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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 12 August 2003, commencing at 6.05pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP declared the meeting open at 6.05pm. He welcomed Mr John Hyde MLA, Member for Perth to the meeting.

Mr John Hyde MLA thanked the Mayor and presented a cheque for \$8,712 to the Mayor on behalf of the State Government for two Safer WA grants.

He advised of the Town's successful applications for two seminars, namely "Ethnic Communities" \$3,920 and "Safe Steps" \$4,000, and advised that these two programmes fall under the umbrella of the Town's Safer Vincent Programmes and commended the Town's Officers for making such submissions.

The Safe Steps is an interactive program in partnership with the Western Suburbs School based Police Officer, Highgate Primary and Mt Hawthorn Primary Schools and the Town, and that a series of Safety and Protective Behaviours Sessions will be conducted with children from the schools previously mentioned, in Years 4 and 5.

The Ethnic Communities Seminar is the provision of seminars for some of our diverse Ethnic groups, and in this instance the African Muslim and Vietnamese communities would be targeted. This is an awareness campaign to help include a greater number of our community in participating and enjoying the Town safely and with some confidence.

The seminar paperwork will be translated into their own language and there will be an interpreter for ease of communication during the presentation. Once again this will be in partnership with the WA Police Service.

Mayor Catania thanked Mr John Hyde MLA and invited him to stay for the meeting.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North 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
Cr Maddalena Torre	South Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager Corporate Services
Debbie Winfield	Minutes Secretary

John Hyde MLA Member for Perth (until 6.32pm)

Ben Staples Voice News (in public gallery)

Approximately 35 Members of the Public

(c) Members on Leave of Absence:

Cr Caroline Cohen South Ward

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

1. Craig Hutchinson of 742 Newcastle Street, Leederville - Item 10.1.22. Stated that he was the Manager of the Leederville Hotel and that during the World Cup in Perth early October the African Springboks would be based at the Leederville Hotel, and a '*Boktown*' was to be created.

He also stated that the application was to cater for the increased level of patrons during this time, and that it was an excellent opportunity for the Town and for local businesses. Requested Council approve the application.

2. Vince Larosa of 7 Cantle Street, Perth - Item 10.1.19. Asked why his application for a carport had been previously rejected, as there was currently no off street parking, and his cars had been vandalised in the past.
3. Stuart Collum from Oracle Surveys of 202 Grand Promenade, Doubleview - Item 10.1.3. Tabled some papers which included some photographs circulated to the Council. Stated that the block was a triplex, that he wished to retain the original house, and that the application complied. Also stated that he was seeking a concession to have only one car parking bay off Leake Street, in lieu of two off Vincent Street.
4. Fiona Vanderkley of 7 Buxton Street, Mount Hawthorn - Item 10.1.20. Thanked Councillors who returned her calls and visited the ROW at the rear of the property. Stated that she received notification of the refusal yesterday, and that the Town Officers recommendation was for a single carport at the rear, and her requirement was for a double carport at the front. She also stated that the ROW was not five metres in width the entire length, and in some parts was only 2.5 metres wide, and it was not sealed or drained or maintained by the Town, and that turning into the ROW from the rear of her property would be difficult.

5. Charlie Souros of 79 Norton Street, North Perth - Item 10.1.2. Stated that he had lived at his address for twenty years and the property was adjacent to his on the north side. He believed that the majority of residents in the Eton Locality did not agree with this development and that it was in conflict with the recent approval by the Minister for Planning and Infrastructure to rezone the Eton Locality from R30/40 to R20. He stated that the time delay in the decision resulted in developers bringing forward projects and this was unfair and disadvantaged the residents. He requested Council to refuse the application for these reasons.
6. Nick McCreedy of 135 Raglan Road, North Perth - Item 10.1.13. Stated that he and his partner endorsed the Town Officer's recommendation and requested that Council also endorse it.
7. June Hatwell of 20 Doris Street, North Perth - Item 10.1.8. Stated that she was disappointed in the response to her objections and outlined the following:
 - i) Privacy - She considered her privacy would not be maintained with compliance of the R Codes as the height of 1.6 metres would still allow people to overlook her property, and she requested Council to place relevant restrictions on the development.
 - ii) Appearance of harditext sheeting - Stated it was not sympathetic to existing buildings and Council should consider this.
 - iii) ROW - Stated that the proposal was not consistent with Town Policy as the ROW need to be drained and sealed and with separate pedestrian access.
8. Shelley Barker of Leederville Gardens Retirement Village - Item 10.1.6. Requested that the setback of the southern wall remain at 1.5 metres from the boundary and that she be informed of any further future development.
9. Tracey Denham of 97 Dunedin Street, Mount Hawthorn - Item 10.1.14. Stated that an application for a double carport at the front of the house had been refused, and that a carport at the rear of the property would take up a lot of room and require changes to the house design at the front with impact on the streetscape. She believes that the front carport designed is a minimal structure and will have a minimal impact on the streetscape.
10. Sue Bowles of 132 Summer Street requested progress reports on the two following items;
 - Q 1) The Walk light at the crossing between Bulwer and Lord Streets; and
 - Q 2) The additional Police patrols in the area.

Mayor Catania advised the questions would be taken on notice and a written response provided by the Chief Executive Officer.

11. Frank Arrangio, of 18 Boardman Street, Como - Item 10.1.17. Stated that the owner was willing and able to implement the required conditions per the Town Officer's recommendation in the Agenda report.
12. Kate Hall of 327 Pier Street, Perth - Items 10.4.10 and 10.4.11.
Item 10.4.10 - Stated that after conferences, attendees presented a report to Council which was also placed in the library. Asked; Where is the report for last year's conference held at Alice Springs 3 to 6 November 2002?

Item 10.4.11 - Stated that at the last Council meeting she asked a question regarding confidential items being made public and read the response received from the Chief Executive Officer. She asked; Why did the local paper print material regarding the confidential item a few days afterwards with comments made by the Mayor and Deputy Mayor? She also stated that she did not understand the situation concerning the Local Government Act and confidential items.

13. Cosi Schirripa, North Perth Precinct Group, of 66 Auckland Street, North Perth - Items 10.1.2, 10.1.4 and 10.1.5. Thanked the residents of the Eton Locality, Rob Boardman and his team, and the Mayor and Councillors for their efforts in achieving the Amendment 11 to the Town Planning Scheme No. 1. Requested that the subdivisions of the above items not be approved as they are contrary to the spirit of the amendment and the Council and Ministers' decisions, and the applicants have had four years to put these applications forward.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

IB06.

4. APPLICATIONS FOR LEAVE OF ABSENCE

The Chief Executive Officer advised that Councillor Steed Farrell had requested Leave of Absence from 18 to 22 August 2003, as he will be away with work commitments.

Moved Cr Lake, Seconded Cr Chester

That Council approve Councillor Farrell's request for Leave of Absence from 18 to 22 August 2003.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 22 July 2003.

Moved Cr Torre, Seconded Cr Farrell

That the Minutes of the Ordinary Meeting of Council held on 22 July 2003 be confirmed as a true and correct record, with the following amendments.

That on page 98, after the words "Moved Cr Lake, Seconded Cr Chester", the following words be inserted;

"That a new clause (iii) be added as follows;"

That on page 99, under Decision 10.1.10, and after clause (ii), the following words be inserted;

"and

(iii) it be recorded in the Minutes, that the Council appreciated the level of support and input from the Woodville Street residents."

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

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

He announced that for August 2003, the award was presented to Wendy Low, Finance Officer in the Corporate Services Section, and that Wendy was nominated by the Manager Financial Services, Natasha Russell.

Mayor Catania advised that Wendy has been employed by the Town since 24 June 2002, and as from 1 July 2002, the Town has taken over the management of the Leederville Gardens Retirement Village, and Wendy has been instrumental in the set up of the "Mind Your Own Business" (MYOB) system to produce the reporting for Leederville Gardens, which has culminated in the completion of the Annual Financial Reports for audit.

Mayor Catania advised that it was a credit to Wendy that throughout the past year, all reports had been submitted in an efficient, timely and professional manner.

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

7.2 Eton Locality Downzoning

Mayor Catania announced that after considerable lobbying by the Town, the Western Australian Planning Commission will downzone the Eton Locality in Mt Hawthorn.

He stated that the move to downzone the Eton Locality from R30 and R30/40 to R20 was prompted by the concerns of many local residents who wanted to preserve the character and heritage value of the inner city locality in the face of increased development, and it was most pleasing that the Minister for Planning and Infrastructure has agreed to a very reasonable compromise and for the West Australian Planning Commission to work in partnership with the Town to achieve the objectives of both parties.

He also advised that the re-coding proposal is subject to two modifications, namely, that;

1. Some specific lots be deleted from the R20 code amendment proposal - the lots identified are generally larger in area and better suited to higher densities.
2. The inclusion of a provision in the Town Planning Scheme that reverts the area recoded R20 to the former R code requirements on 1 July 2006.

He also stated this will allow ample time for the Town to review the existing Town Planning Scheme – a process which is already underway – taking a broad view of zoning requirements across the town, and that the challenge for the Town is now to take a leadership role in developing an inner city planning strategy that balances the need to preserve the integrity of a suburb with sympathetic and sustainable development.

The Mayor then advised that he was most confident that this will be achieved.

