description of Council Function Delegated to the Chief Executive Officer from Council</i> | <i>Assignee(s)</i>  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------|---------------------|
| <i>52(A)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <i>Financial Services</i> | <i>Authority to institute legal action to recover outstanding debts, rates and monies</i>    | <i>CEO<br/>EMCS</i> |
| <i>Conditions - subject to: <u>Policy/Guidelines for Debt Collection</u></i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                           |                                                                                              |                     |
| <ol style="list-style-type: none"> <li><i>1. Amounts outstanding after the due date for payment will be followed up within 30 days of the due date with telephone contact, a Final Notice (Ratepayers) or a letter requesting immediate payment (sundry debtors).</i></li> <li><i>2. The sequence of actions taken against defaulting ratepayers who have been referred to the Town's debt collection agency or lawyers will be as follows:</i> <ol style="list-style-type: none"> <li><i>(a) Letter of demand;</i></li> <li><i>(b) Issuing of Summons;</i></li> <li><i>(c) Issuing of Court proceedings in accordance with s.6.56 of the Local Government Act 1995;</i></li> <li><i>(d) Section 6.60 Notice - diverting rental payments due to the lessor to the Town (if applicable);</i></li> <li><i>(e) Lodging a Caveat on the property, or</i></li> <li><i>(f) Take possession of the land under s.6.64 of the Local Government Act 1995. In this instance the Town may rent or dispose of the property if rates remain unpaid for at least three (3) years. (The Council's prior approval is required before proceeding with this course of action.)</i></li> </ol> </li> <li><i>3. The following list of actions may be taken against defaulting sundry debtors who do not respond to normal requests for payment:</i> <ol style="list-style-type: none"> <li><i>(a) Letter of demand;</i></li> <li><i>(b) Issuing of Summons;</i></li> <li><i>(c) Issuing of Court proceedings in accordance with s.6.56 of the Local Government Act 1995;</i></li> <li><i>(d) Rescind any seasonal hall/reserve booking licence (if applicable);</i></li> <li><i>(e) Request "up-front" bonds for future dealings with the Town which may be used to offset against the outstanding debt;</i></li> <li><i>(f) Offset of any Town contributions owing to the entity against any outstanding debt;</i></li> <li><i>(g) Cancellation of the Lease Agreement (if applicable). (The Council's prior approval is required before proceeding with this course of action.)</i></li> <li><i>(h) Refusing further hire of facilities (if applicable).</i></li> </ol> <p><i>For community/sporting organisations, the proposed method of recovering debt will be a letter of demand followed by any of options (a) to (h) above. Legal action will only be taken in extreme situations, after the approval of the Council has been obtained.</i></p> </li> </ol> |                           |                                                                                              |                     |

**COUNCIL DECISION ITEM 10.3.6**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

**BACKGROUND:**

The Accounts Receivable section of Financial Services are responsible for the management of sundry debtors.

The Town of Vincent credit terms for debtors is fourteen days payment from receipt of invoice, unless otherwise arranged with management.

Debt outstanding debtors are followed up with final demand letters and direct phone calls; this usually results with the accounts being settled.

The Town's debt collection agency, Pioneer Credit Management Services is engaged to act for the Town where debtors have refused to make payment. The normal course of action is for a summons to be actioned.

**DETAILS:**

A separate confidential attachment with one outstanding debtor where the amount has been outstanding since 2001 will be distributed at the Council meeting and collected at the conclusion of the meeting.

The schedule includes the debtors name and the amount of financial years that rates have been outstanding and the amount currently outstanding. The amount to be recovered is \$771.17. These monies relate to the debtors hall hire fees. The Town has issued a summons, but to date has received no response to this action. Authorisation is being sought to issue a Warrant of Execution for goods on this debtor. The CEO does not have delegated authority to commence legal proceedings to recover outstanding debts.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The Local Government Act 1995 Section 6.56, gives power to recover rates or service charges. The Town's CEO is seeking delegated authority to recover outstanding debts and monies. It is recommended that this delegation be subject to the specified conditions.

**STRATEGIC IMPLICATIONS:**

In accordance with the Key Result Area Four of the Draft Strategic Plan 2003-2008

4.2 Deliver services in ways that accord with the expectations of the community whilst maintaining statutory compliance.

*“d) Ensure that processes comply with relevant legislation.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

This amount has been reported in the outstanding sundry debtors report for a long period of time, payment will reduce the outstanding sundry debtors.

**COMMENTS:**

The payment of this debt should be enforced to follow the legal recovery process already commenced. As can be appreciated, the amount of work required to recover a small debt is substantial and accordingly delegated authority is requested.

### **10.3.7 Hyde Park Stage – Design Concepts Community Consultation**

|                              |               |                    |             |
|------------------------------|---------------|--------------------|-------------|
| <b>Ward:</b>                 | South         | <b>Date:</b>       | 31 May 2004 |
| <b>Precinct:</b>             | Hyde Park-P12 | <b>File Ref:</b>   | RES0016     |
| <b>Attachments:</b>          | -             |                    |             |
| <b>Reporting Officer(s):</b> | M Rootsey     |                    |             |
| <b>Checked/Endorsed by:</b>  | John Giorgi   | <b>Amended by:</b> |             |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the community consultation on the design concepts for the Hyde Park Stage upgrade;*
- (ii) *AUTHORISES the Chief Executive Officer to engage an appropriately qualified professional to prepare a detailed design on the stage upgrade based on the design concepts prepared and utilising the criteria listed; and*
- (iii) *RECEIVES a further report on the design for the Hyde Park stage upgrade.*

---

**COUNCIL DECISION ITEM 10.3.7**

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Doran-Wu**

*That the Item be DEFERRED to prepare a brief to provide to a potential architect and to also select some of the outstanding designs that were prepared by the TAFE students that give the architects some indication as to what the Council is wanting.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

---

**BACKGROUND:**

At the Ordinary Meeting of Council on 23 March 2004 the following resolution was adopted.

*“That the Council;*

- (i) *RECEIVES the concept designs as selected by the Hyde Park Working Group;*
- (ii) *ADVERTISES the concept designs for community comments for six (6) weeks; consulting on but not limited to:*
  - (a) *suitability for community needs;*
  - (b) *extent of facilities proposed; and*
  - (c) *general design;*

- (iii) *ARRANGES a Community Briefing for interested parties on the Hyde Park Stage Concepts; and*
- (iv) *ALLOCATES an amount of \$50,000 for the upgrade of Hyde Park Stage for consideration in the Draft 2004/05 Budget.”*

**DETAILS:**

The Hyde Park Stage design concepts were advertised for comment in both the Voice and Guardian newspapers on 10 and 13 April 2004 respectively with comments due by 17 May 2004.

A community briefing on the project was held on Wednesday 28 April 2004 at 6.00pm in the Function Room at the Town of Vincent Administration and Civic Centre.

Two members of the public and Cr Sally Lake attended the briefing.

The comments from those in attendance are summarised as follows.

- Commended the quality of the concepts prepared by the TAFE students.
- Stage should have minimal visual impact.
- The stage should be transparent and not block any views.
- Any roof structure should be subjected to an acoustic check.
- Changerooms should be mobile as a permanent changeroom made a too larger structure.

A letterbox drop of the background and details of the project was completed to approximately 700 properties in the streets surrounding Hyde Park.

The concept designs were displayed in the foyer of the Town of Vincent Administration Centre for the duration of the community consultation period.

At the end of the period, four submissions were received and are summarised as follows:

|                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>CA Mitchell<br/>Wyndayne Farm<br/>Box 240, New Norcia</p> | <p><i>Not in favour of proposal</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>D Maier<br/>51 Chatsworth Road<br/>Hyde Park</p>          | <p><i>Commended the TAFE students on their concept designs. (Agreed with most of the criteria listed in the letter to the residents, however did not believe changerooms and storage warranted, without compromising the requirement for minimal visual impact). Not convinced that a roof is required as most events conducted in drier months, the existing trees provide sufficient sun protection. Supports minimal change to existing stage, replacement of floor, if roof structure and backdrop required then it should be considered along the lines of Stephen Neri's submission.</i></p> |
| <p>Chris Green<br/>16 Carr Crescent<br/>Warwick</p>          | <p><i>Plan for new stage is great – ideas suggested:<br/>Large area for crowds in front of the stage for major performances<br/>Stage is an area that can be fenced for paid concerts<br/>Stage should be large enough for medium scaled performances<br/>Stage should fit in with park<br/>Should be high security ie lighting, CCTV cameras to protect from vandalism after hours<br/>Stage to allow for installation of sound and lighting equipment for major shows</i></p>                                                                                                                    |

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 | <i>Stage should be landmark with architectural merit<br/>The stage and structure could act as street art, eg it could have grant artworks on it</i>                                                                                                                                                                                                                                                                                                   |
| PJ Titcheler<br>5 Glendower Street<br>Hyde Park | <i>Likes the current simplicity of the stage, is concerned that the upgrade may be an overkill.<br/>Concerned that the proposed changeroom and storage in some concepts is shown as separate building.<br/>Concerned that promoting a covered facility will attract people 'sleeping rough' to the park.<br/>Believes that the proposal to make the facility vandal and graffiti proof is ambitious as most facilities do not meet this criteria.</i> |

**CONSULTATION/ADVERTISING:**

The design concepts for the stage were extensively advertised for a six (6) week period. Adverts were placed in both local newspapers on 6 and 10 April respectively. A community briefing was held on 28 April 2004. Approximately seven hundred letters were distributed to surrounding residents. The concepts were displayed in the foyer of the Town of Vincent Civic Centre for the period of advertising.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2004-2008

Key Result Area 1 – Environment and Infrastructure

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:**

An amount of \$50,000 has been allocated to the Draft 2004/05 Budget for this project.

**COMMENTS:**

The level of community feedback on this project has been limited and diverse in its opinion. However, the concept designs prepared by TAFE students have been commended for their high quality and to be progressed. Therefore a further detailed professional design should now be commissioned utilising the criteria and concepts illustrated to further progress this project. It is therefore recommended a detailed design be prepared and referred back to Council when it is completed.

**10.4.1 Amendment to Town of Vincent Local Law Relating to Standing Orders  
- Gazettal**

|                              |             |                  |             |
|------------------------------|-------------|------------------|-------------|
| <b>Ward:</b>                 | Both        | <b>Date:</b>     | 31 May 2004 |
| <b>Precinct:</b>             | All         | <b>File Ref:</b> | LEG0019     |
| <b>Reporting Officer(s):</b> | -           |                  |             |
| <b>Checked/Endorsed by:</b>  | John Giorgi |                  |             |
| <b>Amended by:</b>           | -           |                  |             |

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council APPROVES BY A SPECIAL MAJORITY an amendment to the Town of Vincent Local Law Relating to Standing Orders gazetted on 11 September 2001 as follows,*

**LOCAL GOVERNMENT ACT 1995**

**TOWN OF VINCENT**

**LOCAL LAW RELATING TO STANDING ORDERS**

*In pursuance of the powers conferred upon it by Section 3.12 of the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 8 June 2004 to amend the Town of Vincent Local Law Relating to Standing Orders published in the Government Gazette on 11 September 2001 as follows:*

1. *Clause 2.8 be amended by inserting a new subclause (4) as follows;*
  - “(4) Notwithstanding subclauses (1) and (2), reports listed in the agenda are to be considered in the new order in which they are raised and include;*
    - (a) unopposed items which will be moved "en bloc";*
    - (b) items which are the subject of a question or statement from members of the Public;*
    - (c) items which Members wish to discuss, items which Members or officers have declared a financial or proximity interest and items which require an Absolute or Special Majority”;*
2. *Clause 3.2.11(1) be amended by deleting the word "or" after the word "dissent" and inserting the word "or" after the word "conversing" in line (2);*
3. *Clause 3.3.7(1) be amended by deleting the word “Councillor” and inserting the words “Member, other than the Presiding Member,”;*
4. *Clause 3.3.7(2) be amended by deleting the word “Councillor” and inserting the words “Member, other than the Presiding Member,”;*
5. *Clause 3.3.12 be amended by:*

- (a) *mending subclause (1) by inserting the words "or ask a question" after the word "speak" in line 2; and*
  - (b) *a new subclause (3) as follows:*
    - "(3) The Presiding Member is not permitted to move a motion, therefore does not have a right of reply.";*
6. *Clause 3.6.4(1)(ii) be amended by inserting the word "other" before the word "Member", where it appears in line 1;*
7. *Clause 3.6.5 be deleted and the following new clause be inserted"*  
*"3.6.5 Division of Motions and Amendments*  
*The Presiding Member or the Council by carrying a decision, without debate, may order a motion or an amendment be divided and put in the form of two or more motions or amendments.";*
8. *Clause 3.7.3 be amended by;*
  - (a) *inserting the words " , other than the Presiding Member" after the word "Member" where it appears in subclause (3); and*
  - (b) *inserting a new subclause (4) as follows:*
    - "(4) The Presiding Member may, or upon the request of a Member (without debate), order an amendment to be divided and put in the form of two or more amendments.";*
9. (a) *the title "PART 4 - COMMITTEES" be retitled "PART 4 - COMMITTEES AND FORUMS";*  
(b) *the following new clause 4.7 be inserted:*  
*"4.7 Forums*
  - (1) *The Council may prescribe guidelines and procedures for the management of forums.*
  - (2) *All persons shall comply and observe the Forum's Guidelines and Procedures.";*
10. *Clause 5.9 be amended by inserting "(1)" before the first paragraph;*
11. *Clause 5.9 be amended by inserting a new subclause (2) as follows:*
  - "(2) Any motion, amendment or action taken which is in breach of, or contrary to these Standing Orders is deemed invalid; and*
- (ii) *the amendment be published in the Government Gazette.*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Chester, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**CARRIED BY A SPECIAL MAJORITY (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

**BACKGROUND:**

At the Ordinary Meeting of Council held on 23 March 2004 the Council resolved to advertise the proposed amendment to the Local Law Relating to Standing Orders. The proposed changes to the meeting procedure and the Standing Orders will improve the meeting process and remove any ambiguity in the Standing Orders.