8. DECLARATION OF INTERESTS

- 8.1 Cr Ian Ker declared a proximity interest in Item 10.1.10 - No. 2 (Lot 205) Hyde Street, Corner Chelmsford Road, Mount Lawley – Proposed Two-Storey Single House. His interest being that he owns and resides in property in close proximity.
- 8.2 Mayor Nick Catania declared a proximity interest in Item 10.1.9 - No. 86A (Lot 9) Bourke Street, Leederville – Proposed Alterations and Additions to Approved Additional Grouped Dwelling to Existing Dwelling. His interest being that he is related to the owners of the adjacent property.
- 8.3 Mayor Catania declared a financial interest in Item 10.3.2 - Investment Report, and Item 10.3.3 - Investment Report. His interest being that he is Chairperson of the Board of Directors of the North Perth Bendigo Bank.
- 8.4 Cr Sally Lake declared an impartiality interest in Item 10.4.6 - Consideration of Public Submissions relating to the Major Land Transaction to Construct an Office Building to accommodate the Department of Sport and Recreation (DSR) - Leederville Oval, No. 246 Vincent Street, Leederville. Her interest being that her partner is Chairperson of the Hyde Park Precinct Group which has made a public submission.
- 8.5 Cr Chester declared an impartiality interest in Item 10.2.2 - Mindarie Regional Council – Secondary Waste Treatment Planning Progress Report No. 4. His interest being that his employer is a potential tenderer.

- 8.6 Cr Franchina declared a proximity interest in Item 10.4.9 - Introduction of Paid Parking in Pier, Brewer and Stirling Streets, the Stadium Car Park, Pier Street, Perth, the Oxford Street Car Park, and Stuart Street; and Proposed Amendments to the Town of Vincent Local Law Relating to Parking Facilities to Enable the Installation of Ticket Issuing Machines in Pier, Brewer and Stirling Streets, the Oxford Street Car Park, and Stuart Street. His interest being that his daughter owns property in close proximity.
- 8.7 Cr Franchina declared a proximity interest in Item 10.4.5 - Progress Report No. 3 - Multi Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre His interest being that his daughter owns property in close proximity.
- 8.8 Cr Chester declared a proximity interest in Item 10.1.10 - - No. 2 (Lot 205) Hyde Street, Corner Chelmsford Road, Mount Lawley – Proposed Two-Storey Single House. His interest being that he shares in the ownership of property in close proximity.
- 8.9 Cr Farrell declared a proximity interest in Item 10.2.4 - Proposed Traffic Calming & Safety Improvements – Matlock Street, Mount Hawthorn. His interest being that he resides in close proximity.
- 8.10 At 8.36pm, Mayor Catania declared a financial interest in Item 10.3.4 - Superannuation - Increased Employer Contribution. The extent of his interest being that he is a Member of the Local Government Superannuation Board.
- 8.11 At 8.36pm, Chief Executive Officer John Giorgi, and Executive Managers, Rob Boardman, Mike Rootsey and Rock Lotznicher declared a financial interest in Item 10.3.4 - Superannuation - Increased Employer Contribution. The extent of their interest being that the Superannuation is part of their remuneration package and any change will have a financial impact.

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

9.1 Questions from Councillor Simon Chester

In regards to the development currently being undertaken at No.8 Brookman Street , Perth and Council's resolution of 26-2-02 concerning the National Trust listed property.

Q1 Council resolved in clause i) h) (2) that plans should be submitted, *"showing detailed finishings including the reconstruction of the front facade in red brick and stucco bands, tuck-pointing, windows, vents and other decorative features and elements as indicated on the Brookman and Moir Design Guidelines...."* To what extent has that clause been complied with and implemented?

Chief Executive Officer's Response

In letter dated 1 August 2003, the Town advised the subject property owners as follows:

"Thank you for meeting ... at the above address on Monday, 28 July 2003. Further to this discussion on site regarding the progress of the reconstruction of the subject dwelling, the Town wishes to convey to you the importance of complying with the Planning Approval issued to you on 13 March 2002 and Building Licence issued to Jack Towton dated 16 December 2002.

It would be appreciated if you could indicate in writing your current progress of the reconstruction works and your intentions in relation to completing the works as shown on the approved plans, in particular tuck pointing, stucco bands and any amendments/variations to the internal structure. We would appreciate your comments by no later than Wednesday, 13 August 2003."

The Town's Officers will monitor the situation to ensure compliance with its requirements.

- Q2 Council resolved in clause i) i) that *"the Brookman and Moir Streets Design Guidelines shall be the overall guiding document for any detailed design in relation to the reconstruction of the front portion of the dwelling;* To what extent will the design guidelines be followed in regards to
- a. the reconstruction of the front facade in red brick and stucco bands,
 - b. windows,
 - c. tuck-pointing,
 - d. vents and other decorative features and elements

Chief Executive Officer's Response

The Town requires the Builder and property owners to comply with the Planning Approval No.00/33/0936 issued 13 March 2002, and Building Licence No.20/1754 issued 16 December 2002, for the subject development.

- Q3 Council resolved in clause i) h) 3) that *'all fabric that is capable of re-use will be indicated and how and where this fabric will be re-used will also be shown;'*
- a. To what extent was fabric capable of re-use identified and it documented where that fabric was to be reused?
 - b. To what extent will the finished project comply with the intent of condition h) 3)?

Chief Executive Officer's Response

This matter is currently under investigation and a response will be forwarded to the Elected Members shortly after correspondence has been received from the property owners in relation to the Town's letter dated 1 August 2003. The Town's Officers will also monitor the situation to ensure compliance with its requirements.

- Q4 Council resolved in clause i) j) that *"works to the existing building (excluding the proposed alterations to the rear of the dwelling) are to be supervised by a conservation architect"* To what extent has that clause been complied with and implemented?

Chief Executive Officer's Response

This matter is currently under investigation and a response will be forwarded to the Elected Members shortly after correspondence has been received from the property owners in relation to the Town's letter dated 1 August 2003. The Town's Officers will also monitor the situation to ensure compliance with its requirements.

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 10.1.22, 10.1.19, 10.1.3, 10.1.20, 10.1.2, 10.1.13, 10.1.8, 10.1.6, 10.1.14, 10.1.17, 10.4.10, 10.4.11, 10.1.4 and 10.1.5.

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

Items 10.4.6, 10.4.7, 10.4.8 and 10.4.9.

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

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

Cr Ker	10.1.7, 10.1.9, 10.1.11, 10.3.4
Cr Lake	10.1.15, 10.1.16
Cr Chester	10.3.5, 10.4.4
Cr Torre	Nil
Cr Doran-Wu	10.1.21
Cr Farrell	Nil
Cr Cohen	Nil
Cr Franchina	Nil
Mayor Catania	Nil

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

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

Items 10.1.10, 10.3.2, 10.3.3, 10.4.5 and 10.2.4.

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

Items 10.1.1, 10.1.12, 10.1.18, 10.1.23, 10.1.24, 10.1.25, 10.1.26, 10.1.27, 10.2.1, 10.2.3, 10.3.1, 10.3.6, 10.3.7, 10.3.8, 10.3.9, 10.3.10, 10.3.11, 10.4.1, 10.4.2 and 10.4.3.

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

Nil.

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

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

Items 10.1.1, 10.1.12, 10.1.18, 10.1.23, 10.1.24, 10.1.25, 10.1.26, 10.1.27, 10.2.1, 10.2.3, 10.3.1, 10.3.6, 10.3.7, 10.3.8, 10.3.9, 10.3.10, 10.3.11, 10.4.1, 10.4.2 and 10.4.3.

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

Items 10.1.7, 10.1.9, 10.1.11, 10.3.4, 10.1.15, 10.1.16, 10.3.5, 10.4.4 and 10.1.21.

Moved Cr Ker, Seconded Cr Torre

That the following unopposed items be moved en bloc;

Items 10.1.1, 10.1.12, 10.1.18, 10.1.23, 10.1.24, 10.1.25, 10.1.26, 10.1.27, 10.2.1, 10.2.3, 10.3.1, 10.3.6, 10.3.7, 10.3.8, 10.3.9, 10.3.10, 10.3.11, 10.4.1, 10.4.2 and 10.4.3.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

10.1.1 No. 299 (Lot 100) Charles Street (Corner Albert and Kadina Streets), North Perth – Proposed Projecting Signs to Existing Shop

Ward:	North	Date:	5 August 2003
Precinct:	Charles Centre, P7	File Ref:	PRO1234; 00/33/1695
Attachments:	001		
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Suburban Shopfitters on behalf of the owner Commercial Projects Pty Ltd for proposed projecting signs to existing shop, at No. 299 (Lot 100) Charles Street (corner of Albert and Kadina Streets), North Perth, and as shown on plans stamp-dated 24 June 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian Standards and noise regulations;*
- (ii) the signage shall not have flashing or intermittent lighting; and*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.1

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

LANDOWNER:	Commercial Projects Pty Ltd
APPLICANT:	Suburban Shopfitters
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 – Residential/Commercial R80 (Commercial applies)
EXISTING LAND USE:	Shop

COMPLIANCE:

Requirements	Required	Proposed
All Signs	2.75 metres clearance from finished ground level	Minimum 2.5 metres
Projecting Signs	One sign per tenancy	Four signs
	2.7 metres clearance from finished ground level	2.5 metres
	Not exceed 2.4 metres in length	Maximum 4.2 metres in length
	Not to be within 3.0 metres of another such sign	Adjacent signs
	Placement to be longitudinally centered	Non-compliant
Use Class	Shop	
Use Classification	"P"	
Lot Area	347 square metres	

SITE HISTORY:

The site is occupied by a shop trading as the Guardian Pharmacy on-site and is part of the old Browne's Dairy site redevelopment.

DETAILS:

The applicant seeks signage for the pharmacy, which is located on the corner of Charles and Kadina Streets. Both new signs will display "open 7 days 8am to 8pm" and are both illuminated. Both signs are additions to existing signage in the same locations as that proposed.

The first sign will be located below an existing sign that is located to the corner presentation of the building facing this secondary street frontage. The existing sign is 4.2 metres long by 0.8 metre high and displays "Guardian Pharmacy North Perth". The applicant seeks a second sign located below the first, which is also 4.2 metres in length and is 0.5 metre in height, of the form described above.

The second proposed sign is to be located facing the car park and is located on the southern wall of the premises. Again, the new sign will sit alongside an existing sign. The existing sign is 3.6 metres in length by 0.5 metre in height displaying "Guardian Pharmacy North Perth". The new signage in this location is reflective of the other new sign, albeit its dimensions are 3.6 metres in length by 0.5 metre in height.

CONSULTATION/ADVERTISING:

The proposal was not required to be advertised as it is being referred to Council for consideration and determination.

The Department for Planning and Infrastructure were consulted due to its location within Charles Street Planning Control Area No. 54. This Department has advised that it has no objection to the proposal.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

All Signs

The Town's Policy relating to Signs and Advertising requires that all illuminated signs have a minimum clearance of 2.75 metres between the underside of the sign and the finished ground level. In this instance, the applicant achieves a minimum clearance of 2.5 metres for the signs facing Charles Street, which increases to 2.65 metres for the southern facing signage. The proposed clearance does not result in any obstruction to public areas or public movement, and does not pose a safety concern. As such, the reduced clearance is considered suitable.

Projecting Signs

The Town's Policy permits one sign per tenancy. This provision has been widely relaxed due to the need for appropriate commercial frontage/advertising for businesses. The business is already serviced with two projecting signs displaying "*Guardian Pharmacy North Perth*". The applicant seeks an additional two projecting signs to advertise "*open 7 days 8am to 8pm*" for two different frontages to the building. The signage is specific to the business being operated and is appropriately located to maximise the businesses location to passing traffic. The amount of signage proposed is not considered to visually detract from the site and is not considered to dominate the visual appearance of the building. On this basis, the additional signage is considered suitable.

The clearance requirements addressed within the project signs element of the Policy has been adequately considered above.

This Policy also prescribes that signs should not exceed 2.4 metres in length. The existing signage on-site is 4.2 metres in length, and the new signage is proposed to be 4.2 metres and 3.6 metres respectively. The signage is in proportion to that which already exists on-site and again will not dominant the façade of the building. The signage impact is considered to be minor in relation to the bulk of the building. As such, the design of the building is considered suitable to cope with the oversized signage and no undue impact is considered to be caused to the visual amenity of the area.

This Policy also states that signs should not be within 3.0 metres of one another. The subject signage is either located one beneath the other or in a side-by-side configuration. As such, the 3.0 metres clearance is not complied with. The purpose of separating signage is in order to reduce the impact of the signage and to avoid the appearance of a cluttered façade. As the signage is a cohesive approach to the business advertising and is not a large percentage of the area of each façade of the building, it is considered that this provision can be relaxed.

The Policy also requires that signage be longitudinally centred so that it is equidistant from the outer edges of its attached plane. In this instance, the applicant has centred the signage to its primary street frontage due to the nature of the design of the building, whereas the southern facing signage is positioned to be at one end of the wall closest to Charles Street. This positioning is to maximise exposure to passing traffic to Charles Street. This approach is considered suitable and again is not considered to detract from the visual appearance or balance of the building.

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

10.1.12 No. 105 (Lot 1) Walcott Street (Dual Frontage with Alma Road), Mount Lawley - Proposed Alterations and Additions to Existing Single House and Additional Two Storey Single House

Ward:	South	Date:	5 August 2003
Precinct:	Norfolk, P10	File Ref:	PRO2038; 00/33/1601
Attachments:	001		
Reporting Officer(s):	S Crawford, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Metamorphica Architecture and Interiors on behalf of the owners NY Sun and JM Chen for proposed alterations and additions to single house and additional two storey single house at No. 105 (Lot 1) Walcott Street (dual frontage with Alma Road), Mount Lawley, and as shown on plans stamp-dated 17 April 2003 for elevation and floor plans for existing house, 12 May 2003 for site plan, floor plan and elevations for proposed new dwelling and 19 June 2003 for shadow diagram, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iv) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromise;*
- (v) 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;*
- (vi) a road and verge security bond and /or bank guarantee of \$1100 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*

- (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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) *the upper level windows to the retreat/living area of the dwelling on Lot 1 ;
and*
 - (b) *the rear elevations of the upper level balcony of the dwelling on Lot 2;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows (Lot 1) 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;
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage on Lot 2 having a minimum front setback of 4.0 metres to Walcott Street. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Walcott Street and Alma Road 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);*
- (xiv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Walcott Street and Alma Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xv) *subject to first obtaining the consent of the owners of No. 1 (Lot 506) Forrest Street and No. 6 (Lot 504) Alma Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 1 (Lot 506) Forrest Street and No. 6 (Lot 504) Alma Road in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

FURTHER REPORT:

COMPARISON TABLE

Requirements	Required	Previous Proposal to 22/4/2003 OMC	Current Proposal to 12/8/2003 OMC
Setbacks			
Lot 1			
Front/Walcott Street (carport) setback	4.0 metres or within the street setback area provided the width of the carport does not exceed 50 per cent of the lot frontage at the building line and maintains unobstructed views to the dwelling	2.88 metres	Open uncovered car bays - no carport
Eastern ground level side setback (carport)	1.5 metres	1.0 metre	No carport
North-western ground level side setback	1.0 metre	Nil (store)	Nil (store)
Western ground level side setback	1.5 metres	1.414 metres	1.414 metres
Western upper level side setback	2.5 metres	1.414 metres	1.414 metres

Requirements	Required	Previous Proposal to 22/4/2003 OMC	Current Proposal to 12/8/2003 OMC
Lot 2			
Front ground level setback	4.0 metres	1.5 metres	3.53 metres
Front upper level setback	6.0 metres	1.5 metres	4.0 metres
Eastern ground level side setback	1.5 metres	Nil	Nil
North-western ground level side setback	1.5 metres	Nil	Nil to 1.2 metres
North-western upper level side setback	1.5 metres	Nil	Required 1.2 metres. Proposed nil to 3.6 metres
Eastern upper level side setback	1.2 metres	Nil	Nil
Western ground level side setback	1.0 metre	1.32 metres	Nil
Western upper level side setback	1.2 metre	1.32 metres	Nil
South-western upper level balcony side	2.8 metres	No balcony	Nil to 3.9 metres
Store eastern side setback	1.0 metre	Nil	Nil
Store south-western side setback	1.0 metre	Nil	Nil

Requirements	Required	Previous Proposal to 22/4/2003 OMC	Current Proposal to 12/8/2003 OMC
Plot Ratio			
Lot 2	0.65	0.76	Lot 1 -0.43 Lot 2-0.65
Wall Height Lot 1 (ground level)	3.0 metres	3.3 metres	3.3 metres
Cone of Vision			
<u>Lot 1</u>			
Retreat west window	6.0 metres to boundary	2.0 metres	1.414 metres
<u>Lot 2</u>			
Bed 2	4.5 metres	0.6 metre to west	Floor layout changed
Bed 3	4.5 metres	3.0 metres to east	Floor layout changed
Bed 3	4.5 metres	3.4 metres to west	Floor layout changed
Balcony	7.5 metres	No balcony	1.4 metres

LANDOWNER: NY Sun and JM Chen
APPLICANT: Metamorphica Architecture and Interiors
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R60
EXISTING LAND USE: Single House
COMPLIANCE:

Requirements	Required	Proposed
Setbacks:		
Lot 1		
- Ground floor – north-western side	1.5 metres	Nil
- Ground floor – western side	1.5 metres	1.414 metres
- Upper floor – western side	2.5 metres	1.414 metres
Lot 2		
- Ground floor – front	4.0 metres	3.53 metres
- Upper floor - front	6.0 metres	4.0 metres
- Ground floor – eastern side	1.5 metres	Nil
- Ground floor store – eastern side	1.0 metre	Nil
- Upper floor – eastern side	1.2 metres	1.0 metre
- Ground floor – north-western side	1.5 metres	1.2 metre
- Ground floor store - western side	1.0 metre	Nil
- Ground floor - western side	1.0 metre	Nil
- Upper floor wall - western side	1.2 metres	Nil
- Upper floor wall - north-western side	1.2 metres	Nil to 3.6 metres
- Upper floor balcony - south-western side	2.8 metres	Nil to 3.9 metres

Cone of Vision:		
Lot 1 – upper retreat/living windows	6.0 metres	1.414 metres
Lot 2 - balcony	7.5 metres	1.4 metres

Use Class	Grouped Dwellings
Use Classification	"P"
Lot Area	617 square metres

SITE HISTORY:

The site currently supports a single house.

Council at its Ordinary Meeting of 11 June 2002 refused the proposed demolition of the existing house.

Council at its Ordinary Meeting of 22 April 2003 resolved to refuse a similar application as currently proposed, on the site due to the degree of non-compliance of the proposal with the Residential Design Codes with respect to plot ratio, setbacks, privacy and wall height, and the inappropriate relationship of development to the Other Regional Roads reservation that affects the property.

DETAILS:

The applicant seeks to undertake alterations and additions to the existing residence (including two storey additions) and the construction of an additional two storey residence.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received from neighbours.