**DETAILS:**

In 2002 an Elected Member queried the interpretation of various Standing Order clauses. This matter has been researched including obtaining a legal interpretation, and the following is advised;

The legal advice recommends that the Standing Orders be amended to reflect the current procedures and to clarify several clauses, as they are open to more than one interpretation. These clauses include:

- 2.8 Order of Business
- 2.20.5 Questions or Public Statements by Members of the Public
- 3.3.7 Mover or Seconder deemed to have spoken
- 3.3.12 The right of reply
- 3.6.4 Permissible Motions on Recommendations
- 3.6.5 Division of Motions and Amendments
- 3.7.3 One Amendment at a Time
- 5.9 Validity of Standing Orders

**CONSULTATION/ADVERTISING:**

The proposed amendment was advertised in The West Australian newspaper on 31 March 2004, in a local paper on 3 April 2004 and on the Town's Notice Board and Website and in the Library. A copy of the proposed amendment was also sent to the Precinct and Community Groups. One submission was received at the close of the six (6) week statutory advisory period, which closed on 19 May 2004 as follows:

- Dudley Maier of Chatsworth Road, Highgate

*Mr Maier stated "Apart from the clauses considered by the Council I feel that there are some other clauses that need attention. I have listed the clauses in order. Only 3.3.12 relates to the changes that were advertised."*

CEO's Comment

Mr Maier made a comment in respect to clause 3.3.12 which relates to "*Right of reply*". Mr Maier stated that "*I do not support this change as it may stifle legitimate questions. The mover may, in their reply, make statements that need clarification and any member should have the right to ask for such clarification prior to the vote.*"

The CEO does not support Mr Maier's view as 3.3.12(2) states "*The right of reply is to be strictly confined to answering previous speakers and rebutting arguments raised by previous speakers and no new matter is to be introduced.*"

The right of reply in the Westminster system is to be used as specified in 3.3.12(2) and if used strictly in accordance with the Standing Orders, no new matters can be introduced. Furthermore, the right of reply is to be taken immediately before the vote and there should not be continuing questions (as this defeats the purpose of the right of reply).

Mr Maier has made comments relating to seven (7) other clauses which were not advertised and therefore, in accordance with the Local Government Act Local Law procedures, these cannot be considered as part of this process.

Mr Maier made a comment relating to clause 3.2.11(1) as follows:

3.2.11 (1) - This could be rephrased to:

*No person, other than a Member, shall interrupt or interfere with the proceedings of any meeting of the Council or committee, whether by expressing approval or dissent, ~~or~~ by loudly conversing, or by any other means.*

CEO's Comment

As this comment corrects a typographical error which existed in the Standing Orders and is of a very minor nature, this correction is supported and is included in the amendment.

The CEO does not support Mr Maier's other comments as they do not meet the Westminster rules of debate or in some cases, change the intention of the Town's existing Standing Orders.

**LEGAL/POLICY:**

The Town's Standing Order Local Law was gazetted on 11 September 2002.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

As no submissions have been received, it is recommended that the proposed amendments be approved and submitted for gazettal.

**10.4.2 Delegated Authority – Council Christmas/New Year Festive Season Recess Period - Options**

|                              |                     |                    |             |
|------------------------------|---------------------|--------------------|-------------|
| <b>Ward:</b>                 | Both                | <b>Date:</b>       | 1 June 2004 |
| <b>Precinct:</b>             | All Precincts       | <b>File Ref:</b>   | ADM0018     |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |             |
| <b>Reporting Officer(s):</b> | John Giorgi         |                    |             |
| <b>Checked/Endorsed by:</b>  | -                   | <b>Amended by:</b> | -           |

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council RECEIVES the report on the operation of delegations in other Local Governments (used over the Christmas/New Year Festive Season recess period), as detailed in this report;*
- (ii) *the Council AMENDS its Meeting Schedule to re-introduce a meeting in January of each year to be held on the third Tuesday;*  
  
*or alternatively;*
- (iii) *if (ii) above is not supported, the Council ADOPTS a policy "Christmas/New Year Festive Season Delegation - Policy No ....." specifying the Christmas/New Year Festive Season delegation and APPROVES BY AN ABSOLUTE MAJORITY to amend its delegation to the Chief Executive Officer to read as follows (proposed changes underlined);*

*Policy No. ....*

**FESTIVE SEASON DELEGATIONS GUIDELINES AND CONDITIONS**

**POLICY OBJECTIVE**

*To provide guidelines and conditions to the Chief Executive Officer for approval of matters under Delegated Authority during the Christmas/New Year Festive Season recess period.*

**GUIDELINES AND CONDITIONS**

*That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring and Absolute Majority) that may arise from ... December 200... to ... February 200..., subject to;*

- (i) *the action taken only being in accordance with the Officer's recommendation;*
- (ii) *any minor amendment proposed by an Elected Member;*
  - (a) *is to be submitted in writing to the Chief Executive Officer, who will forward this to all other available Elected Members requesting their approval or comments on the proposal within 24 hours of being received; and*

- (b) if approved by a simple majority, as per (a) above, will be included into the Officer Recommendation conditions of approval;**
- (iii) a simple majority being accepted while Elected Members are absent;**
- (iv) a minimum of five (5) Elected Members being available to consider an item, for it to be considered under this delegated authority;**
- (v) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held on .... February 200....;**
- (vi) a Delegation Register of items being kept in the CEO's office and being made available for public inspection during the period that the delegation applies; and**
- (vii) items being displayed in the Town of Vincent Administration Centre, the Town's Library and on the Town's Website for a period of four (4) days, prior to approval."**

---

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Chester**

*That clauses (i) and (ii) be adopted.*

Debate ensued.

**Moved Cr Doran-Wu, Seconded Cr Farrell**

*That the word "third" in clause (ii) be amended to "fourth".*

**AMENDMENT LOST (3-5)**

**(Cr Torre was an apology for the meeting.)**

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

**CLAUSES (i) and (ii) CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**COUNCIL DECISION ITEM 10.4.2**

*That;*

- (i) *the Council RECEIVES the report on the operation of delegations in other Local Governments (used over the Christmas/New Year Festive Season recess period), as detailed in this report;*
  - (ii) *the Council AMENDS its Meeting Schedule to re-introduce a meeting in January of each year to be held on the third Tuesday;*
- 

**BACKGROUND:**

At the Ordinary Meeting of Council held on 24 February 2004, the Council considered this matter and resolved as follows;

*"That the Council;*

- (i) *NOTES the items approved under Delegated Authority over the period 17 December 2003 to 9 February 2004, as shown in Appendix 10.4.1 and as "Laid on the Table"; and*
- (ii) *REQUESTS the Chief Executive Officer investigate and report back to Council no later than May 2004 on the operation of delegation in other councils over the New Year recess period, specifically investigating whether other councils have identified:*
  - (a) *a means of incorporating minor amendments to the recommendation of the officers' by Elected Members prior to Council making its resolution;*
  - (b) *the level of significance of items that should be considered by delegation during Council's recess;*
  - (c) *a means of determining the Elected Members available to participate, including consideration of the effect of Elected Members declaring an interest; and*
  - (d) *the number of Elected Members objecting to an item that initiates that item coming to Council for formal consideration rather than the item being deemed a refusal."*

This matter has been researched and the following is advised;

**1. Operation of Delegations in Other Councils over the New Year/Festive Period**

Research has been carried out with 10 other metropolitan local governments (both large and small/medium size) and this information is contained in Appendix 10.4.2.

In summary, this has revealed that many options exist and these are summarised as follows;

|     |                                                                                                     |           |
|-----|-----------------------------------------------------------------------------------------------------|-----------|
| (a) | Number of Councils with meetings in January, which use their standard delegation procedures         | 3         |
| (b) | Number of Councils <u>not</u> having a meeting in January and using a Delegated Authority Procedure | 4         |
| (c) | Number of Councils having a meeting in January, but with no Delegated Authority Procedure           | 1         |
| (d) | Number of Councils which use an Executive Committee                                                 | <u>2</u>  |
|     |                                                                                                     | <u>10</u> |

**2. Means of incorporating minor amendments to the Officer Recommendation**

As can be seen from Table 1 in this report, an average of 27 items are dealt with over the Festive Season recess period, using the adopted delegations.

The current delegated authority guidelines and procedures can be easily amended to incorporate the following change;

*"(ii) any minor amendment proposed by a Councillor;*

*(a) is to be submitted in writing to the Chief Executive Officer, who will forward this to all other available Elected Members requesting their vote on the proposal within 24 hours of being received; and*

*(b) if approved by a simple majority, as per (a) above, will be included into the conditions of approval;"*

**3. The level of significance of items that should be considered by delegation during Council's recess**

Research into the Town's previous 10 years has revealed that from 1994 until 1999-2000 the Council held a meeting on third Tuesday of January. Records reveal that no items were approved under delegated authority, as in essence, items were reported to the January meeting held on the third Tuesday - the Festive Season break did not unduly delay applicants for development, etc.

From 2000-2001 until 2003-2004, the Council did not hold a January meeting and an average of 27 items were considered under delegated authority. This information is shown the following table;

**Table 1**

| Year      | Total Reports | Total Approved | Total Refused | % of Items Refused or Amended | No. of Ordinary Meetings held in January |
|-----------|---------------|----------------|---------------|-------------------------------|------------------------------------------|
| 1995-1996 | Nil           | -              | -             | -                             | 1                                        |
| 1996-1997 | Nil           | -              | -             | -                             | 1                                        |
| 1997-1998 | Nil           | -              | -             | -                             | 1                                        |
| 1998-1999 | Nil           | -              | -             | -                             | 1                                        |
| 1999-2000 | Nil           | -              | -             | -                             | 1                                        |
| 2000-2001 | 32            | 30*            | 2             | 6.25%                         | 0                                        |
| 2001-2002 | 32            | 31**           | 1             | 3.12%                         | 0                                        |

| Year      | Total Reports | Total Approved | Total Refused   | % of Items Refused or Amended | No. of Ordinary Meetings held in January |
|-----------|---------------|----------------|-----------------|-------------------------------|------------------------------------------|
| 2002-2003 | 29            | 27             | 2 <sup>#</sup>  | 6.89%                         | 0                                        |
| 2003-2004 | 26            | 21             | 5 <sup>##</sup> | 19.23%                        | 0                                        |

N.B.:

- \* *One Report approved with Amendment, Three further reports, one alternative recommendation submitted and subsequently approved*
- \*\* *Three reports approved subject to Amendment*
- # *Reports submitted to OMC 11/02/03*
- ## *Reports submitted to OMC 10/02/04*

With the exception of 2003-2004, only one or two reports were amended in previous years. This indicates that the current procedure has worked satisfactorily.

**4. A means of determining the Elected Members available to participate, including consideration of the effect of Elected Members declaring an interest**

Number of Elected Members Available to Participate

The Town of Vincent Local Law Relating to Standing Orders at Clause 2.4 - Quorum, states; "2.4.1 - Number of members required for a Quorum - Except in cases where the Act applies, the quorum for a meeting of a Council or committee is at least 50% of the number of offices (whether vacant or not) of Members of the Council or committee, (section 5.19)."

The quorum for the Town is five (5) Elected Members. Therefore, if there are less than five Elected Members available to vote on a matter, the item would not be approved under Delegated Authority using our current system.

A lack of quorum has not been previously experienced at the Town.

Consideration of Elected Members' Interest

Under the current delegated authority guidelines, which necessitates consulting with all available Elected Members (issuing reports to Elected Members for consideration), the normal Local Government Act provisions relating to declaration of interest would apply. (If reports were not issued to Elected Members in accordance with our guidelines, this provision would not be applicable.)

The onus to declare an interest on a matter is solely the responsibility of the Elected Member. As per 4.1 above, if there are less than five Elected Members available to vote on a matter (because of Elected Members declaring a financial or proximity interest), this item would not be approved under Delegated Authority using our current system.

**5. The number of Elected Members objecting to an item that initiates that item coming to Council for formal consideration rather than the item being deemed a refusal**

As stated above, the minimum number of Elected Members available to be consulted is considered to be five. Therefore, if a simple majority is not achieved, the CEO would therefore recommend that the item be referred to the next Ordinary Meeting of Council for consideration.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

The Local Government Act 1995 states:

*“Delegation of some powers and duties to CEO  
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

**COMMENTS:**

The re-introduction of one meeting on the third Tuesday of each January is recommended. This would provide the following advantages;

1. Matters would be considered and debated in a Council Meeting at which members of the public can be present. This ensures that transparency and openness is maintained and the public can be more involved in the decision making process.
2. By holding a meeting in January, this would minimise the workload and bulk of the February Agendas and Minutes.
3. There is less chance of contentious matters being approved under delegated authority.
4. The workload for the Town's Administration in preparing a Council Meeting Agenda and Minutes would be marginally less and therefore more cost effective than the current delegated authority system.

Conversely, it is acknowledged that Elected Members may wish to take a respite in January and should the option of not re-introducing a January meeting be supported, it is recommended that the amended guidelines and conditions, as detailed in this report, be approved.