Referral to the Department for Planning and Infrastructure (DPI) was necessary as the site is affected by an Other Regional Roads (ORR) reservation. The DPI advised that the site is affected by a 1.5 metres wide ORR reservation and that the proposed alterations and additions, plus additional residence all do not encroach into this area. In addition, the DPI has no objection to the relocation of the existing crossover to service both properties. On this basis, no objection is raised by the Department.

LEGAL/POLICY:

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

COMMENTS:

Lot 1

Ground Floor - North-Western Side Setback

The applicant seeks the common boundary division to be along the western wall of the existing residence. Taking into account the provisions for setbacks (parapet walls) within the Residential Design Codes (R Codes), and as this is a simultaneous internal parapet wall to the development, no objection is raised.

Ground Floor - Western Side Setback

The applicant seeks a 1.414 metre setback to this boundary, whereas the R Codes would require a setback of 1.5 metres. This minor relaxation of 0.086 metre is not considered to have an undue adverse impact on the neighbouring property with respect to amenity. The difference in setback will effectively be indiscernible and due to the lack of undue impact that would result from the relaxation, again no objection is raised.

Upper Floor - Western Side Setback

The applicant seeks a 1.414 metres setback to this boundary, whereas the R Codes would require a setback of 2.5 metres. This element of the residence is notated as accommodating a retreat/activity area. As this area is serviced with a bathroom facility and robe, it is more likely that it will be a quasi bedroom, also taking into account that only two bedrooms are accommodated on the ground floor. As such, with either use (living or bedroom) the degree of use of the upper level is considered to be high. The reduced setback is located approximately 12 metres in depth into the neighbouring property (with frontage to Alma Road), which is behind any future front setback requirement.

However, due to the triangular shape of the protruding extension it is considered to be less onerous than if it were the bulk of the upper storey. Taking into account that the affected neighbour did not object to the proposal, and subject to addressing overlooking issues, the reduced setback is considered supportable.

Lot 2

Ground Floor - Front Setback

The R Codes require a 4.0 metres front setback, whereas the applicant proposes a 3.53 metres setback to the garage, taken from the actual lot boundary. The garage is proposed to be located forward of the existing residence by 0.53 metre. Once the road widening is resumed, the front setback will reduce to 2.03 metres.

The Town's Policy relating to Street Setbacks states that garages should be setback 6.0 metres from the frontage street or behind the building line. The proposed garage does not comply with either of these requirements. The Town has considered the relaxation of the 6.0 metres setback in the past and due to the difficult shape of the development site, it is considered reasonable to do so in this instance also. If the garage were to be required to comply with the Town's Policy in so much as being at least equally setback to the dwelling, its length would then be reduced to 5.5 metres. This depth is supported by the Town as per the Parking and Access Policy. As such, in order to better achieve the intention of the setbacks for garages it is considered that the setback should be increased by 0.5 metre, thereby reducing the length of the garage. This will also assist in making the garage a less dominant feature of the frontage.

Ground Floor – Eastern Side Setback

The applicant seeks a nil setback to the eastern side boundary, which becomes the common boundary between the two residences. As this reduced setback is internal to the development, coincides with the nil setback to the existing residence and is supported within the provisions of the R Codes, no objection is raised.

Ground Floor Store – Eastern Side Setback

The applicant again seeks a nil setback to accommodate the triangular store as part of the development. The R Codes would require a 1.0 metre setback in this instance. Again, as the reduced setback is internal with little undue effect on the adjacent residence, no objection is raised.

Ground Floor - Western Side Setback

The applicant seeks a parapet wall to the boundary for a length of 8.99 metres. In areas coded R30 and higher, subject to certain requirements, parapets are permitted to two-thirds of one boundary. The proposal meets these provisions and the parapet wall is therefore considered acceptable at ground level. There is furthermore a similar parapet wall on the adjacent property at approximately the same location.

Ground Floor Store - Western Side Setback

The proposed nil setback to the store represents a continuation of the setback principle identified above. As the total length of parapet proposed does not exceed two-thirds of the boundary, no objection is raised.

Ground Floor - North-Western Side Setback

The proposed setback of 1.2 metres in lieu of 1.5 metres to the wall and the lounge door is considered not to have an undue adverse impact of the adjoining resident.

Upper Floor – Front Setback

The upper level is setback 4.0 metres from the boundary. This setback complies with the provisions of the R Codes, however does not comply with the Town's Policy. Again, in this instance, due to the difficulty of developing the subject lot, a lesser setback is considered suitable.

The reduced setback is not considered to adversely affect the streetscape of the area due to the configuration of the site. The frontage of this upper level to Walcott Street is only 10.9 metres, which in turn limits its visual impact due to the limited visual perspective this creates to a busy road.

As such, passing traffic will see glimpses of the dwelling but due to the small building frontage it is afforded, it will not be a dominant feature of the Walcott Street streetscape. Taking into account that Walcott Street is a major distributor road, again reduces any visual impact. There is very limited scope to increase the upper level setback while still achieving a reasonably sized residence on the site, and without adversely affecting other setbacks. As such, in this instance the reduced setback is supported.

Upper Floor – Eastern Side Setback

The applicant proposes that the upper level be setback 1.0 metre from the boundary whereas the R Codes would require a 1.5 metres setback. Again, as this setback is internal to the development, no objection is raised.

Upper Floor - Western Side Setback

The applicant seeks a continuation of the ground floor parapet wall to the upper level, again for a length of 8.99 metres. The parapet is considered to have minimal undue effect on the neighbouring property with respect to overshadowing and amenity due to its size, height and location on the lot. On this basis, it is considered acceptable. There is furthermore, a parapet wall on the adjacent property at approximately the same location.

Upper Floor - North-Western Boundary

The proposed side setback of nil to 3.6 metres in lieu of 1.2 metres is to the upper floor bedroom 2. There are no windows proposed and no overshadowing impact. The variation is considered acceptable and supported.

Upper Floor - South-Western Wall

The proposed nil to 3.9 metres setback, in lieu of 2.8 metres is to the upper floor balcony. A condition recommending screening to 1.6 metres above the finished floor level is proposed to overcome overlooking. The setback variation is to the side and is not considered to unduly affect the amenity of the adjoining lot.

Cone of Vision

Lot 1

The proposed retreat/living windows facing to the rear of the dwelling are located too close to the boundaries in relation to the cone of vision requirements. As such, to address this aspect standard screening should be imposed.

Lot 2

The upper level balcony does not comply with the cone of vision setback requirements within the R Codes. As such, to address this aspect to maintain privacy for the affected neighbours, standard screening should be imposed.

It is considered that the proposal will generally have no unreasonable detrimental impact on the amenity and streetscape of the area. The constraints with the location of the existing house and the limitations on the size of land available for development has partly resulted in the variations requested. Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.18 No. 1 (Lot 300) Scarborough Beach Road, North Perth – Proposed Signage to Existing Shops and Eating House

Ward:	North	Date:	1 August 2003
Precinct:	Charles, P7	File Ref:	PRO 0808; 00/33/1700; 00/33/1701
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the proposed signs are considered to be a non-integral part of the building and reduces the visual permeability, hence active interaction between the building and the adjacent streetscape; and*
- (iii) non-compliance with the Policy relating to Signs and Advertising;*

the Council REFUSES the application submitted by B Pesce (00/33/1701) and D Cipollini (00/33/0070) on behalf of the owners Deville Nominess Pty Ltd and M J Phgh for proposed signage to existing shop and eating house at No. 1 (Lot 300) Scarborough Beach Road, North Perth, as shown on the plans stamp-dated 5 June 2003 and 25 June 2003.

COUNCIL DECISION ITEM 10.1.18

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

LANDOWNER: Deville Nominees (00/33/1701), and M J Phgh (00/33/0071)
APPLICANT: B Pesce and D Cipollini
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Commercial
EXISTING LAND USE: Shop and Eating House

COMPLIANCE:

Use Class	Shop/Eating House	
Use Classification	"P"	
Lot Area	1797 square metres	
Requirements	Required	Proposed
Tethered Signs	Not to be less than 2.7 metres or greater than 8 metres from the finished ground levels; Be limited to a maximum of one sign per street frontage on any one lot	15 millimeters from the ground level 2 signs proposed on the one lot

SITE HISTORY:

The site is occupied by a mixture of commercial uses including a restaurant and hairdresser which are proposing signage as part of this application.

DETAILS:

The applicant seeks approval for the following signs:

Scarborough Beach Road Elevation

- (1) Banner (tethered) sign:
 - 2500 millimetres (width) x 1000 millimetres (length);
 - 2.5 square metres in area.
 Stating: "Citrus Hairdressing....."

- (2) Banner (tethered) sign:
 - 2000 millimetres (width) x 1000 millimetres (length);
 - 2.0 square metres in area.
 Stating: "Pasta and Pizza....."

CONSULTATION/ADVERTISING:

Advertising is not required for this application as the application is being referred to Council for consideration and determination and the Officer's recommendation is for refusal.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The proposed banner signs are considered to unreasonably adversely affect the amenity and streetscape of the area. These signs are considered to a non-integral part of the building and reduces the visual permeability, hence active interaction between the building and the adjacent streetscape. It is therefore recommended that these signs be refused accordingly.

10.1.23 Review of the Health (Smoking in Enclosed Public Places) Regulations 1999

Ward:	Both	Date:	31 July 2003
Precinct:	All	File Ref:	ENS0027
Attachments:	-		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the review of the Health (Smoking in Enclosed Public Places) Regulations 1999, as 'Laid on the Table'; and*
- (ii) *SUPPORTS the State Governments strategies to reduce exposure of the public to Environmental Tobacco Smoke.*

COUNCIL DECISION ITEM 10.1.23

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

The health effects of exposure to Environmental Tobacco Smoke (ETS) are well documented and researched. Numerous scientific studies have demonstrated that exposure to ETS causes or promotes a number of illnesses and diseases, including lung cancer and heart disease. A number of recent legal cases in Australia have also confirmed the health implications of ETS exposure setting legal precedents with widespread ramifications for employers, and operators of venues that allow smoking.