**10.4.3 Adoption of Forum Guidelines**

|                              |                       |                    |             |
|------------------------------|-----------------------|--------------------|-------------|
| <b>Ward:</b>                 | -                     | <b>Date:</b>       | 1 June 2004 |
| <b>Precinct:</b>             | -                     | <b>File Ref:</b>   | ADM0016     |
| <b>Attachments:</b>          | <a href="#">001</a> ; |                    |             |
| <b>Reporting Officer(s):</b> | John Giorgi           |                    |             |
| <b>Checked/Endorsed by:</b>  | -                     | <b>Amended by:</b> | -           |

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council ADOPTS the draft Forum Guidelines as shown in Appendix 10.4.3;*
- (ii) *forums be held on the 3rd Tuesday of each month (except for December 2004 when it will be held on 2nd Tuesday) at 6.00pm in the Administration and Civic Centre;*
- (iii) *the Council further reviews the Forum Guidelines and Procedures in December 2004 and a report be submitted to the Council with any recommendations for changes;*
- (iv) *the Council APPROVES to amend its draft 2004/05 Budget by increasing the following cost centres to allow for the forums to be held:*
  - (a) *Meals and Refreshments: \$4,400*
  - (b) *Administration Centre Cleaning & setup costs: \$1,200;*
  - (c) *Administration Centre - electricity costs: \$1,100; and*
- (v) *AUTHORISES the Chief Executive Officer to:*
  - (a) *advertise the proposed the Draft Forum Guidelines for a period of twenty one (21) days, seeking public comment; and*
  - (b) *report back to Council with any public comments received.*

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Ker**

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

- "(i) *the Council ADOPTS the draft Forum Guidelines as shown in Appendix 10.4.3 subject to the third paragraph of clause 3.2 of Guidelines being amended to read as follows:*

*'Deputations by developers will ~~also~~ be considered in this category. The relevant precinct groups will also be invited to make a presentation to present the community's view.' "*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.4.3**

*That;*

- (i) *the Council ADOPTS the draft Forum Guidelines as shown in Appendix 10.4.3 subject to the third paragraph of clause 3.2 of Guidelines being amended to read as follows:*

*"Deputations by developers will ~~also~~ be considered in this category. The relevant precinct groups will also be invited to make a presentation to present the community's view."*

- (ii) *forums be held on the 3rd Tuesday of each month (except for December 2004 when it will be held on 2nd Tuesday) at 6.00pm in the Administration and Civic Centre;*
- (iii) *the Council further reviews the Forum Guidelines and Procedures in December 2004 and a report be submitted to the Council with any recommendations for changes;*
- (iv) *the Council APPROVES to amend its draft 2004/05 Budget by increasing the following cost centres to allow for the forums to be held:*
- (a) *Meals and Refreshments: \$4,400*
  - (b) *Administration Centre Cleaning & setup costs: \$1,200;*
  - (c) *Administration Centre - electricity costs: \$1,100; and*
- (v) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise the proposed the Draft Forum Guidelines for a period of twenty one (21) days, seeking public comment; and*
  - (b) *report back to Council with any public comments received.*

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 13 May 2003, the Council considered a Notice of Motion and resolved as follows;

*"That,*

- (i) *where the Council holds informal briefings that are not open to the public, a full report on the briefing be included in the Information Bulletin for the next possible Council Meeting; and*
- (ii) *the Chief Executive Officer be requested to prepare a report on Policy Guidelines for determining the criteria of Briefing Sessions."*

At the Ordinary Meeting of Council held on 10 February 2004, Council considered the matter of decisions made at the Annual General Meeting of Electors and resolved inter-alia as follows;

"(iv) *RECONFIRMS its direction to the Chief Executive Officer to develop a Council briefings policy no later than March 2004, with the aim being to maximise the number of briefing sessions open to the public in the interests of the public accountability and transparency.*"

### Standing Orders Amendment

At the Ordinary Meeting of Council held on 23 March 2004, the Council considered the matter of the Town of Vincent Local Law relating to standing Orders and resolved to amend the Standing Orders to allow Council to prescribe guidelines and procedures for the management of Forums and for the Forum guidelines to be observed by all persons. The Standing Orders report is listed on this Agenda for consideration and approval.

Investigations into this matter have been carried out over a period of time and in particular, researching and obtaining information from other Local Governments. This has revealed that there are many options and variations to the way in which each Local Government handles its Council Meetings, Forums (Briefing Sessions) and public meetings.

In late February 2004, the Department of Local Government issued some operational guidelines to assist Local Governments in preparing guidelines and procedures for Forums.

The Town of Vincent draft guidelines are mainly based on the Department of Local Government guidelines, with minor variations included to suit the Town's needs.

The proposed Forum Guidelines are recommended to be as follows:

#### **1. Forums**

It is proposed that forums will be in three categories

##### 1.1. Concept Forums

*"Concept Forums"* involve Elected Members and employees meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the Town.

Examples of the type of issues concept forums may include:

- current matters of a local or regional significance;
- matters relating to the future development of the Town;
- significant revenue-raising requirements or expenditure needs;
- the development of internal strategic, planning, management and financial documents; and
- development of the selection criteria and performance objectives for the Chief Executive Officer (CEO).

In discussing such items, Officers will acknowledge the Elected Members' feedback and comments and this will be researched for inclusion into the final report which will be considered at a subsequent Council Meeting.

Concept forums will not normally be open to the public

##### 1.2 Agenda Forums

*"Agenda Forums"* are for specific major agenda items which are to be considered by the Council at a forthcoming meeting.

These are matters which are of complexity or magnitude which may involve considerable discussion and/or explanation (eg large or significant developments, developments involving a number of lots).

Deputations by developers will also be considered in this category.

Procedures Specific to Agenda items at forthcoming meetings:

- Items to be addressed will be limited specifically to the matters which are proposed to be listed on a forthcoming agenda, at a date to be determined by the CEO (eg say within the next 2-3 months).
- Briefings will only be given by employees or consultants for the purpose of ensuring that Elected Members and the public (if present) are more fully informed.
- There shall be no "debate style" discussion at these forums as this needs to take place in the ordinary meeting of council when the matter is set for decision.
- On occasions, these types of forums may be presented to Elected Members and subsequently at another forum to the public.

Agenda forums will normally be open to the public.

### 3.3 Public Interest Forums

*"Public Interest Forums"* are for topics of significant interest, identified by the Elected Members or the CEO.

These are matters which have been identified by Elected Members or the CEO which require additional background information, are of a complex nature or are of a lengthy duration. Examples include:

- Town Planning scheme matters;
- Heritage;
- Draft budgets;
- Principal Activities Plan.

Presentations by external persons or organisations will also be considered in this category.

Public interest forums will normally be open to the public.

Items which will be open to the public will be listed at the beginning of the Forum Agenda and matters closed to the public will be considered later in the Agenda.

## 2. Forum Agendas

An Agenda will be prepared and issued at least two weeks prior to the forum date, however it should be acknowledged that any late items may be included prior to the actual date. In any case, a minimum of 72 hours notice will be provided.

**3. Advertising of Forums**

It is recommended that forums be advertised on the Town's public noticeboards, website and a new Forum Information Page included in the Agenda for the first Ordinary Meeting of Council each month.

The forum Agenda will specify the items to be considered at the forums and will also indicate which items are open to the public. (Refer to Appendix 2 of the Forum Guidelines))

It is not recommended that forums be advertised in the local papers due to the logistics of timelines for setting forum agendas, newspaper advertisement deadlines, newspaper publication dates and the cost of advertising. In the event the Council wishes to advertise its forums, this will cost approximately \$1,650 (this is based on 11 advertisements of 90mm x 120mm in size in one local paper which will cost approx \$150 each).

**4. Forum Guidelines and Procedures**

Specific clauses of the Town of Vincent Local Law Relating to Standing Orders have been amended to suit the needs for forums and this has been included in the Appendix of the Forum Guidelines.

The Department of Local Government recommends that guidelines and procedures be specific, to ensure that the conduct at forums meets legislative and ethical requirements.

**5. Additional Costs**

Forums held on a monthly basis will be at an additional cost. Indicative additional costs have been calculated to conduct the forums as follows:

|                                                              |                |
|--------------------------------------------------------------|----------------|
| Meals and Refreshments (11 forums x \$400)                   | \$4,400        |
| Additional Cleaning & setup costs (11 x \$109)               | \$1,199        |
| Additional power (airconditioning and lighting approx 50hrs) | <u>\$1,100</u> |
| Total                                                        | <u>\$6,699</u> |

The forums will necessitate attendance by Elected Members and Officers for approximately 33 hours additional time per annum (based on 11 forums of 3 hours duration each).

The preparation of Agendas will be carried out by the CEO's staff and this cost will be absorbed into the Town's normal operating costs. The Department of Local Government recommends that Minutes of the forums be kept, particularly to record the financial interest disclosure provisions. It is proposed that the Chief Executive Officer (or in his absence, the relevant Executive Manager) will prepare the Minutes and these costs will be absorbed in the normal operating budget. However, if a Minutes Secretary is required, this will cost approximately an additional \$990 per annum in overtime wages. As the forum Minutes will be minimal it is considered that a Minutes Secretary is not required.

It is recommended that Forums not be electronically recorded (as is the current practice for briefing sessions). If Council requires the forums to be recorded, additional costs will be required for discs and staff time. This is estimated to cost \$100 - \$200.

Staff, other than the CEO and Executive Managers, who attend forums will be entitled to claim overtime or time in lieu, as is the current practice. The CEO and Executive Managers are employed by contract which precludes the claiming of overtime.

## **6. Review of Forums**

Enquiries with other local governments revealed that forums encompass a variety of formats to suit their particular needs. Very few, if any, local governments separately advertise in their local paper their forums (for the reasons outlined above). However, as the proposed forums will in main, be open to the public, it is recommended that a formal review be carried out after a trial period of six (6) months. This will provide an opportunity for feedback from Elected Members, public and officers to enhance the forums. The impact of forums on the administration's current workload will also be assessed.

### **CONSULTATION/ADVERTISING:**

It is recommended that the draft guidelines be advertised for a period of 21 days in accordance with the Town's Community Consultation Policy. Any comments will be reported to the Council.

### **LEGAL/POLICY:**

The Town of Vincent Local Law relating to Standing Orders is currently being amended and if approved at the Ordinary Meeting held on 8 June 2004 will become legal 14 days after gazettal. A new Clause has been inserted into the Standing Orders to give power for the Council to prepare guidelines and procedures and for these to be observed by all persons.

### **STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 4.3, *"Develop a constructive and co-operative team approach between Mayor, Councillors, staff and community"*, and in particular, 4.3(a) *"Develop guidelines and policies to facilitate the interaction of all parties"* and 4.3(e) *"Increase and promote community participation in Council activities."*

### **FINANCIAL/BUDGET IMPLICATIONS:**

There will be additional costs relating to setting up of the Administration Centre for Forums. These additional costs will require the Operating Budget to be increased as follows:

|                                                              |                |
|--------------------------------------------------------------|----------------|
| Meals and Refreshments (11 forums x \$400)                   | \$4,400        |
| Additional Cleaning & setup costs (11 x \$109)               | \$1,199        |
| Additional power (airconditioning and lighting approx 50hrs) | <u>\$1,100</u> |
| Total                                                        | <u>\$6,699</u> |

**COMMENTS:**

The recommended Guidelines will provide for the Council to hold Forums in a variety of formats, including those open to the public. The inclusion of Forum Guidelines in the Standing Orders will ensure that the conduct at these sessions will be in accordance with the Standing Orders Local Law.

The Mayor advised that Executive Managers Corporate Services, Environmental and Development Services and Technical Services had declared a financial interest in this Item. The Executive Managers departed the Chamber at 8.30pm.

**10.4.4 Contract of Employment - Executive Managers - Adoption of Key Performance Indicators**

|                       |             |             |             |
|-----------------------|-------------|-------------|-------------|
| Ward:                 | -           | Date:       | 28 May 2004 |
| Precinct:             | -           | File Ref:   | -           |
| Attachments:          | -           |             |             |
| Reporting Officer(s): | John Giorgi |             |             |
| Checked/Endorsed by:  | -           | Amended by: | -           |

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of the Executive Managers' Key Performance Indicators, as shown in Confidential Appendix 10.4.4 (circulated separately to the Elected Members).*

**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Ker, Seconded Cr Farrell**

*That the Item be held over to the conclusion of the Agenda to be considered "behind closed doors" as it is of a confidential nature, as it relates to the Town's employees.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**(Refer to page 174)**

**BACKGROUND:**

At the Ordinary Meeting of Council held on 27 May 2003, the Council considered the matter of the Contract of Employment for Executive Managers and unanimously resolved inter alia as follows;

*"That;*

- (i) the Contract of Employment for the Executive Manager Corporate Services, Michael Rootsey, Executive Manager Environmental and Development Services, Rob Boardman and Executive Manager Technical Services, Rick Lotznicher, be renewed for a further period of five (5) years effective from 1 December 2003 (in accordance with Clause 8.3 of the Contract of Employment), subject to;*
  - (a) the contract details and remuneration package being identical (other than the Key Performance Indicators (KPIs) (Outcomes) which are to be determined) to the current Contract of Employment (as detailed in this report);*
  - (b) the Executive Managers consenting to jointly determine with the Chief Executive Officer key performance outcomes into the Contract of Employment and that those outcomes be strategic in nature and include a focus on goal setting and continuous improvement (as recommended in the Independent Organisational Review, Recommendation 16); and*

- (c) *the new Key Performance Indicators (Outcomes) being reported to the Council for final approval; ..."*

In October 2003, John Phillips and Simon White of WALGA were appointed to prepare the Key Performance Indicators for the Chief Executive Officer.