In 1997, a Western Australian Task Force was convened to examine passive smoking in public places. The Task Force undertook extensive consultation in formulating its recommendations.

Consequently, on 12 January 1999 the Health Amendment Act 1998 (the "Amendment Act") received the Royal Assent. The Amendment Act inserted Part IXB of the Health Act 1911 (The "Act") entitled "Smoking in enclosed public places", and enabled the making of regulations which, in general, prohibit smoking in enclosed public places to decrease passive smoking.

The Health (Smoking in Enclosed Public Places) Regulations 1999 (the "Regulations") came into operation on 29 March 1999 to restrict smoking in enclosed public places.

Since the introduction of the Regulations, restriction on smoking in restaurants and other enclosed public places have become an integral part of the West Australian lifestyle. A combination of public and industry education, appropriate signage and community support have ensured the widespread success of their implementation.

Section 289 of the Act requires the Minister for Health (*"the Minister"*) carry out a review of Part IXB and the Regulations as soon as practicable 3 years post-commencement of the Amendment Act.

It is also a requirement of the Act that the Minister prepare a report based on the outcomes of the review recommending further steps to be taken to achieve smoke-free enclosed public places, and table this before each House of Parliament.

After an extensive review inviting public comments, and from health and scientific experts, the Department of Health WA prepared a recommendation report outlining possible amendments to this legislation. This report was tabled in State Parliament by the Minister for Health on Wednesday, 25 June 2003.

DETAILS:

The State Government has responded to the review by endorsing the majority of the report's recommendations, and with a *'phased-in approach'* with the aim of achieving smoke-free enclosed public places. This will include:

- permitting smoking in only one bar or room in hotels, taverns and other licensed venues. This will come into effect by 31 December 2006. Under the current legislation, smoking may be permitted in up to two bar or lounge areas where meals are not served;
- increasing restrictions to 80 per cent of floor space in nightclubs and cabarets by 30 June 2004 (up from the current 50 per cent). Nightclubs and cabarets will be completely smoke-free by 31 December 2006;
- removing the current exemptions for Burswood Casino except for the international gaming room; and
- continuing the current exemption for licensed restaurants having a separate enclosed and ventilated room where no meals are served.

LEGAL/POLICY:

- Health Act 1911 (as amended); and
- Health (Smoking in Enclosed Public Places) Regulations 1999.

The Health (Smoking in Enclosed Public Places) Regulations 1999 were made under the Health Act 1911 to restrict smoking in enclosed public places and have been in force since 29 March 1999.

STRATEGIC IMPLICATIONS:

Strategic Plan:

VISION

We will be a safe and healthy inner city area, rich in heritage and cultural diversity.

Key Result Area 1: The Physical Environment –

1.3 *Develop and implement strategies to enhance the environment.*

COMMUNITY CONSULTATION/ADVERTISING:

No advertising is required by the Town. However, the Department of Health WA will advertise accordingly.

FINANCIAL/BUDGET IMPLICATIONS:

No implementation costs are foreseen.

COMMENTS:

The State Government's strategies are supported to reduce exposure to ETS. Since the introduction of the Health (Smoking in Enclosed Public Places) Regulations 1999, and the subsequent provision of educational material including "no smoking" signage and stickers, the Town has received very few complaints concerning smoking. Through education and requests to proprietors, all complaints have been solved satisfactorily to date. It can be anticipated that the State Government will amend these regulations accordingly.

10.1.24 Tender No. 273/03 - Appointment of Maintenance Contractors to Undertake General and Specified Property Maintenance

Ward:	Both	Date:	4 August 2003
Precinct:	All	File Ref:	PRO1226
Attachments:	001		
Reporting Officer(s):	D Brits, K Steicke		
Checked/Endorsed by:	R Boardman, M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tenders submitted to appoint contractors to undertake general and specified property maintenance in accordance with the specifications as detailed in Tender Number 273/03 for the financial year 2003-2004, as follows;*
- (a) *Plumbing and Gas Fitting - Oasis Plumbing Services, and Fannon Plumbing & Gas Services;*
 - (b) *Roof Plumbing - Robinson Buildtech, AUM Services, and All Property Care;*
 - (c) *Air-Conditioning (Cleaning) – Techcon Air-Conditioning, Aces Air-Conditioning, and Pearmans Electrical Services;*
 - (d) *Air-Conditioning (Electrical) - Techcon Air-Conditioning, Burke-Air Pty Ltd, and Aces Air-Conditioning;*
 - (e) *Electrical Services - Boyan Electrical Services, GSE Maintenance, and SEME Electrical Engineering Company;*
 - (f) *Pest Control - Champion Pest Control, Ausmic Pest Control, and Allpest WA;*
 - (g) *Painting Services - Steven Baillie Painting, North Perth Painting Services, and Atwell Building Company;*
 - (h) *General Building Maintenance & Carpentry - Walshy All Round Tradesman, Robinson Buildtech, and AUM Services;*
 - (i) *Glazing Services – All Suburbs Glass and Glazing Pty Ltd, and Glazewell Glass Pty Ltd;*
 - (j) *Handyman Services - Walshy All Round Tradesman, Sam`s Repairs and Maintenance, AUM Services, and Robinson Buildtech; and*
 - (k) *Drafting Services - Col`s Design and Drafting Services; and*
- (ii) *AUTHORISES the Chief Executive Officer to renew the contract agreements for a further 12-month after the initial 12 month period, in cases where approved contractors do not increase hourly rates, or should hourly rate increases not exceed the Consumer Price Index (CPI), and subject to satisfactory performance.*

COUNCIL DECISION ITEM 10.1.24

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

At the Ordinary Meeting of Council held on 10 July 2001, the Council approved the Tender to appoint contractors to undertake General and Specified Building Maintenance Works.

This maintenance arrangement to increase efficiency was continued and approved at the Ordinary Meeting of Council on 23 July 2002, as follows:

"That the Council APPROVES the continued use of the List of Approved Contractors for General and Specified Building Maintenance for the period until 30 June 2003 except for pest control and that quotations be recalled for pest control services."

The requested pest control quotations were recalled and reported to Council in the Information Bulletin dated 10 September 2002 under Item IB03.

On 2 July 2003, tenders were invited through an advertisement in "The West Australian" newspaper, and the Town's Notice Boards. Subsequently, thirty-nine (39) tenders were received and registered by the Town's Finance Officer Purchasing and Property Maintenance Officer.

TENDER EVALUATION:**Selection Criteria**

The following evaluation criteria were applied in the assessment of this tender:

Criteria		Weighting
1	Contract price (Hourly Rates)	65%
2	Past Performance in similar projects	15%
3	Adequate resources available to carry out works	10%
4	References	5%
5	Overall compliance with tender specification and requirements	5%
Total		100%

Contract Price (Hourly Rate) Criteria		Weighting
1	Price Labour Normal Hours	35%
2	Price After Hours	10%
3	Call Out	10%
4	Travel Time Cost	5%
5	% Add on Rate	5%
Total		65%

Relevant details of all submissions received, evaluation of tenders and the ranking of submissions are outlined in the attached Appendix 10.1.24.

As several Sections may use a particular trade within the same timeframe, for example, Handyman Services and Pest Control, a number of contractors per trade remain necessary. Multiple contractors also remain useful in calling quotations, comparing job costs, and competition.

All relevant Managers were provided with the opportunity to peruse and comment on the documentation, evaluation, and list of recommended contractors. General agreement was achieved in relation to the List of Recommended Maintenance Contractors.

DETAILS:

The Council previously accepted the tenders submitted to appoint contractors to undertake general and specified building maintenance in accordance with the specifications detailed in Tender No. 197/01 and Pest Control Quotations, as follows;

- "(i) *Plumbing and Gas Fitting - Oasis Plumbing Services & AUM Services;*
- (ii) *Roof Plumbing - AUM Services & Robinson Buildtech;*
- (iii) *General Building Maintenance & Carpentry - Walshy All Round Tradesman, AUM Services & Robinson Buildtech;*
- (iv) *Electrical Services - AUM Services, FM Holdings and AARAT;*
- (v) *Glazing Services – All Suburbs Glazing;*
- (vi) *Drafting Services - Colin Criddle;*
- (vii) *Pest Control - Ausmic Environmental Industries, Maxwell Robinson & Phelps, Metro Pest Control, Champion Pest Control, and Allpest WA;*
- (viii) *Handyman Services - Walshy All Round Tradesman, Robinson Buildtech, Kim Edwards and AUM Services;*
- (ix) *Painting Services - North Perth Painting & Steven Bailie;*
- (x) *Air-Conditioning (Electrical) – Assett Services & Burke-Air; and*
- (xi) *Air-Conditioning (Cleaning/General Maintenance) - Numans & Assett Services."*

The List of Recommended Maintenance Contractors are as follows:

* *Existing approved contractor*

Trade	No of Submissions	Ranking	Recommended for Appointment
Plumbing & Gas Fitting	2	1. Oasis * 2. Fannon	Both
Roof Plumbing	4	1. Robinson * 2. AUM * 3. All Property 4. Centrewood	1, 2 & 3.
Air Conditioning (cleaning)	5	1. Techcon 2. Aces 3. Pearmans 4. Burke* 5. AAS	1, 2 & 3.
Air Conditioning (electrical)	6	1. Techcon 2. Burke * 3. Aces 4. Pearmans 5. AAS 6. DSM	1, 2 & 3.
Electrical	7	1. Boyan * 2. GSE 3. SEME 4. Wembley 5. Mario's 6. Pearmans 7. DSM	1, 2 & 3.