The first draft was refined and presented to an Elected Members briefing held on Monday 8 December 2003. At the Ordinary Meeting of Council held on 16 December 2003, the Council approved of the Chief Executive Officer's Performance Appraisal - Key Result Areas.

New Draft Key Performance Indicators have been prepared, in conjunction with the Town's Executive Managers and in accordance with the previous Council decision, are reported for the Council's consideration and approval. These KPIs are circulated on a confidential basis to Elected Members.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities.

In accordance with the Local Government Act 1995 (Section 5.95), the CEO is of the opinion that the KPI information should not be available for public information, because of the private nature of this information. It has therefore been circulated to Elected Members and Executive Managers on a confidential basis.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 4 "*Governance and Management*", in particular, 4.4(d) - "*Promote employee professional development programs.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The approval of the Executive Managers' Contract of Employment Key Performance Indicators is in keeping with the Council decision of 27 May 2003 and is recommended for approval.

Executive Managers Corporate Services, Environmental and Development Services and Technical Services returned to the Chamber at 8.32pm.

**10.4.6 Department of Sport and Recreation (DSR) Office Building, No. 246 Vincent Street, Leederville - Streetscape Activation and Landscape Plan**

|                       |                                               |             |             |
|-----------------------|-----------------------------------------------|-------------|-------------|
| Ward:                 | South                                         | Date:       | 1 June 2004 |
| Precinct:             | Oxford Centre, P4                             | File Ref:   | RES0062     |
| Attachments:          | <a href="#">001</a>                           |             |             |
| Reporting Officer(s): | R.Lotznicher, D Abel, J van den Bok, C Wilson |             |             |
| Checked/Endorsed by:  | J Giorgi                                      | Amended by: | -           |

**OFFICER RECOMMENDATION:**

*That the Council*

- (i) *RECEIVES the report on the Department of Sport and Recreation Office Building, No. 246 Vincent Street, Leederville - Streetscape Activation; and*
- (ii) *ADOPTS the streetscape activation and landscape details, as outlined in the report and in Plan A02, as shown in Appendix 10.4.6.*

**Moved Cr Chester, Seconded Cr Lake**

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

*"(iii) NOTES that;*

- (a) *artworks will be developed in liaison with the Department of Sport and Recreation and a further report will be submitted to the Council;*
- (b) *the project architects will have input in the final selection of the type and colours of street furniture, fencing and lighting; and*
- (c) *the purpose and intent of the ground level window display boxes is to provide high quality, interesting and stimulating displays which are associated with sport and recreation and for these to be changed on a frequent basis."*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.4.6**

*That the Council*

- (i) *RECEIVES the report on the Department of Sport and Recreation Office Building, No. 246 Vincent Street, Leederville - Streetscape Activation;*
- (ii) *ADOPTS the streetscape activation and landscape details, as outlined in the report and in Plan A02, as shown in Appendix 10.4.6; and*

(iii) **NOTES that;**

- (a) *artworks will be developed in liaison with the Department of Sport and Recreation and a further report will be submitted to the Council;*
- (b) *the project architects will have input in the final selection of the type and colours of street furniture, fencing and lighting; and*
- (c) *the purpose and intent of the ground level window display boxes is to provide high quality, interesting and stimulating displays which are associated with sport and recreation and for these to be changed on a frequent basis.*

---

**BACKGROUND:**

At the Ordinary Meeting of Council held on 4 November 2003, the Council approved of the tender to construct an Office Building at 246 Vincent Street, Leederville. The building was also approved by the Western Australian Planning Commission. At its Ordinary Meeting held on 24 February 2004, the Council considered a progress report and resolved as follows;

*"That the Council;*

- (i) *ADOPTS the Capital Works and Maintenance Program 2005-2025 for the Department of Sport and Recreation (DSR) Office Building, 246 Vincent Street, Leederville, as shown in Appendix 10.4.2; and*
- (ii) *REQUESTS a report from the Chief Executive Officer on the activation of the building at ground level."*

On 17 May 2004, the Executive Manager Technical Services presented a power point presentation on the streetscape and street activation to an Elected Member Forum, which was also attended by Senior Officers of the Department of Sport and Recreation (DSR) and Council officers.

The Project Architect also presented the colour scheme for the building and this is included as an item on this Agenda for Council approval.

At the Ordinary Meeting of Council held on 13 May 2003, the following was reported:

*"Peter Hunt Architect has advised of the following;*

***"Visible External Features and Finishes***

*The architectural character of the new Sport and Recreation Office Building will be contemporary and this is achieved through a mix of solid, light weight and transparent materials on the four facades. Plans are attached to this report and Business Plan.*

*The sculptural massing of the building follows a strong geometric plan rigorously configured to a 1200 x 1200 planning module.*

*The external features comprise of two masonry elements ("book ends") clad in Donnybrook stone in keeping with the Town of Vincent Administration Centre; high performance slightly tinted glazing on all facades, painted compressed sheet to the building podiums; and powder coated perforated sun shading devices on the North, East and West facades. In accordance with the Tender Brief, all handrails will be stainless steel with glazed infill panels to the stairs. The entry canopies will be clad in a pre-finished metallic panelling system.*

*An elevated shade canopy in the form of a light steel structure will create a visual counterpoint over the entrance to the building and will announce the building to the street in a most distinctive manner.*

### ***Internal Features and Finishes***

*The building is configured around a centralised core on the south with clearly identifiable pedestrian access from Vincent Street on the south and the secure and visitor's car parks to the north.*

*The ground floor lobby is generous in proportions, incorporating a reception counter (15m<sup>2</sup>), waiting area (20m<sup>2</sup>), 16 person lift and a 1900 clear width interconnecting stair.*

*The building's design ensures that virtually no point within the office space is more than 10 metres from a natural light source, thus minimising dependence on artificial lighting.*

*The location of the core permits 4 potential independent access points from the lobby on each floor level thus maximising flexibility when planning floor utilisation.*

*The central zone for each floor has the structural capacity to accommodate the records compactus requirements as demonstrated in the structural loading diagram.*

*The shower and change room facilities exceed the Tender Brief requirements through the inclusion of an additional toilet and a unisex shower/change cubicle.*

*The internal finishes will be in accordance with the Tender Part 2 - Technical Requirements, being carpeted flooring in office spaces, lobbies with tiles and vinyl in wet areas. The walls construction will be rendered brickwork or concrete within the core and plasterboard to all perimeter walls (paint finished).*

### ***Type of Construction***

*The building is based on an 8.4 x 8.4 metre structural grid of reinforced concrete columns supporting a ground and first floor slab. We have adopted a solution in which all internal and external walls are not structural and therefore permit future manipulation of building elements.*

*Typically on the external walls, we employ a light weight construction technique using a variety of cladding materials supported by a galvanised steel framework with insulation and vapour barriers. Similarly the internal skin of these walls are gyprock with insulation.*

*The building's core will be constructed from brickwork and rendered or tiled as required."*

A concept plan of the building elevation facing Vincent Street is shown at Appendix 10.4.6.

### **Streetscape Activation**

The Oxford Centre Study and the Town's Oxford Centre Precinct Policy does not prescribe any specific requirements for the subject site, however, if the 'Central Area' requirements of the Policy are applied to the DRS development, the following relevant matters should be considered:

### Activation

#### *"General*

*Built form within the Oxford Centre Precinct is to promote the following principles:*

- a) The encouragement of commercial buildings which face the street and promote an active and permeable interface (i.e., 'shopfront style development', doors to the street).*
- b) Articulation of buildings into elements which exhibit strong urban character (i.e., are 'City-like').*
- c) Consistency in style, form, rhythm and articulation of buildings.*
- d) Fine-grained architectural form to the sidewalk (i.e., building fronts should be detailed).*
- e) Maximum glazing (windows) to the street and ground level for surveillance and commercial exposure.*
- f) Encouragement of cultural relevance of building forms to the surrounding community (through architectural design or the use of public art).*
- g) Legible building forms, particularly emphasising street corners for orientation.*
- h) Robust building forms which are adaptable over time to alternative uses...*

#### *Street Front Facades – Design*

*Building facades are to be articulated and detailed (broken into distinct visual elements). Projections such as verandahs, awnings, canopies, balconies and bay windows are to be used to project visual interest.*

*The public faces of buildings are to be detailed in order to provide richness and variety, with accentuated elements aimed at reducing the perceived building bulk.*

#### *Street Front Facades – Materials*

*Street front facades are to be predominantly a combination of the following finishes:*

- a) Rendered concrete blocks or bricks.*
- b) Face bricks.*
- c) Stone or stone cladding.*
- d) Glazed shopfronts.*

*The use of reflective or obscure glass, or glass blocks, is not permitted. Exterior shading devices are to be used where it is necessary to protect windows from direct sunlight. The use of tilt-up construction method is prohibited unless it can be demonstrated that the aforementioned requirements relating to articulation, detail and blank walls have been satisfied. Acceptable means of treating tilt-up slab comprise detailing by texturing/grooving surfaces, the use of bas-relief designs (or public art), and the inclusion of brick headers around windows and doors..."*

The DSR development will provide activation at ground level in the following manner:

- The main pedestrian entrances into the building is via the Vincent Street elevation and also the rear carpark.
- Offices and two (2) balconies will be accommodated along the Vincent Street elevation.
- The Vincent Street elevation has incorporated significant sections of glazing for vision glass and spandrel glass.
- The Vincent Street elevation at the pedestrian level will incorporate six (6) illuminated display window boxes.
- Vehicular and bicycle ingress and egress will be via the main driveway at the western end of the site.

The activation can be further enhanced by the following means:

- The display within the display window boxes should be of a high quality and directly linked with the activities associated with the DSR.
- The displays within the display window boxes should be changed on a regular basis, say every 3 months to inject interest and regularly attract people to view these displays.
- The installation of art on the Vincent Street elevation walls at the pedestrian level to reduce the visual bulk of these wall, add interest and vibrancy, attract people to the development, and direct people to the main pedestrian entrances to the development.
- If feasible, seats, a combined water feature/drinking fountain, different coloured up-lights and an audio playing serene music provided in the display window boxes area to attract people to come, observe and contemplate within this area.

#### Outdoor Area

The outdoor area between the building and Leederville Oval will be used for staff recreation, social activities and the like. It will incorporate a shade sail, seating and landscaping. The DRS have advised that this area will be extensively used by the 100 employees and their visitors.

#### Streetscape

The Oxford Centre Study states the following in relation to streetscapes:

*"Sidewalk treatments for key pedestrian streets should remain relatively simple... It is recommended that a darker grey (notionally) urban stone "gunmetal" be the prevailing paving stone as it will help to conceal marks, chewing gum, etc. Rhythmic punctuation is to be provided by banding and detailing using mid tone grey paving stone (notionally urban stone "silver grey").*

*Specific punctuation and embellishment of paving areas should be carried out using various public art treatment. The study also recommends a selection of street furniture themes which exhibit a strong use of brushed metal. Such street furniture themes are intended to provide reference to historical mixed uses, be sympathetic to heritage building forms, whilst exhibiting a contemporary relevance."*

#### Street Trees

The Study also recommends Chinese tallow trees along Vincent Street. This tree is not supported in this location due to its dense and spreading canopy.

Whilst officers previously suggested the Paperbark (*Melaleuca quinquinervia*) for planting along Vincent Street to tie in with the tree species already existing, this has since been reviewed due to concerns that views from the DSR building would be obstructed as this species has a rather dense canopy.

It is therefore recommended that the Spotted Gum (*Eucalyptus maculata*) is the preferred native species of tree to be planted along the Vincent Street frontage of the building, with trees located centrally at 8 metre spacings between the columns of the building. This species has an upright habit, open canopy and appropriate height and form in terms of the scale of the building. (These trees are currently in the centre of Oxford Street.)

It should be noted that the Project Architect recommends that a deciduous tree be used such as the Claret Ash or Chinese Tallow. Should the Council prefer an exotic tree species, it is considered that Claret Ash is appropriate. This species has been successfully planted on the south side of Vincent Street (between Charles and Fitzgerald Streets).

Garden areas along the southern side of the building will consist of a selection of water wise species with straplike foliage, such as New Zealand Flax, Ornamental grasses and Moses in the Cradle. The above species will add colour and interest to the streetscape especially at a pedestrian scale.

#### Hard Landscaping

It is proposed that urban stone pavers be installed along the Vincent Street frontage comprising of Topaz being the predominant (darker) paving stone with Ivory (lighter) banding. This type of pavement is used outside the Town's Administration and Civic Centre. This detail was presented to the forum attended by Elected Members and senior officers of the Department of Sport and Recreation (refer attached Plan No A02) held on 15 May 2004. No negative comments were received.

#### Street Furniture

A contemporary seat and rubbish receptacle design, constructed from aluminium has been selected to tie in with the building materials/colours. These items have recently been installed at Perth Oval and soon to be completed Robertson Park and have extreme durability and are low maintenance. Rubbish receptacles will be located in garden areas outside the building and seating provided in the alcove area at the western end of the building. The Town's standard bike racks will be used in the street.

Lighting into street trees is proposed to be installed to add atmosphere and ambience to the streetscape. One (1) "Weef" uplighter will be installed at ground level adjacent to each tree.

#### Car park

The tree species to be planted in the rear car park is the Flooded Gum (*Eucalyptus rudis*). This local W.A. native is indigenous to the area and will provide shade, attract native birdlife and does not have a tendency to drop branches, as do many of the *Eucalyptus* species.

Garden areas to the rear or north frontage of the building, will consist of mainly W.A. native species common to the area. The existing landscaping around Leederville Oval is predominantly native and this theme is being maintained wherever possible.

#### Street Lighting

In respect to the street lighting adjacent the DSR building, it is proposed to replace and augment the existing timber pole mounted High Pressure Sodium streetlights with equivalent Metal Halide lamps mounted on decorative poles from Western Power's *StreetVision* range.

Along the northern side of Vincent Street, from the DSR site to the Leederville Early Childhood Development Centre, there are three (3) timber pole mounted 250watt High Pressure Sodium lights. These lights are positioned between the streetlights on the southern or residential side of the road so as to achieve an even spread of light across Vincent Street.

High Pressure Sodium, while acknowledged as an energy efficient light, gives off a yellow hue, which distorts natural colour tones. As a result, and with the recent improvements in Metal Halide technology, most electrical consultants are now recommending the use of Metal Halide lighting in areas of high pedestrian activity. Metal Halide produces a 'white' light which reflects true colours and will enhance both the on street activation and external finishes of the DSR building.

Metal Halide has similar energy usage and efficiency rating as that of High Pressure Sodium and therefore it is proposed to install 250watt lamps which will produce an equivalent standard to the existing level of lighting in Vincent Street.

Further, as the major spectator entrance and exit to Leederville Oval, it will provide a contrast to the preceding lighting, drawing motorists' attention to a change in road conditions.

With regard to the choice of poles and fittings, the Council has previously resolved to use Western Power supported street lighting infrastructure for reasons of continuity of supply and maintenance. Therefore it is proposed to nominate the single outreach *Meadow Springs* with the *Bourke Hill* light fitting in black, as installed in Angove Street, North Perth.

Note: Western Power have only recently introduced Metal Halide lamps into their standard range.

Specifically four (4) of the Meadow Springs lights will be installed along the northern side of Vincent Street, all with an underground feed, eliminating the aerial connections. The two (2) lights adjacent to the DSR building will be Metal Halide, while the two (2) closest to the Town's Administration Centre will be High Pressure Sodium to maintain the continuity with the existing street lighting. In addition, the two (2) timber pole mounted High Pressure Sodium lights opposite the DSR Building will be converted to Metal Halide so that there is not a contrast in lighting on opposing sides of the road.

The overall affect will be to create a distinctive precinct of 'white' light emphasising the change in road conditions and highlighting the façade and external finishes of the new building as well as aiding or improving the on-street activation.

**LEGAL/POLICY IMPLICATIONS:**

N/A

**ADVERTISING/COMMUNITY CONSULTATION:**

N/A.

**STRATEGIC IMPLICATIONS:**

These projects are in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 "*Promote business opportunities in the Town.*"

**COMMENT:**

It is therefore recommended that the Council receives the report on the Department of Sport and Recreation (DSR) Office Building, No. 246 Vincent Street, Leederville - Streetscape Activation and adopts the streetscape activation and landscape details, as outlined in the report.

**10.4.7 Review and Adoption of Members Fees and Expenses 2004/2005**

|                              |             |                    |             |
|------------------------------|-------------|--------------------|-------------|
| <b>Ward:</b>                 | Both        | <b>Date:</b>       | 2 June 2004 |
| <b>Precinct:</b>             | All         | <b>File Ref:</b>   | ADM0051     |
| <b>Attachments:</b>          | -           |                    |             |
| <b>Reporting Officer(s):</b> | John Giorgi |                    |             |
| <b>Checked/Endorsed by:</b>  | -           | <b>Amended by:</b> | -           |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES BY AN ABSOLUTE MAJORITY for 2004/2005 the financial support that will be provided to Elected Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing the official functions and duties of office as detailed in Policy 4.2.7 - Elected Member Allowances, Fees and Re-imburement of Expenses as shown at Appendix 10.4.7;*
- (ii) *APPROVES the amendments to Policy 4.2.7 - Elected Member Allowances, Fees and Re-imburement of Expenses as shown at Appendix 10.4.7; and*
- (iii) *not advertise the proposed amended policy, as the proposed amendments are of a very minor nature and do not materially affect the principle conditions of the policy.*

---

**Moved Cr Cohen, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Cohen, Seconded Cr Lake**

*That a new clause (iv) be added as follows:*

*"(iv) REQUESTS the Chief Executive Officer to write to the Department of Local Government and the Western Australian Local Government Association requesting that amendments be made as a priority to the relevant Local Government Act 1995 Regulations to allow for an increase in the maximum amount for the reimbursement of child care expenses to Elected Members."*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.4.7**

*That the Council;*

- (i) *APPROVES BY AN ABSOLUTE MAJORITY for 2004/2005 the financial support that will be provided to Elected Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing the official functions and duties of office as detailed in Policy 4.2.7 - Elected Member Allowances, Fees and Re-imburement of Expenses as shown at Appendix 10.4.7;*
- (ii) *APPROVES the amendments to Policy 4.2.7 - Elected Member Allowances, Fees and Re-imburement of Expenses as shown at Appendix 10.4.7;*
- (iii) *not advertise the proposed amended policy, as the proposed amendments are of a very minor nature and do not materially affect the principle conditions of the policy; and*
- (iv) *REQUESTS the Chief Executive Officer to write to the Department of Local Government and the Western Australian Local Government Association requesting that amendments be made as a priority to the relevant Local Government Act 1995 Regulations to allow for an increase in the maximum amount for the reimbursement of child care expenses to Elected Members.*

---

**BACKGROUND:**

At the Ordinary Meeting of the Council held on 27 May 2003, the Council approved the draft Policy Members Fees and Expenses, policy number 4.2.7. This was advertised for public comment and these were considered at the Ordinary Meeting of Council of 8 July 2003. The policy was adopted and now includes various items as follows:

**1.1 Meeting Attendance Fees**

The meeting fees are the maximum permitted under the Local Government Act 1995.

CEO's Comment

*No change is recommended.*

**1.2 Mayoral Allowance**

The Local Government Act 1995, Section 5.98 and Local Government (Administration) Regulations 1996, Regulation 33 allows for a Local Government to pay a minimum allowance of \$500 and a maximum allowance of \$10,000 or 0.002 of the Local Government's operating revenue.

The Council has adopted that the Mayoral allowance should be paid using the percentage formula of the Local Government's operating revenue.

The Town of Vincent's operating revenue for 2002/2003 was \$20,343,359, therefore the mayoral allowance will be \$40,687 for 2004/05.

CEO's Comment

*No change is recommended.*

### 1.3 Deputy Mayor's Allowance

The Local Government Act 1995, Section 5.98A and Local Government (Administration) Regulations 1996, Regulation 33A, prescribe that a Deputy Mayor allowance can be up to 25% of the Mayor's allowance. At the Special Meeting of Council held on 9 July 2002 the Council resolved that the Deputy Mayor's allowance be up to the maximum allowed under the Local Government Act. The allowance will be \$10,175 for 2004/2005.

CEO's Comment

*No change is recommended.*

### 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.

CEO's Comment

*No change is recommended.*

### 1.5 Payment

Fees will be paid monthly in arrears.

CEO's Comment

*No change is recommended.*

## 2. Mayoral Vehicle

The Mayor's vehicle (a Ford Fairlane model) for official duties has been leased for one year. The lease, insurance and motor vehicle registration costs are to be deducted from the Mayoral allowance on a monthly basis. This is approximately \$380 per month. The Mayor is entitled to re-imbursment of fuel to a maximum value of \$50 per week.

CEO's Comment

*No change to the vehicle or re-imbursment is proposed. It is recommended that:*

- 1. Clause 2.1 of the policy be amended to delete "leased for a period of four (4) years". The words "available for the term of the Mayor" inserted in its place. Also the words "The CEO be authorised to negotiate the most suitable and cost effective contract" be added to the end of clause 2.1.*

*A one year lease is significantly cheaper than a four (4) lease.*

- 2. Clause 2.3 of the policy be amended to add the words "to a maximum of \$2,600 per annum" to the end of the paragraph.*

**3. Telecommunications**

The Local Government Act and Regulations prescribe that rental charges for one telephone and one facsimile machine are required to be paid to Elected Members. The Town also currently pays for all telephone calls and including the use of mobile phones.

The Town also reimburses one internet connection fee up to 80% of actual fee for each member. This reimbursement is based on the proposed usage for Council related purposes.

All telephone accounts will require Elected Members to verify that such costs have been incurred for Council purposes.

CEO's Comment

*No change is recommended.*

**4. Travelling Expenses**

Travelling and parking costs are in accordance with the Local Government Officers' Award. Reimbursement of these fees is prescribed by the Local Government Act 1995.

CEO's Comment

*No change is recommended.*

**5. Childcare Cost**

Reimbursement of these fees is the maximum prescribed by the Local Government Act 1995 and regulations.

CEO's Comment

*No change is recommended.*

**6. Conferences and Seminars**

This relates to approved conferences.

CEO's Comment

*No change is recommended - the Council reviewed its policy relating to conferences and adopted a new policy on 8 March 2004.*

**7. Insurance**

The Council provides insurance to cover Elected Members, in their official capacity, for personal accident (except medical expenses), professional indemnity, public liability and motor vehicle.

CEO's Comment

*No change is recommended.*

**8. Consumables and Stationery**

This category covers consumables, stationery, postage, business cards, letterheads and envelopes.

CEO's Comment

*No change is recommended.*

**9. Miscellaneous Councillor Expenses**

This category covers reimbursement of dry cleaning, clothing hire, purchase of office furniture, purchase of briefcase/satchel and Christmas cards.

CEO's Comment

*No change is recommended.*

**10. Pro rata Allocations**

This clause prescribes the payment to Elected Members where it involves only part of a financial year.

CEO's Comment

*No change is recommended.*

**CONSULTATION/ADVERTISING:**

In view of the very minor nature of the proposed amendments which do not materially affect the principle conditions of the policy, it is recommended that the policy amendments not be advertised for public comment.

**LEGAL/POLICY:**

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 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:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The above costs associated with this policy are covered in the Annual Budget 2004/05.

**COMMENTS:**

The expenses and allowances approved by the Town of Vincent are comparable with other local governments of a similar size and budget to the Town of Vincent and no difficulties have been raised. Accordingly, it is recommended that no change be made (other than clauses 2.1 and 2.3 which relates to the lease and use of the Mayor's vehicle).

**10.4.8 Members Equity Stadium - Legal Documentation and Outstanding Matters - Progress Report No. 8**

|                              |               |                    |                 |
|------------------------------|---------------|--------------------|-----------------|
| <b>Ward:</b>                 | South         | <b>Date:</b>       | 2 June 2004     |
| <b>Precinct:</b>             | Beaufort, P13 | <b>File Ref:</b>   | RES0051/RES0072 |
| <b>Attachments:</b>          | -             |                    |                 |
| <b>Reporting Officer(s):</b> | John Giorgi   |                    |                 |
| <b>Checked/Endorsed by:</b>  | -             | <b>Amended by:</b> | -               |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 2 June 2004 (including the confidential information as circulated separately to Elected Members); and*
- (ii) *ADVISES Allia Holdings Pty Ltd (Allia) and Perth Glory Soccer Club Pty Ltd (PGSC) of its decision concerning the legal documentation and outstanding matters, as detailed in this report.*

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**COUNCIL DECISION ITEM 10.4.8**

**Moved Cr Ker, Seconded Cr Lake**

*That the Item be held over to the conclusion of the Agenda to allow Council to go "behind closed doors".*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**(Refer to page 177)**

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**BACKGROUND:**

The purpose of this report is to provide the Council with the latest information relating to the negotiations concerning the legal documentation and outstanding matters.

Progress reports have been submitted to each Council meeting since February 2004.

At the Ordinary Meeting of Council held on 25 May 2004, the Council considered this matter and resolved as follows;

*"That the Council;*

- (i) *RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 20 May 2004 (including the confidential information as circulated separately to Elected Members); and*
- (ii) *DEFERS any further consideration of the outstanding matters relating to the Heads of Agreement until the Town has received further legal advice concerning this matter."*

At the Ordinary Meeting of Council held on 11 May 2004, the Council resolved as follows;

*"That the Council;*

- (i) *RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 5 May 2004;*
- (ii) *NOTES that a further report will be provided at the meeting of 11 May 2004; and*
- (iii) *ADOPTS the position as detailed in the CEO's Further Report (Confidential) dated 11 May 2004 relating to the Town's position and Allia/PGSC's response subject to the following:*
  - (a) *the twenty year term of the Heads of Agreement (HOA) started on 1 February 2004 and that the Council will approve of the HOA being extended for the months of March, April, May and June of the twentieth year (similar to a "lease-holding over" clause) and this be included in the proposed Deed of Clarification/Acknowledgement;*
  - (b) *a clarification clause being inserted in the proposed Deed of Clarification/Acknowledgement to clearly articulate that the Mortgage Security under the Heads of Agreement is provided to secure both the repayment of the loan monies plus \$300,000 and the performance of all of the Guarantors Covenants under the Heads of Agreement; and*
  - (c) *the other provisions of the Town's offer and Allia/PGSC's response together, as detailed in the CEO's Further Report (Confidential) remaining unchanged."*

On 20 May 2004, the final drafts of the Standard Licence, PGSC 20 year Licence and PGSC Lease were sent to Ilberys, lawyers for Allia and PGSC.