Trade	No of Submissions	Ranking	Recommended for Appointment
Pest Control	4	1. Champion* 2. Ausmic * 3. Allpest WA * 4. Tiger	1, 2 & 3.
Painting	9	1. Baillie* 2. North Perth 3. Atwell 4. AUM 5. Centrewood 6. Programmed 7. Pedrini 8. Eric Hood 9. Engelberts	1, 2 & 3.
General Building Maintenance & Carpentry	7	1. Walshy * 2. Robinson* 3. AUM * 4. Atwell 5. All Property 6. B to Z 7. Centrewood.	1, 2, 3 & 4.
Glazing	7	1. All Suburbs * 2. Glazewell 3. Premier 4. Action 5. O'Brien 6. Hi-Lite 7. Davey	1 & 2.
Handyman Services	7	1. Walshy * 2. Sam's 3. AUM. * 4. Robinson* 5. All Property 6. Centrewood 7. Robinson	1, 2, 3 & 4.
Drafting	1	1. Criddle. *	1.

LEGAL/POLICY:

The tenders were called in accordance with the Local Government (Functions and General) Regulations 1996, Part 4. The Property Maintenance Officer or other officers wishing to use General and Specified Building Maintenance Approved Contractors when necessary, are still required to comply with the Town's Purchasing Policy. In order to further improve the procedure, in cases where less than three quotations from approved contractors may be forthcoming, officers will obtain additional quotations from local service providers wherever possible, or by using the Council Purchasing Service of the Western Australian Local Government Association.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 3.5 *“Develop and implement strategies to improve the Town’s physical infrastructure, including buildings and land”*.

COMMENTS:

It is therefore recommended that the Council approves the recommended General and Specified Property Maintenance Approved Contractors List until 30 June 2004, whereafter the period can be extended until 30 June 2005 should hourly prices not exceed the Consumer Price Index (CPI).

10.1.25 Proposed Changes to the Dog Act 1976 - Submission from the Town of Vincent

Ward:	Both	Date:	4 August 2003
Precinct:	All	File Ref:	LEG0015
Attachments:	-		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed amendments to the Dog Act 1976; and*
- (ii) *APPROVES the contents of the response, as 'Laid on the Table', and forwards the Town of Vincent response to the Department of Local Government and Regional Development.*

COUNCIL DECISION ITEM 10.1.25

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

The Department of Local Government and Regional Development has been undertaking a review of the provisions of the Dog Act 1976 for some time and, in 2002, sought information and suggestions from all Local Governments in Western Australia, which would assist in this task. To ensure that the same approach was used in each Local Government, they compiled a series of questions which were designed to provide feedback on the efficiency and effectiveness of the current Act. The Department invited interested parties to respond to the Issues Paper by 2 September 2002. At the Ordinary Meeting of Council held on 27 August 2002, the Council unanimously approved the Town's submission and it was forwarded to the Department of Local Government and Regional Development.

DETAILS:

Since the release of the Issues Paper, officers from the Department of Local Government and Regional Development have consulted widely with stakeholders at workshops and public forums throughout the State. The documentation received reflects considerable input from the community and provides possible ways to make the Dog Act 1976 more appropriate and enforceable. The Department is seeking further submissions from interested parties, about the acceptability, or otherwise, of the various proposals and have asked that these submissions be received by 8 September 2003.

In the responses to the initial Review documentation, the issue of education and training, not only for dog owners and their dogs, but also for the general public, has been actively supported by the Department. Many responses raised the suggestion that the legislation be amended to incorporate incentives, both regulatory and non-regulatory, to promote responsible dog ownership within the community.

It is suggested that the proposed changes, outlined in the document 'Laid on the Table', have the capacity to simplify the administration of the Act and to enhance its effectiveness. The intention of the proposed amendments is to ensure the legislative development process is transparent, facilitating an opportunity for the community to consider and comment on proposed directions.

The Town's Law and Order Services are charged with enforcing the provisions of the existing Dog Legislation and were again asked to consider the proposed changes to the legislation. The Manager Law and Order Services, Senior Ranger and all Rangers made comments on the paper, with additional comments being received from the Manager Health Services. The same approach was adopted, to that used when the Issues Paper was released, where each recommended change was discussed and the implications of each was considered and either accepted, amended or rejected, on the basis of their enforceability and reasonableness.

The report as '*Laid on the Table*' and circulated separately to Elected Members is a compilation of all the comments, which were considered appropriate for inclusion in any new legislation. The report has been reproduced as it was provided to the Town (black type) and the related comments have been typed immediately below each recommendation (red type).

CONSULTATION/ADVERTISING:

The original Issues Paper provided the public with an opportunity to make submissions and a substantial number availed themselves of the opportunity to do so. Since there is a fairly short time-frame for responses and the current proposals are predominantly concerned with the way the Dog Act is enforced, it is considered that there is no need to become involved in a public consultation or advertising process.

The Agenda and Minutes of the Meeting will be freely available to the public and, should they decide that they would like to comment further on the proposed changes, there would still be an opportunity to do so.

LEGAL/POLICY:

There are no legal implications associated with this recommendation. If adopted, the suggestions will make enforcement of many of the provisions of the Dog Act 1976 much easier.

STRATEGIC IMPLICATIONS:

Item 1.8 of the Town's Strategic Plan indicates that the Council should "*Develop and implement a comprehensive strategy for law, order and public safety*". The above is designed to foster that strategy.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with this proposal.

COMMENTS:

The suggested changes to the Dog Act 1976 have been compiled to assist Rangers, throughout the State to enforce the provisions of the Dog Act 1976 in the most appropriate and transparent way. However, it is essential that all parties, including the Town of Vincent, have an opportunity to comment on any proposed amendments to the legislation. The report, as 'Laid on the Table', reflects the comments of the whole of Law and Order Services, with appropriate input from Health Services and is recommended for approval.

10.1.26 Library Statewide Marketing Program – Town of Vincent Library

Ward:	Both	Date:	5 August 2003
Precinct:	All	File Ref:	CMS0002
Reporting Officer(s):	E Scott		
Checked/Endorsed by:	R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Library Statewide Marketing Program; and*
- (ii) *SUPPORTS the State Library of Western Australia's funding request as part of the Town's commitment to the "@ your library" program.*

COUNCIL DECISION ITEM 10.1.26

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

At the Ordinary Meeting of Council held on 22 April 2003 (Item 10.1.15), the Council endorsed the Town of Vincent Library's application to support the "@ your library" marketing program, as proposed by the State Library of Western Australia (SLWA).

DETAILS:

Previously, based on the South Australian model, it was believed that most costs would be taken up by sponsorship. This has not yet eventuated to the same degree in Western Australia as it did in South Australia.

To date, SLWA has committed \$21,000 to purchase the campaign and supporting artwork and materials. The West Australian Local Government Librarians Association (WALGLA) has committed \$5000, and in other fields of librarianship, other supporters have come forward. Local Government Authorities have been asked to make a contribution, on a sliding scale based on the LGA population. The Town of Vincent has been asked to contribute \$750.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Draft Principal Activities Plan 2003-2006 – Key Result Area: Community Development

- Key Result Area 2.2 *Evaluate and enhance the way that council provides and co-ordinates community and information services.*
- Key Result Area 2.3 *Ensure effective public relations and communications.*

CONSULTATION/ADVERTISING:

Nil.

FINANCIAL IMPLICATIONS:

Currently, the Library has \$500 budgetary allocation for general advertising, and \$2500 for displays and promotions. Subject to Council approval, the drawing of \$200 from the general advertising budget, and \$550 from the display and promotions budget, is recommended, to pay to SLWA as the Town of Vincent contribution to the Statewide "@ your library" marketing program.

COMMENTS:

The contribution of \$750 towards the "@ your library" campaign will benefit the Town of Vincent Library, members and potential members by enabling participation in this Statewide marketing program. Although the media participation is anticipated to be a 2 year commitment, any supporting material, such as posters and bookmarks, will have a much longer shelf life. Library management will ensure that all campaign products will be fully exploited.

10.1.27 Australian Institute of Environmental Health, National Health Conference

Ward:	-	Date:	28 July 2003
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	R Boardman		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Executive Manager Environmental and Development Services and up to one (1) Elected Member be authorised to attend the Australian Institute of Environmental Health 30th National Environmental Health Conference, "Public and Environmental Health: Protecting Our Communities", to be held in Tasmania from Tuesday 14 October 2003 to Friday 17 October 2003, at an approximate cost of \$ 2,565 for the Executive Manager Environmental and Development Services and \$ 2,715 for an Elected Member.

COUNCIL DECISION ITEM 10.1.27

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

The 30th National Environmental Health Conference will be held in Hobart, Tasmania, between 14 and 17 October 2003. Full conference and program details are "Laid on the Table".

DETAILS:

The National Environmental Health Conference is the peak event in the Australian Institute of Environmental Health (AIEH) calendar, and provides a focus for the Institute in addressing current and emerging issues in the industry.

The "Public and Environmental Health: Protecting Our Communities" theme of this Conference is designed to promote the importance of the role that Environmental Health Professionals have on the health of communities at all levels, particularly as Environmental Health continues to gain momentum in a rapidly changing and uncertain environment.