On 31 May 2004, Ilberys lawyers responded on behalf of Allia and PGSC and advised the Town of the following;

| Town's Proposal of 17 May 2004 and Counter-Proposal of 8 June 2004 (as "bolded")                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Allia's/Perth Glory's Response of 31 May 2004                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. <u>Term.</u></p> <p><del>The 20 year term of the HOA started on 7 February 2004, with a holding over period from 8 February 2024 until 30 June 2024, with Allia paying a monthly licence fee of \$33,333.33 plus GST for each month in advance during the holding over period.</del></p> <p><del>The Town did not request this monthly payment to be indexed to CPI. (Note: If indexed with a 2% CPI \$33,333.33 would be valued at approximately \$49,500 in 2024.)</del></p> <p><b>Town's Position:</b></p> <p><b>**Confidential**</b></p> | <p>1. <u>Term.</u></p> <p><b>Not Agreed.</b> Allia offered the following;</p> <p>"(a) That the HOA commences on 7 February 2004 and the key handover is 30 June 2004, with the term expiring on 6 February 2024, with a holding over as of right, from 7 February 2024, until 30 June 2024. In the event that the Town's loan has been repaid, no further payment is to be made by Allia; or</p> <p>(b) That the HOA commences on 7 February 2004 and the key handover is 30 June 2004, with the term expiring on 6 February 2024, with a holding over as of right, from 7 February 2024, until 30 June 2025 and Allia will pay a monthly fee of \$33,333.33 (plus GST) for each month of the holding over in advance, notwithstanding that the Town's loan may have been repaid."</p> |

| Town's Proposal of 17 May 2004 and Counter-Proposal of 8 June 2004 (as "bolded")                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Allia's/Perth Glory's Response of 31 May 2004                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>Note:</b> The Town's solicitors advise that <b>Option (b) for the additional year until 2025, cannot be accepted as it would be a breach of the Local Government Act - the original business plan and tender specifications.</b></p>                                                                                                     |
| <p>2. <u>Outstanding payments.</u></p> <p>(a) Contemporaneously with the execution of all of the documents, Allia must pay to the Town all outstanding moneys, including:</p> <p>(i) all outgoings payable under the HOA. These items comprise:</p> <ul style="list-style-type: none"> <li>• \$9,852.43 for the reimbursement of building insurance calculated on a pro rata basis for the period of 1 February 2004 to 30 June 2004;</li> <li>• \$4,056.90 for the reimbursement of public liability insurance calculated on a pro rata basis for the period of 1 February 2004 to 30 June 2004; and</li> <li>• \$6,988.00 for the recoupment of costs for additional works at the Stadium;</li> </ul> <p>(ii) the missed payments under the HOA for the months of March, April, May and June 2004 (comprising \$133,333.32) (Missed Payments);</p> <p>(iii) the payment of interest of \$3,219.63;</p> <p>(iv) a \$5000 bond payable under the HOA; and</p> <p>(v) a contribution to the Stadium's capital reserve of \$25,000 payable under the HOA.</p> <p>(b) PGSC must pay for its office fitout (\$18,823).</p> <p>(c) PGSC's outstanding money of \$24,927.95 (plus interest payable) is to be paid by the date of the new Australia Premier Soccer League's first fixture held in Perth or by 1 July 2005, whichever is earlier.</p> <p><b><u>Town's Position:</u></b></p> <p><b>**Confidential**</b></p> | <p>All agreed with Town's proposal.</p> <p>(c) Agreed. Allia advise of the following; subject to the monies being paid <b>within seven days</b> of the date that the of the new Australian Premier Soccer League plays its first fixture held in Perth or by <b>30 September 2005</b>, whichever is earlier date, <b>without interest.</b></p> |
| <p>3. <u>Crediting of monthly payments made to date</u></p> <p>All of the monthly payments made by Allia to date (being 6 in total), together with the Missed Payments, will be treated as payments in reduction of the Town's loan. Allia will remain responsible to pay \$33,333.33 per month to the Town from <u>1 February 2004</u> until the Town's loan has been repaid.</p> <p><b><u>Town's Position:</u></b></p> <p><b>**Confidential**</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Agreed with the change of date to <u>1 July 2004</u>.</p>                                                                                                                                                                                                                                                                                   |

| Town's Proposal of 17 May 2004 and Counter-Proposal of 8 June 2004 (as "bolded")                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Allia's/Perth Glory's Response of 31 May 2004                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>4. <u>Mortgage Documents</u></p> <p><del>(a) The proposed Deed of Clarification is to clearly articulate that the Mortgage Security under the HOA is provided to secure both the repayment of the loan moneys plus \$300,000 and the performance of all of the Guarantors' Covenants under the HOA.</del></p> <p><del>(b) All other elements of the Town's offer and Allia's proposal, considered together, are to remain unchanged, save that:</del></p> <p><del>(i) item 4 of your letter of 11 May 2004 (Letter) is not accepted and the definition of "Secured Money" under the Mortgage is to state that that term means "all moneys owed to the Mortgagee by the Guarantors and Allia pursuant to the Heads of Agreement".</del></p> <p><b>Town's Position:</b></p> <p><b>**Confidential**</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b>Not agreed.</b> Allia stated; <i>"we will not discuss any further, as our position is final"</i> - Allia have further stated their position is unchanged.</p>                          |
| <p>5. <u>Deed of Clarification</u></p> <p>The parties must execute a deed which records the following matters;</p> <p>1. <u>Recital</u><br/>That the Town and Allia have been in dispute as to the date upon which Allia was required to commence the performance of its obligations under the HOA. In particular, it must state that the Town has always maintained that the HOA commenced on 14 July 2003, and that, again in the Town's view, Allia was required to commence the performance of its obligations under the HOA on, at the very latest date, 1 September 2003. However, the relevant recital shall go on to state that, in order to advance matters for the benefit of all concerned, the Town has agreed to amend the HOA to state that the term of 20 years started on 1 February 2004.</p> <p>2. <u>Indemnity from Legal Action</u><br/>The deed must also include a provision under which Allia, PGSC, and the Town agree that no party shall be able to commence legal action against another party to the deed in respect of any loss claimed by reason of the parties' dispute.</p> <p>3. <u>Deed of Clarification</u><br/>The deed (prepared by Ilberys and agreed to by the Town) must record the above matters and include the following clarifying elements:</p> <p>(a) Commission Rates: confirmation that the parties have agreed to the commission rates set out in Ilberys' letter to Minter Ellison dated 13 April 2004;</p> | <p>All agreed. Ilberys have prepared this draft Deed and this has been presented to the Town for consideration and approval.</p> <p>Agreed.</p> <p>Agreed.</p> <p>Agreed.</p> <p>Agreed.</p> |

| Town's Proposal of 17 May 2004 and Counter-Proposal of 8 June 2004 (as "bolded")                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Allia's/Perth Glory's Response of 31 May 2004                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(b) Definition of Net Rent: confirmation that 'Net Rent' in the HOA means an amount equivalent to the rent received by the Town under a lease;</p> <p>(c) Use of Storeroom Areas: covenants to the following effect:</p> <p>(i) Perth Glory Soccer Club Pty Ltd (PGSC) is licensed use at no cost to PGSC one half of the Lord Street storeroom building; and</p> <p>(ii) Allia is licensed to the use at no cost to Allia, and to the exclusion of all others but the Licensor, the equipment room located near the Western Australian Rugby League Limited's (WARL) leased area;</p> <p>(d) Administration of Rights - Common Areas: confirmation that Allia will administer the rights, dates and times that pertain to areas in the WARL's leased premises and PGSC's proposed leased premises that are available for the use of licensees on Event Days involving the whole of the Stadium (as defined in the HOA). <b>The Manager must prepare the rights, guidelines and rules in consultation with the Town and any lessees. It is recommended this be drafted prior to signing all documents and be included into the Deed of Clarification.</b></p> <p>(e) New KPI: a new key performance indicator numbered 9 in the following form is to be included in the HOA:</p> <p>"The key performance indicator – pro forma standard Deed of Licence</p> <p>The copy of the standard Deed of Licence duly dated and initialled by the parties is to be used by the Stadium Manager as the standard Deed of Licence for events to be held at the Stadium and changes to the pro forma as pro forma May only be made with the prior approval of both the Town and the Stadium Manager (which approval the Town and the Stadium Manager will not unreasonably withhold);</p> <p>(f) Standard Licence - Administrative Fee: a covenant that the \$500 administrative fee that will be charged by the Town under the standard licence with respect to commercial Events (which involve use of the Stadium playing pitch) shall be indexed to CPI and shall be reviewed on 1 July of each year; and</p> | <p>Agreed.</p> <p>Agreed.</p> <p>Agreed. <b>Allia however wish to prescribe "reasonable rules and requirements set out by the Manager in respect to this matter".</b></p> <p>Agreed.</p> <p>Agreed.</p> |

| Town's Proposal of 17 May 2004 and Counter-Proposal of 8 June 2004 (as "bolded")                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Allia's/Perth Glory's Response of 31 May 2004                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(g) New Clause requested by Allia, relating to access by Lessee - <b>proposed wording not agreed by Town - wording to reflect current WARL lease requirements. This is to be drafted prior to the signing of the documents and included in the Deed of Clarification.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Allia have requested a new Clause to allow the Stadium Manager to prohibit access by lessees unless they comply with reasonable rules and requirements, set out by the Manager.</p>                                                                                                                                                                                                                       |
| <p>6. <u>Reference to Minister in HOA</u></p> <p>Ilberys is to arrange for references to the Minister in the HOA to be changed where appropriate to either read a chartered accountant with 15 years experience or a Queens Counsel (depending on whether the matter is a financial or legal matter). It is acknowledged that it may be appropriate to insert those references in the Deed of Clarification referred to above. The form of those references to be resolved by Ilberys and Minter Ellison. It is generally accepted by the parties that it is necessary for a third person to resolve the disputes that may arise."</p> <p><b><u>Town's Position:</u></b></p> <p><b>**Confidential**</b></p> | <p>Agreed. Ilberys request a <u>new</u> clause which now proposes that in addition to a Chartered Accountant or Queens Counsel, an "Umpire" be also appointed in respect to any dispute relating to Licences issued under the Standard Licence. They suggest the person be agreed by both the Manager and the Committee and any costs for the "Umpire" be paid equally by the Manager and the Committee.</p> |
| <p>7. <u>Turf Sustainability</u></p> <p>Town agreed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><u>Turf Sustainability:</u><br/>Ilberys request that reference to turf sustainability is that stated in the HOA, KPIs, Nos. 1.10, 3.3 and 3.4.</p>                                                                                                                                                                                                                                                        |

### Senior Counsel Opinion - Mortgage Security

At the Ordinary Meeting of Council held on 11 May 2004, the Chief Executive Officer was requested to obtain Senior Counsel opinion relating to Mortgage Security and Secured Money Provisions of the HOA.

The Town's solicitors have obtained a Senior (formerly Queen's) Counsel's opinion (from Michael Buss, QC) relating to the definition of mortgage security and secured monies provisions of the HOA. This cost \$3,718 (incl. GST). The opinion comprises 16 pages. This information is circulated on a confidential basis to the Elected Members.

#### Senior Counsel Opinion - Relevant Parts

**\*\*Confidential\*\***

On 31 May 2004, Ilberys lawyers on behalf of Allia and PGSC submitted the following comments;

1. Licence Agreement - Standard Document

This document was finalised subject to the following Clauses being re-drafted and agreed by both parties;

(i) Clause 1.2 - Definition of Minister

The Crown Solicitor's Office advised that the Minister cannot arbitrate in a commercial contract between a Local Government and another party (previously DSR did not advise of any concerns in this matter). It was agreed that this Clause would be re-drafted to allow for the President of the Law Society to nominate an expert witness to mediate any disputes. The expert witness specified by Ilberys is to be a chartered accountant with 15 years experience or a Senior (Queens) Counsel (depending on whether the matter is a financial or legal matter) or any other independent person ("Umpire"), agreed in writing between the Committee and the Manager. Agreed, subject to the Town reviewing the amended Clause and changing the word "committee" to "Licensor".

(ii) Clause 1.2 - Definition of "Not Sustainable"

Allia have requested that this definition be re-drafted - this is agreed.

(iii) Clause 10.1(b)(i) - Licensee must have Insurance

Allia have suggested that the Licensor and Manager's interest be noticed on the Licensee's policy - this is agreed. (The Town has received advice from its insurers in this matter, who accept the proposal as being industry practice.)

(iv) Clause 10.3 - Full Indemnity

Allia have questioned whether a licensee could satisfy this provision - **not agreed, the existing clause to remain.**

(v) Clause 15.1(b) - Legal Costs

Allia have requested this Clause be deleted as they consider it superfluous. Agreed.

2. Licence Agreement - PGSC

This document has been agreed, subject to the following items to be resolved;

(i) Clause 1.2 - Definition of NSL Season

The definition referred to the "Minister", however are suggesting this be deleted and the words "Chairman of Australian Soccer Association (or such other governing body) of that National Competition" - agreed.

(ii) Clause 1.2 - Definition of "Not Sustainable"

Allia have requested that this definition be re-drafted - this is agreed.

(iii) Clause 2.4 - Assignment Clause

These five sub-clauses are requested for amendment, with one new sub-clause. **This matter is being investigated.**

(iv) Clause 6.13(d) - Parking

This Clause relates to the use of the Brisbane Street carpark, if available, by PGSC in the event that Loton Park cannot be used for parking. The Town provided a formula for costs. Allia has suggested a maximum amount of \$950, increased by CPI every 12 months - this is agreed.

(v) Clause 9.1 - Licensee must have Insurance

Minor reformatting required - therefore, agreed.

(vi) Clause 9.3 - Full Indemnity

Allia have questioned whether a licensee could satisfy this provision - **not agreed, the existing clause to remain.**

(vii) Clause 9.4 - Indemnity to Licensee

Allia has insisted that the Town provide it with a mirror indemnity as per Clause 9.2. **Agreed, subject to reviewing the wording to delete "visitors" and inserting "contractors".**

New Clauses:

Allia have requested the following new Clauses;

(viii) Clause 9.5(a)(ii) - Warm up Area

Minor changes to words is agreeable. Allia has also requested that the Town provide an indemnity "*where there is an inherent danger which is not subject to the naked eye*" - this is a new Clause and is **not agreed.**

(ix) Clause 12.1(c) - Resumption or Damage or Destruction

Allia has requested a new Clause prohibiting the Town to terminate the PGSC licence if the Council is the public authority resuming or taking the land for public purpose - **not agreed.**

3. PGSC Lease

This document was agreed, subject to the following;

(i) Clause 4.1 - Indemnities

PGSC insist on an indemnity being provided by the Town. **Agreed, subject to reviewing the wording to delete "visitors" and inserting "contractors".**

(ii) Minor Wording Changes

Minor wording changes for Clause 6.3(b), 9.2(b), 9.2(d), 9.2(g), 9.4(a), 9.4(c), 9.5, 16(f) and the Schedule - these are all agreed.

4. PGSC Lease - Carparking Licence

Two minor changes have now been requested and both are agreed.

5. Provision of Plans

Allia and PGSC have requested that all plans be updated and this is agreed.

6. Other Matters

Following the meeting of 5 May 2004, the following matters remain to be resolved;

(i) Security of the Stadium

Allia have recently claimed that the Stadium security needs improvement and submitted a plan which in essence requires security gates to be placed on the main ramps leading into the Stadium and a roller door to prevent access into the Grandstand. This request was referred to the Town's Health and Building Staff and the Project Architect for comment. The following is advised;

1. A new cyclone fence of 2 metres high and 2 bi-fold gates to match existing perimeter fencing can be placed across the ramp to grandstand wall near Gate 2 at the northern end of the Grandstand in such a way that gates swing in direction of egress (west) and gates/fencing to not impede egress/access pathways.

**Cost: \$2,500**

2. A suitable roller door or grill can be installed in the passageway just past the WARL office door, preventing access up the staircase to the concourse and also up the stairs to the Grandstand.

**Cost: \$900**

3. A suitable roller door or grill can be installed at the stairs leading from the landing at the rear of the Grandstand into the Grandstand.

**Cost: \$ 835**

4. A fence from the Grandstand (south) across to old toilet block near Brewer Street. **This is not supported, as this is unpractical and will not restrict access.** A fully demountable fence, which will not require holes in bitumen, or minimise the evacuation area currently available, or create new risks for spectators, or impede on ambulance access, is an option. This fence must be removed and appropriately stored on the morning of match days.

**Cost: \$550 for trial period - hire (3 months)**

**Total Cost: \$ 4,235 (Annual Costs for Fence Hire - \$2,200) (GST Included)**

Recommendation:

The Town's CEO is of the opinion that the stadium security is considered satisfactory. As there are no funds available, it is recommended that Allia pay for these works, if they wish to enhance the security - (Allia were involved in the Stadium design from its inception and had the opportunity to raise these items before the construction was carried out).

(ii) Town's Scoreboard Sign

Allia have requested that the Town's sign on the scoreboard be removed once a sponsor has been found for a new scoreboard. The Town has agreed to this request, subject to the Town's signage being erected at strategic locations around the Stadium. **The actual locations are yet to be agreed.**

(iii) Stadium Building Works

Allia has engaged a registered builder to carry out an inspection of the Stadium and has provided a list of matters which they believe require rectification. The list has been provided to the Project Architect who advises that the vast majority of the items are the responsibility of the builder and will be carried out as part of the defects list. Several minor items which were outside the building specifications are being investigated by the Town, however these are estimated to cost less than \$500. The Town has advised Allia that any works which were not part of the original tender or scope will be required to be paid for by Allia. This information is being confirmed by the Project Architect.

A number of other building works are to be further discussed as follows;

|     |                                                |            |
|-----|------------------------------------------------|------------|
| 3.1 | Grandstand Fretting Brickwork                  | \$70,000** |
| 3.2 | Eastern Grandstand - Removal of top stair rail | \$3,000*   |
| 3.3 | Male Toilets - tiling                          | \$2,000    |
| 3.4 | Grandstand Toilets - tiling                    | \$2,000    |
| 3.5 | Brewer Street Toilet Gutter Guards             | \$500      |

\* *Quotes provided by builder.*

\*\* *The bulk of this work is proposed to be carried out in Stage 2 works*

The following items are still unresolved and negotiations were in progress at the time of writing this report;

## SUMMARY OF UNRESOLVED MATTERS REQUIRING NEGOTIATION

### 1. Legal Agreements

#### (a) **Standard Licence**

##### Clause 1.2 - Definition of Minister

The Crown Solicitor's Office advised that the Minister cannot arbitrate in a commercial contract between a Local Government and another party (previously DSR did not advise of any concerns in this matter). It was agreed that this Clause would be re-drafted to allow for the President of the Law Society to nominate an expert witness to mediate any disputes. The expert witness specified by Ilberys is to be a chartered accountant with 15 years experience or a Senior (Queens) Counsel (depending on whether the matter is a financial or legal matter) or any other independent person ("Umpire"), agreed in writing between the Licensor and the Manager.

##### Clause 10.3 - Full Indemnity

Allia have questioned whether a licensee could satisfy this provision.

#### (b) **PGSC 20 Year Licence**

##### Clause 2.4 - Assignment Clause

These five sub-clauses are requested for amendment, with one new sub-clause. **This matter is being investigated.**

Clause 9.3 - Full Indemnity

Allia have questioned whether a licensee could satisfy this provision. This clause to remain.

Clause 9.5(a)(ii) - Warm up Area

Minor changes to words is agreeable. Allia has also requested that the Town provide an indemnity "*where there is an inherent danger which is not subject to the naked eye*". **Not agreed.**

Clause 12.1(c) - Resumption or Damage or Destruction

Allia has requested a new Clause prohibiting the Town to terminate the PGSC licence if the Council is the public authority resuming or taking the land for public purpose. **Not agreed.**

(c) **PGSC Lease**

Clause 4.1 - Indemnities

PGSC insist on an indemnity being provided by the Town - this matter is agreed, **subject to deletion of the word "visitors" and inserting "contractors"**.

(d) **Proposed Deed of Clarification**

Administration of Shared Areas - Use

Common Areas: confirmation that Allia will administer the Use, dates and times that pertain to areas in the WARL's leased premises and PGSC's proposed leased premises that are available for the use of licensees on Event Days involving the whole of the Stadium (as defined in the HOA).

New Clause requested by Allia, relating to access by Lessee.

(e) **Mortgage/Guarantee Documents**

This document has been agreed, except for the definition of "Mortgage Security". **The final drafting has yet to be completed.**

(f) **Charge over Water Licences**

This document has been agreed, except for the definition of "Mortgage Security". **The final drafting has yet to be completed.**

2. **Stadium Additional Security**

|     |                                                         |            |
|-----|---------------------------------------------------------|------------|
| 2.1 | New Cyclone fence and bi-fold gate - north ramp         | \$2,500    |
| 2.2 | New Roller Door Grill near WARL office                  | \$ 900     |
| 2.3 | New Roller Door Grill in Grandstand staircase           | \$ 835     |
| 2.4 | New Security Fence between Grandstand and Brewer Street | Not Agreed |

3. **Stadium Building Works**

|     |                                                |            |
|-----|------------------------------------------------|------------|
| 3.1 | Grandstand Fretting Brickwork                  | \$70,000** |
| 3.2 | Eastern Grandstand - Removal of top stair rail | \$3,000*   |
| 3.3 | Male Toilets - tiling                          | \$2,000    |
| 3.4 | Grandstand Toilets - tiling                    | \$2,000    |
| 3.5 | Brewer Street Toilet Gutter Guards             | \$500      |

\* *Quotes provided by builder.*

\*\* *The bulk of this work is proposed to be carried out in Stage 2.*

4. **Town's Scoreboard Sign**

Allia have requested that the Town's sign on the scoreboard be removed once a sponsor has been found for a new scoreboard. The Town has agreed to this request, subject to the Town's signage being erected at strategic locations around the Stadium. The actual locations are yet to be agreed.

5. **Caveat**

As directed by the Council on 25 February 2003, the Town's solicitors lodged a caveat on land registered in the name of North East Equity Pty Ltd of 257 Balcatta Road, Balcatta. The land is Lot 41 Beermullah Road West, Wanerie - which is the property nominated by North East Equity Pty Ltd in its own right and as trustee for the Nicola Tana Family Trust No. 20. The Town's solicitors have also written to Bankwest, who currently have a mortgage on the subject land, advising that the Town requires a "first ranking" mortgage.

No information has been received from Bankwest, however as previously advised Bankwest are under no obligation to provide the Town with any information.

Allia's lawyer verbally stated that they have had discussions with Bankwest and the Town's 1st ranking mortgage will be provided, subject to all documents being agreed.

The Town confirmed its position that the caveat would not be removed until the matter is satisfactorily resolved.

6. **Outstanding Monies**

As previously stated, it is pleasing to note that Allia/PGSC have agreed to pay outstanding monies (plus interest for overdue payment on the insurances). These monies will be paid contemporaneously with the signing of the legal documents.

The following monies remain outstanding as at the time of writing this report;

| <u>Allia Holdings Pty Ltd</u> |                                                                                                                                                                                                                                                                                                                                                            |                                    |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
|                               | <u>Item</u>                                                                                                                                                                                                                                                                                                                                                | <u>Amount</u><br><i>(excl GST)</i> |
| 1.                            | <b>Contribution to Stadium Capital Reserve Fund - January contribution as per HOA Clause 4.9 - <u>money due 19 February 2004.</u></b>                                                                                                                                                                                                                      | <b>\$25,000.00</b>                 |
|                               | <u>Action Taken:</u><br>Invoice sent on 12 February 2004.<br>Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement.                                                                                                                                                                  |                                    |
| 2.                            | <b>Reimbursement of building insurance - as per HOA Clause 6.12 - for period <u>1 February 2004 - 30 June 2004 - money due 12 February 2004.</u></b>                                                                                                                                                                                                       | <b>\$9,852.43</b>                  |
|                               | <u>Action Taken:</u><br>Invoice sent on 30 January 2004.<br>Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement.                                                                                                                                                                   |                                    |
| 3.                            | <b>Reimbursement of Public Indemnity Insurance - as per HOA Clause 6.11 - for period <u>1 February 2004 - 30 June 2004 - money due on 5 March 2004.</u></b>                                                                                                                                                                                                | <b>\$4,056.90</b>                  |
|                               | <u>Action Taken:</u><br>Invoice sent on 20 February 2004.<br>Awaiting payment. Letter of demand to be issued.                                                                                                                                                                                                                                              |                                    |
| 4.                            | <b>Recoup of Additional Works at Stadium</b><br>(Additional signage - \$2,269.30, Replacement of Water Damaged Ceiling Tiles - \$1,166.00, Additional Electrical Works for Chicken Treat Van - \$1,568.60, 4 Extra Chairs in Grandstand - \$407.00, Powerpoint for roof mounted TV Platform - \$1,056.00, 12 Additional Chairs in Grandstand - \$1,219.90) | <b>\$6,988.00</b>                  |
|                               | <u>Action Taken:</u><br>Invoice sent and payment due on 9 April 2004.                                                                                                                                                                                                                                                                                      |                                    |
| 5.                            | <b>March - Monthly Payment for Use of Stadium - March payment due 19 February 2004</b>                                                                                                                                                                                                                                                                     | <b>\$33,333.33</b>                 |
|                               | <u>Action Taken:</u><br>Invoice sent on 5 February 2004.                                                                                                                                                                                                                                                                                                   |                                    |
| 6.                            | <b>April - Monthly Payment for Use of Stadium - April payment due 17 March 2004</b>                                                                                                                                                                                                                                                                        | <b>\$33,333.33</b>                 |
|                               | <u>Action Taken:</u><br>Invoice sent on 3 March 2004.                                                                                                                                                                                                                                                                                                      |                                    |
| 7.                            | <b>May - Monthly Payment for Use of Stadium - May payment due 16 April 2004</b>                                                                                                                                                                                                                                                                            | <b>\$33,333.33</b>                 |
|                               | <u>Action Taken:</u><br>Invoice sent on 2 April 2004.                                                                                                                                                                                                                                                                                                      |                                    |

| <u>Allia Holdings Pty Ltd</u> |                                                                                    |                                    |
|-------------------------------|------------------------------------------------------------------------------------|------------------------------------|
|                               | <u>Item</u>                                                                        | <u>Amount</u><br><i>(excl GST)</i> |
| 8.                            | <b>June - Monthly Payment for Use of Stadium - June payment due on 17 May 2004</b> | <b>\$33,333.33</b>                 |
|                               | <u>Action Taken:</u><br>Invoice sent in May 2004.                                  |                                    |
| 9.                            | <b>Interest Payable on Building and Public Liability Insurance Policies</b>        | <b>\$3,219.63</b>                  |
|                               | <b>Subtotal</b>                                                                    | <b><u>\$182,450.28</u></b>         |

| <u>Perth Glory Soccer Club Pty Ltd (PGSC)</u> |                                                                                                                                                                                                                                                                                           |                                    |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
|                                               | <u>Item</u>                                                                                                                                                                                                                                                                               | <u>Amount</u><br><i>(excl GST)</i> |
| 1.                                            | <b>Stadium office fitout and other works - <u>money due 18 February 2004.</u></b>                                                                                                                                                                                                         | <b>\$18,823.00</b>                 |
|                                               | <u>Action Taken:</u><br>Invoice sent on 4 February 2004.<br>Letter of demand sent on 25 February 2004 requesting immediate payment.                                                                                                                                                       |                                    |
| 2.                                            | <b>Payment of Perth Oval lease costs 2002/03 Season - <u>well overdue.</u></b>                                                                                                                                                                                                            | <b>\$24,927.95</b>                 |
|                                               | <u>Action Taken:</u><br>Invoices sent in late 2003.<br>Letter of demand sent on 2 March 2004 requesting immediate payment. It should be noted that this money is the subject of dispute between Perth Glory Soccer Club and the Town as detailed in PGSC's letter dated 13 February 2004. |                                    |
|                                               | <b>Subtotal</b>                                                                                                                                                                                                                                                                           | <b><u>\$43,750.95</u></b>          |
|                                               | <b>GRAND TOTAL - ALLIA AND PGSC</b>                                                                                                                                                                                                                                                       | <b><u>\$226,201.23</u></b>         |

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

N/A.