The Conference Organising Committee has created a program that focuses on developments in this dynamic age, particularly in the areas of environmental management, communicable disease and food safety. Participants will have the opportunity to examine these developments with a varied and pertinent three days of conference sessions, with many renowned speakers in conjunction with well-respected industry representatives.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost per person;

Conference registration (Early bird fee - needs to be paid before 12 September, otherwise \$900))	\$ 750
Airfare/Taxi transfers	\$ 1,140
Accommodation and meals	\$ 675

Total: \$ 2,565

The airfare cost of \$1,040 is a special conference rate airfare, with a 40% discount on full economy airfare. It is also refundable and the dates can be changed, up to three (3) days prior to departure. This compares favourably with advance purchase discount airfares, which are non-refundable (for example, 14 days advance purchase is \$1,094).

The cost for an Elected Member to attend would be \$ 2615, an additional \$150 because the Conference registration fee would be \$900 for a non-member. As a member of the Australian Institute of Environmental Health, the Executive Manager Environmental and Development Services receives a conference registration fee discount.

LEGAL/POLICY IMPLICATIONS:

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

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

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

- 6) *the attendees produce a report on the Seminar, Conference or Study Tour, also be placed in the Town Library so that it is accessible by the public; and*
- 7) *attendees' reports are presented to Council Meetings so that during question time members of the public has an opportunity to raise questions."*

Contract Requirement

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

COMMENTS:

It is recommended that approval be granted for the Executive Manager Environmental and Development Services and up to one (1) Elected Member to attend the Conference.

10.2.1 Extension of One Hour Time Restriction on Both Sides of Fairfield Street, Mount Hawthorn

Ward:	North	Date:	23 July 2003
Precinct:	Mt Hawthorn Centre P2	File Ref:	PKG0093
Attachments:	001 ;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the extension of the existing one (1) hour parking restriction, to be in force at all times, on both sides of Fairfield Street to extend further in a southerly direction to the intersection of Anzac Road;*
- (ii) *places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iii) *advises residents and business proprietors in Fairfield Street, south of Scarborough Beach Road of its resolution.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

A petition was received from residents of Fairfield Street, South of Scarborough Beach Road, requesting that the Town examine what measures can be put in place to assist them with difficulties they are experiencing due to anti-social behaviour of hotel patrons. A number of recommendations were made in a report presented to the Ordinary Meeting of Council held on 24 June, 2003. A further report to the Council is now required following consultation with affected residents and businesses, regarding the extension of the existing one (1) hour parking restriction further south to the intersection of Anzac Road.

DETAILS:

The following resolution (in part) was adopted by the Council at its Ordinary Meeting held on 24 June 2003;

“That the Council;

- (i) *receives the report on Fairfield Street Traffic and Parking issues;*
- (ii) *APPROVES the implementation by the Town of the following actions as endorsed by the Community at the Community Forum held on 9 June 2003;*

- b) *Extends the existing parking restrictions in Fairfield Street (as shown on attached Plan No. 2168 CP-2) subject to consultation with affected residents, and the matter being considered by Council at the conclusion of the consultation period should any adverse comments be received;*"

In line with the Town's Policy to consult all affected property owners and residents wherever possible prior to implementing changes to parking matters, and in accordance with Clause (iii)(b) of the Council resolution, 42 consultation letters were distributed to householders in Fairfield Street.

Community Consultation

At the conclusion of the community consultation, of the 42 letters distributed, eleven (11) responses were received (26%), with nine (9) in favour of the proposal (92%) and two (2) against the proposal (18%).

One (1) of the two (2) respondents against the proposal requested more residential parking permits and the other expressed concerns that the restrictions would be ignored.

Comments

At the community forum held on 9 June 2003, the residents expressed a desire to extend the parking restrictions south of Anzac Road. They were advised that formal consultation would be carried out.

The majority of respondents were in favour of the extension of the parking restriction to Anzac Road.

The Manager for Law and Order Services has been consulted and is in agreement with the need to impose a time restriction. It is his opinion that a three (3) hour restriction will allow sufficient time to conduct business, while at the same time deterring free all day parking for non-residents. Frequent turnover in the use of parking space will result in an improvement in parking availability for both residents and businesses.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of new parking restriction signs and road line marking will be approximately \$350.00.

COMMENTS:

The request to extend the existing parking restriction in Fairfield Street to Anzac Road came from residents attending the public forum held on 9 June 2003.

The ensuing community consultation regarding this matter resulted in nine (9) of the eleven (11) respondents agreeing to the proposal.

It is therefore recommended that the Council approves the extension of the existing one (1) hour parking restriction, to be in force at all times, on both sides of Fairfield Street to extend further in a southerly direction to the intersection of Anzac Road, places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and advises residents and business proprietors in Fairfield Street, south of Scarborough Beach Road of its resolution.

10.2.3 Proposed Traffic Safety Improvements – Intersection of Anzac Road, and Egina Street and Buxton Street Mount Hawthorn

Ward:	North	Date:	6 August 2003
Precinct:	Mt Hawthorn P1	File Ref:	TES0032
Attachments:	001 ;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Proposed Traffic Safety Improvements – Intersection of Anzac Road, and Egina Street and Buxton Street Mount Hawthorn;*
- (ii) *APPROVES in principle the amended proposal estimated to cost \$15,000 as outlined in attached Plan No. 2157-CP-3, which incorporates the suggestions put forward by the community and the Local Area Traffic Management Advisory Group;*
- (iii) *SUBMITS the amended plan to Main Roads WA to ensure the proposal still qualifies for “blackspot” funding;*
- (iv) *RE-ADVERTISES the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions;*
- (v) *RECEIVES a further report on the matter at the conclusion of the public consultation period should any adverse comments regarding the proposal be received; and*
- (vi) *further investigates measures to improve safety along Anzac Road and receives a report on the matter once it has been considered by the LATM Advisory Group.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

In 2002/2003 the Town received funding from the State Black Spot program for safety improvements at the intersection of Anzac Road and Egina Street.

The proposal included the installation of a seagull island to ban the right turn movement for vehicles travelling south along Egina Street wishing to turn right into Anzac Road.

Prior to implementing the proposal, residents in the area were advised of the proposal and asked to comment.

DETAILS:

Community Consultation

On 12 May 2003, 152 letters outlining the proposal were distributed to householders in the area bounded by Anzac Road, Egina Street and Buxton Street, Mt Hawthorn.

At the close of the consultation period on 30 May 2003, 44 responses were received, with 18 in favour of the proposal and 26 respondents overwhelmingly against the proposal.

When submitting “blackspot” applications, the town is provided with a list of locations which qualify due to the number of accidents recorded at the particular location. The submission is then based on what treatment will have the most affect in reducing the predominant type of recorded accident.

In the case of Egina/Anzac, as the predominant accident type was a “right angle through” and therefore measures to restrict the right turn movement were designed.

During the consultation period, it became evident that while the Egina/Anzac intersection was classified as a “blackspot”, the intersection of Buxton and Anzac had the potential to become a “blackspot” location should a right turn ban be introduced at Egina Street.

Residents raised many relevant issues during the consultation, including:

- Negative impact on Buxton Street should the proposal be implemented
- Traffic calming required along Anzac Road
- Impact on adjoining streets
- Minimal traffic risk at present – why change it?
- Never seen or heard an accident at that location
- All adjoining streets in Anzac Road have a similar problem
- Speed of vehicles is a problem
- Embayed parking in Anzac Road between Buxton and Egina is the problem as there is little visibility
- Works as proposed are impractical
- Was not sent a letter. Rejects both proposals
- Will create a major inconvenience
- Will shift the problem to Buxton Street

Local Area Traffic Management (LATM) Advisory Group Meeting – Monday 28 July 2003

Due to the overwhelming negative response to the proposal, an alternative proposal was prepared, taking into account comments from the community and the matter was discussed by the LATM Advisory Group.

The new proposal as outlined in Plan No. 2157-CP-3 includes the following:

- Removal of two (2) parking bays on the north side of Anzac Road to improve sight distances at Buxton and Egina Streets
- Two (2) x low profile speed humps (red asphalt) with one (1) located west of Egina Street and the other located west of Buxton Street to “slow down” vehicles travelling along Anzac Road before the two intersections
- Installation of a spitter island in Egina Street on the south side of Anzac Road to deter motorists from illegally traversing across Anzac Road (from Egina Street north to Egina Street south)
- Main Roads WA to install appropriate warning signage on either side of the two intersections

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. “1.4 h) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) advisory Group – identify initiatives for redirecting traffic*”.

CONSULTATION/ADVERTISING:

Affected residents to be consulted in accordance with clause (iii) of the recommendation and Council Policy No. 4.1.21 "Community Consultation".

FINANCIAL IMPLICATIONS:

The 2003/04 budget includes \$15,000 for implementing the proposal. These funds are adequate to implement the amended proposal.

COMMENTS:

The LATM Advisory Group concurred with the amended proposal and members also raised issues regarding speed/safety along the remainder of Anzac Road.

This will be investigated and further discussed by the LATM Working Group prior to the matter being considered by the Council.

It is considered that the amended proposal has addressed most of the concerns expressed by residents in that it will make egress from both Buxton and Egina Streets safer without restricting access. In addition, it will reduce vehicle speeds along Anzac Road in this vicinity.

10.3.1 2003/2004 Capital Works Programme

Ward:	Both	Date:	23 July 2003
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicher, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES the attached 2003/2004 Capital Works Programme.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

At the Special Meeting of Council held on 8 July 2003, Council adopted the 2003/2004 Annual Budget.