**FINANCIAL/BUDGET IMPLICATIONS:**

It is pleasing to note that Allia/PGSC have agreed to pay all outstanding monies contemporaneously upon the signing of the documents.

**COMMENT:**

As there has been ample opportunity for Allia/PGSC to negotiate the various changes and other matters, it is recommended that the Town make no further changes (other than what is recommended in this report). The Town has been more than accommodating in the negotiating process which has been in progress over the previous four and a half months.

It is therefore recommended that Allia/PGSC be advised accordingly.

## 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

|                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>11.1 Notice of Motion – Mayor Nick Catania - Investigation of Possible Mall Concepts and Wider Streets for Alfresco Dining for Oxford and Newcastle Streets, Leederville and Multi-Level Carparks</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*That the Council;*

- (i) *AUTHORISES the Chief Executive Officer, in liaison with the Consultants appointed for the Leederville Master Plan Study, to investigate and prepare concept options for the re-configuration of Oxford Street (between Vincent Street and Leederville Parade) and Newcastle Street (up to Carr Street ) with a view of creating a pedestrian mall,*
- (ii) *CONSULTS with the various stakeholders including but not limited to the Main Roads WA, The Public Transport Authority, the Western Australian Planning Commission, local business proprietors, land owners, residents, the Leederville Action Group, users and visitors and any other interested party regarding the concept options; and*
- (iii) *REQUESTS that a report be presented to the Council by November 2004 detailing the following;*
  - (a) *the various concept options for a mall, including full or part malls, permanent or temporary malls and variations to each option;*
  - (b) *advantages and disadvantages for each concept option;*
  - (c) *the impact of each concept on the traffic flow, parking, infrastructure and the amenity of the area;*
  - (d) *the potential impact of each concept on the various businesses in the area;*
  - (e) *the results of community consultation with the various stakeholders regarding the proposal including but not limited to the Main Roads WA, The Public Transport Authority, local businesses, the Leederville Precinct Group and any other affected party;*
  - (f) *the estimated costs of implementing the various options;*
  - (g) *the availability of any grants and alternative funding options; and*
  - (h) *an indicative implementation time table for the various options.*

---

**Moved Cr Ker, Seconded Cr Lake**

*That the motion be adopted subject to:*

- (i) *clause (i) being amended to read as follows:*
  - "(i) *AUTHORISES the Chief Executive Officer, in liaison with the Consultants appointed for the Leederville Master Plan Study, to investigate and prepare concept options for:*
    - (a)** *the re-configuration of Oxford Street (between Vincent Street and Leederville Parade) and Newcastle Street (up to Carr Street ) with a view of creating a pedestrian mall;*

(b) the creation of wider streets for alfresco dining in the area; and

(c) the creation of multi-level carpark in the area;" and

(ii) clause (iii)(a) being amended to read as follows:

"(iii) (a) the various concept options for a mall, including full or part malls, permanent or temporary malls, the wider streets and the multi-level carpark and variations to each option;"

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology for the meeting.)

COUNCIL DECISION ITEM 11.1

*That the Council;*

- (i) *AUTHORISES the Chief Executive Officer, in liaison with the Consultants appointed for the Leederville Master Plan Study, to investigate and prepare concept options for:*
- (a) *the re-configuration of Oxford Street (between Vincent Street and Leederville Parade) and Newcastle Street (up to Carr Street ) with a view of creating a pedestrian mall;*
  - (b) *the creation of wider streets for alfresco dining in the area; and*
  - (c) *the creation of multi-level carpark in the area;*
- (ii) *CONSULTS with the various stakeholders including but not limited to the Main Roads WA, The Public Transport Authority, the Western Australian Planning Commission, local business proprietors, land owners, residents, the Leederville Action Group, users and visitors and any other interested party regarding the concept options; and*
- (iii) *REQUESTS that a report be presented to the Council by November 2004 detailing the following;*
- (a) *the various concept options for a mall, including full or part malls, permanent or temporary malls, the wider streets and the multi-level carpark and variations to each option;*
  - (b) *advantages and disadvantages for each concept option;*
  - (c) *the impact of each concept on the traffic flow, parking, infrastructure and the amenity of the area;*
  - (d) *the potential impact of each concept on the various businesses in the area;*
  - (e) *the results of community consultation with the various stakeholders regarding the proposal including but not limited to the Main Roads WA, The Public Transport Authority, local businesses, the Leederville Precinct Group and any other affected party;*

- (f) the estimated costs of implementing the various options;*
  - (g) the availability of any grants and alternative funding options; and*
  - (h) an indicative implementation time table for the various options.*
-

**11.2 Notice of Motion – Councillor Caroline Cohen - Request to Investigate a Requirement for Communal Space for Lodging Houses, Hostels, Residential Buildings and Service Apartments**

*That the Council AUTHORISES the Chief Executive Officer to:*

- (i) consider a formal requirement for the provision of communal space, outdoor and/or indoor, for lodging houses, hostels and other forms of residential buildings, and service apartments, in the review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) consider, in the interim, a requirement for the provision of communal space, outdoor and/or indoor, for lodging houses, hostels and other forms of residential buildings, and service apartments, in the assessment and consideration of planning applications for such developments; and*
- (iii) submit a report on this matter for consideration at the Ordinary Meeting of Council to be held on 12 October 2004.*

---

**COUNCIL DECISION ITEM 11.2**

**Moved Cr Cohen, Seconded Cr Doran-Wu**

*That the motion be adopted.*

Cr Farrell departed the Chamber at 8.46pm.

**CARRIED (7-0)**

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

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**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

Crs Doran-Wu and Lake departed the Chamber at 8.47pm.

At 8.47pm Moved Cr Ker, Seconded Cr Chester

*That the meeting proceed "behind closed doors" to consider Items 10.4.4 – Contract of Employment – Executive Managers – Adoption of Key Performance Indicators and 10.4.8 – Members Equity Stadium – Legal Documentation and Outstanding Matters – Progress Report No 8 as these contain information relating to employees and legal advice.*

**CARRIED (5-0)**

(Cr Torre was an apology for the meeting. Crs Doran-Wu, Farrell and Lake were absent from the Chamber and did not vote.)

Journalists Nicole Giblett and Mark Fletcher and 1 member of the public departed the Chamber.

At 8.50pm The Presiding Member called a 5 minute adjournment.

Meeting resumed at 8.55pm "behind closed doors" with all Elected Members (except Cr Torre), Executive Managers and Minutes Secretary present.

**10.4.4 Contract of Employment - Executive Managers - Adoption of Key Performance Indicators**

|                              |             |                    |             |
|------------------------------|-------------|--------------------|-------------|
| <b>Ward:</b>                 | -           | <b>Date:</b>       | 28 May 2004 |
| <b>Precinct:</b>             | -           | <b>File Ref:</b>   | -           |
| <b>Attachments:</b>          | -           |                    |             |
| <b>Reporting Officer(s):</b> | John Giorgi |                    |             |
| <b>Checked/Endorsed by:</b>  | -           | <b>Amended by:</b> | -           |

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of the Executive Managers' Key Performance Indicators, as shown in Confidential Appendix 10.4.4 (circulated separately to the Elected Members).*

Moved Cr Ker, Seconded Cr Farrell

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Ker**

*That Schedule B – Executive Manager Performance Criteria be amended as follows:*

- (i) *clause 1(d) – Input – bullet point two - the words "and Council" be inserted after the word "CEO"; and*
- (ii) *clause 1(f) – Organisational Management Key Performance Indicators – the words "and ensure that these issues are achieved" be added after the word "objectives".*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.4.4**

*That the Council APPROVES of the Executive Managers' Key Performance Indicators, as shown in Confidential Appendix 10.4.4 (circulated separately to the Elected Members) subject to Schedule B – Executive Manager Performance Criteria be amended as follows:*

- (i) *clause 1(d) – Input – bullet point two - the words "and Council" be inserted after the word "CEO"; and*
- (ii) *clause 1(f) – Organisational Management Key Performance Indicators – the words "and ensure that these issues are achieved" be added after the word "objectives".*

---

The Presiding Member advised that he had just realized that he should have declared a financial interest in Item 10.3.5 – Superannuation Increased Employer Contribution as he is on the Board of the Local Government Superannuation Fund. Advised that the Item would be recommitted at the end of the confidential items.

At 9.10pm Mayor Catania advised that as Councillor Franchina had declared an interest in Item 10.4.8, Item 10.3.5 would be recommitted while he was in the Chamber.

At 9.11pm **Moved Cr Ker, Seconded Cr Chester**

*That an "open" meeting be resumed.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**Moved Cr Ker, Seconded Cr Lake**

*That Item 10.3.5 – Superannuation Increased Employer Contribution be recommitted.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

Mayor Catania declared a financial interest in this Item. He departed the Chamber at 9.12pm and did not speak or vote on the matter.

The Chief Executive Officer and Executive Managers Corporate Services, Environmental and Development Services and Technical Services had also declared an interest in this Item.

It was suggested that Executive Manager Corporate Services be permitted to remain in the Chamber to answer any questions.

The Chief Executive Officer and Executive Managers Environmental and Development Services and Technical Services departed the Chamber at 9.12pm.

Deputy Mayor, Cr Ian Ker, assumed the Chair.

Moved Cr Lake, Seconded Cr Chester

*That Executive Manager Corporate Services be permitted to remain in the Chamber to answer any questions.*

**CARRIED (7-0)**

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

### **10.3.5 Superannuation – Increased Employer Contribution**

|                       |             |             |             |
|-----------------------|-------------|-------------|-------------|
| Ward:                 | -           | Date:       | 31 May 2004 |
| Precinct:             | -           | File Ref:   | PER0005     |
| Attachments:          | -           |             |             |
| Reporting Officer(s): | M Rootsey   |             |             |
| Checked/Endorsed by:  | John Giorgi | Amended by: |             |

#### **OFFICER RECOMMENDATION:**

*That the Council APPROVES the increase in employer contributions for the;*

- (i) 2004/05 year of 1% in the City of Perth Superannuation Fund [as required by the Trust Deed of the Fund) and the Local Government (Superannuation) Act 1960]; and*
- (ii) Local Government Superannuation Fund by 1% for the 2004/05 year to align it with the employer contribution of the City of Perth Superannuation Fund.*

#### **COUNCIL DECISION ITEM 10.3.5**

Moved Cr Lake, Seconded Cr Chester

*That the recommendation be adopted.*

**CARRIED (7-0)**

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

Mayor Catania, Chief Executive Officer, Executive Managers Environmental and Development Services and Technical Services returned to the Chamber at 9.13pm.

Mayor Catania resumed the Chair.

At 9.14pm Moved Cr Ker, Seconded Cr Lake

*That the meeting proceed "behind closed doors" to consider Item 10.4.8.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 9.15pm and did not speak or vote on the matter.

**10.4.8 Confidential Report - Members Equity Stadium - Legal Documentation and Outstanding Matters - Progress Report No. 8**

|                              |               |                    |                 |
|------------------------------|---------------|--------------------|-----------------|
| <b>Ward:</b>                 | South         | <b>Date:</b>       | 2 June 2004     |
| <b>Precinct:</b>             | Beaufort, P13 | <b>File Ref:</b>   | RES0051/RES0072 |
| <b>Attachments:</b>          | -             |                    |                 |
| <b>Reporting Officer(s):</b> | John Giorgi   |                    |                 |
| <b>Checked/Endorsed by:</b>  | -             | <b>Amended by:</b> | -               |

***OFFICER RECOMMENDATION:***

*That the Council;*

- (i) RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 2 June 2004 (including the confidential information as circulated separately to Elected Members); and*
- (ii) ADVISES Allia Holdings Pty Ltd (Allia) and Perth Glory Soccer Club Pty Ltd (PGSC) of its decision concerning the legal documentation and outstanding matters, as detailed in this report.*

---

**COUNCIL DECISION ITEM 10.4.8**

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued (behind closed doors).

**CARRIED (7-0)**

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

At 9.32pm **Moved Cr Ker, Seconded Cr Chester**

*That an "open" meeting be resumed.*

**CARRIED (7-0)**

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

**Cr Franchina returned to the Chamber at 9.33pm.**

**14. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.34pm with the following persons present:**

|                           |                                                         |
|---------------------------|---------------------------------------------------------|
| Cr Simon Chester          | North Ward                                              |
| Cr Caroline Cohen         | South Ward                                              |
| Cr Helen Doran-Wu         | North Ward                                              |
| Cr Steed Farrell          | North Ward                                              |
| Cr Basil Franchina        | North Ward                                              |
| Cr Ian Ker (Deputy Mayor) | South Ward                                              |
| Cr Sally Lake             | South Ward                                              |
| John Giorgi, JP           | Chief Executive Officer                                 |
| Rob Boardman              | Executive Manager, Environmental & Development Services |
| Mike Rootsey              | Executive Manager, Corporate Services                   |
| Rick Lotznicher           | Executive Manager, Technical Services                   |
| Annie Smith               | Executive Secretary (Minutes Secretary)                 |

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 8 June 2004.

Signed: ..... Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2004