DETAILS:

Executive Managers and Managers from the three Divisions have formulated the attached Capital Works Programme.

The Programme comprises \$26.9 million of Capital Works.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Capital Works Programme is based on the adopted 2003/2004 Annual Budget.

STRATEGIC IMPLICATIONS:

The Capital Works Programme is in line with the key result areas, strategies and actions as outlined in the Town's Strategic Plan.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The scheduling of some projects may change during the year due to various factors, an attempt will be made to implement the majority of the works in accordance with the attached Capital Works Programme.

The projects listed will ensure the Town's infrastructure continues to be upgraded, resulting in an improved amenity for the community.

10.3.6 Loftus Recreation Centre Business Plan 2003/2004

Ward:	South	Date:	31 July 2003
Precinct:	Oxford Centre	File Ref:	ORG0053
Attachments:			
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

RECOMMENDATION:

That the Council ADOPTS the Loftus Recreation Centre Business Plan for the period 1 July 2003 to 30 June 2004 as previously distributed to Members and laid on the table.

COUNCIL DECISION ITEM 10.3.6

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

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 Leisure 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 Leisure 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 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 2003/04 for the Centre. A copy of that Plan is distributed to Members with this Agenda and laid on the table.

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 \$1,519,651 and costs of \$1,487,270 for an estimated surplus of approximately \$37,381 to be achieved after rent of \$100,000 and sinking fund contribution of \$40,000.

At the Board Meeting held on 30 July 2003, a revised budget was adopted with a reduced surplus of \$17.692, this reduction is due to a significant increase in the public liability insurance premiums which was finalised after the original budget.

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 page 16 and it is proposed to spend approximately \$350,000 on capital items to achieve the goals and targets. Capital expenditure is funded from cash reserves held by the Board.

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 2003/2004 and is recommended for adoption.

10.3.7 Artwork on Permanent Loan to Parliament House

Ward:	Both	Date:	16 July 2003
Precinct:	All	File Ref:	CVC0016
Attachments:	-		
Reporting Officer(s):	G Sweet		
Checked/Endorsed by:	J Anthony/M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council LOANS the artwork entitled "Perth Mosque" from its collection to be part of a permanent display of artworks at Parliament House, representing each of the Local Governments in the state.

COUNCIL DECISION ITEM 10.3.7

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DETAILS:

In 1964, to commemorate the opening of Parliament House, all Western Australian Local Government Authorities were invited to donate an artwork representative of their locality to form the basis of the "Local Government Artwork Collection", this provided a focal point for art from all areas of Western Australia. This collection was further supplemented in 1988 by those Local Government Authorities created since 1964 and now totals 139 pieces.

As next year commemorates the Centenary of the opening of Parliament House, it is considered important that this collection be fully representative of all Local Government Authorities in existence in 2004. As the Town was created post 1988 it is therefore one of only a few Local Government Authorities still without an artwork in the collection.

The Chairperson of the Parliament House Art Committee wrote to the Town inviting it to be represented in this collection. It was decided at the meeting of the Art Advisory Group on June 4, 2003 that the Town offer a photograph by Panizza Allmark entitled "Perth Mosque", taken in 1997. It is an aesthetically pleasing, visually representative and an identifiable local image of the Town.

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2002-2007.

Key Result Area 2.1 - Celebrate and acknowledge the Town's social diversity.

FINANCIAL/BUDGET IMPLICATIONS:

There is no cost to the Town as the artwork would only be on offer as a permanent loan.

COMMENTS:

It is requested that Council approve the Art Advisory Group's recommendation that Panizza Allmark's photograph "Perth Mosque" be the artwork to go on permanent loan to the Parliament House; Local Government Association Collection.

A contribution by the Town would serve to highlight the Town of Vincent to viewers of the collection as a significant and integral locality in the state of Western Australia.

10.3.8 Smiths Lake Mural Art Project

Ward:	South	Date:	6 August 2003
Precinct:	Smith's Lake	File Ref:	CMS0085
Attachments:	001		
Reporting Officer(s):	R. Savage		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- i) APPROVES the final design concept three for the Smiths Lake Mural Art Project; and*
- ii) AUTHORISES the Chief Executive Officer to proceed with implementation of the final design concept three.*

COUNCIL DECISION ITEM 10.3.8

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND

At the ordinary meeting of Council on 17 June 2003 the following was resolved:

- i) APPROVES the three design concepts for the Smiths Lake Mural Art Project; and*
- ii) authorises the Chief Executive Officer to proceed with Community Consultation to determine the final design concept from the approved concepts, in order for the Town to meet its obligations as outlined in the conditions of grants received from Arts WA and CANWA.*

As approved by Council at the meeting on 19 November 2002, the Smiths Lake Mural Art Project is designed to coincide with the beautification of Smiths Lake and the implementation of the Wetlands Heritage Trail.

The project has provided five (5) young mural artists with an opportunity to further enhance their skills and to develop a comprehensive understanding of the business components associated with working as a professional artist.

The young artists have read, understood and signed a binding contract, acquired an ABN, submitted invoices to council, received payment and researched Smiths Lake and the surrounding area to ensure the mural design has relevance to the lake and its history.

The project will culminate with an exhibition at the Perth Institute of Contemporary Art in November 2003. The exhibition will provide young muralists with an opportunity to further develop their skills and understanding of the art industry and reiterate the importance of providing creative space for young artists to display their work. The exhibition is a joint exhibition between the Town of Vincent, Town of Kwinana and the City of Rockingham.

Letters of support for the project have been received from

- Claise Brook Catchment Group;
- Aranmore Catholic College;
- Passages Resource Centre; and
- Smith's Lake Precinct Group.
- Headquarters Youth Facility

The Project has also received additional funding from Arts WA and CANWA.

The young artists involved in the Smiths Lake Mural Art Project have developed a comprehensive understanding of the lake and its history, this knowledge is depicted in the design concept. The Smiths Lake Mural Art Project has encouraged young muralists to work in ways that respect community values and feelings through the community consultation process.

DETAILS:

The project participants in conjunction with the mentor artist have selected design concept three (3) for implementation onto the wall.

Concept Three

This concept works on a slightly tighter brief as it is the only concept that works on a restricted colour palate. Again all the iconography deemed important by the group is included, however it is formatted in curves that radiate from the lake that is symbolically being drained on the far right of the wall. This symbolism is to demonstrate in a less confrontational manner the damage we as a race are capable of committing in our own environment. Again a series of stencils of the western swamp turtle is to be included in the work, in parts this may include narratives drawn from the history of the lake that is text stenciled on the wall. In this concept many of the larger icons have been reduced in size and shall be stenciled on the work to form more of a subtle background pattern.

LEGAL/POLICY:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

The project has been sponsored by Arts WA and Community Arts Network W.A and received \$12,000 in funding towards the project implementation. The funding guidelines require the young artists to have an understanding of the business development components associated with working as a professional artist and to implement a mural at Smiths Lake depicting relevant images to the history of the lake and surrounding area.

STRATEGIC IMPLICATIONS:

The implementation of the Smith's Lake mural art project is in keeping with the Town's Strategic Plan 2002 – 2007.

KRA 2.4

“Review the range of community services provide”.

KRA 2.5

“Develop and implement community programs for law, order and safety”.

ADVERTISING/CONSULTATION:

Three (3) concept designs were approved by Council on 17 June 2003 and distributed for community comment. In accordance with the Town of Vincent community consultation policy, a comprehensive consultation process was developed and implemented. The community consultation was implemented using the following means.

- Two (2) newspaper notifications were published, one in the Voice on 5 July 2003 and another in the Guardian on Wednesday 9 July 2003. The notifications informed residents of the proposed mural designs and invited them to view the three (3) concept designs from 1 July to 23 July 2003 at the Town of Vincent administration building.
- Letter drop to local residents on Kayle Street and Elven Street (Smiths Lake Side) notifying them of the proposed mural designs and asking for their constructive comments through the following means:
 1. Written form to the CEO, Town of Vincent;
 2. Via e-mail to Richard Savage, Youth Officer; and
 3. Attend community consultation meeting.
- A community consultation meeting was organised for Monday 21 July 2003 at the Town of Vincent Administration building. As no response or RSVPs were received the meeting was cancelled.

However since this time the Town of Vincent Youth Officer has received one e-mail from a household on Kayle Street opposed to the mural's location. The Manager of Community Development and Youth Officer met with the complainants on Wednesday 30th July 2003 to discuss their concerns.

COMMENT:

The completed mural will be a focal point for people of all ages walking the Wetlands Heritage Trail to view the history and stories of the area through the images of the young artists.

The Smiths Lake Mural art project has received support from various local community groups and residents. The City of Rockingham and Town of Kwinana have also supplied letters of support to the Town of Vincent for implementing the project.

The project is considered to be innovative and strives towards best practice standards within the local government context. The Smiths Lake Mural Art Project has also been submitted for a Local Government Innovation Award 2003 in the Youth Participation category.

10.3.9 Recovery of Outstanding Rates

Ward:	Both	Date:	30 July 2003
Precinct:	All	File Ref:	FIN00015
Attachments:			
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Chief Executive Officer to proceed with the legal recovery actions as recommended to collect the outstanding rates on the properties listed on the Confidential Schedule (to be tabled at the meeting).

COUNCIL DECISION ITEM 10.3.9

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

The Town's Rates Section makes every effort to ensure that all ratepayers meet their payment of rates as assessed on their properties. Following the distribution of the rate notices, ratepayers are given 35 days to pay in full or elect to take the instalment options. If payment is not received a Final Notice reminder is sent to ratepayers with the amounts outstanding. If following the distribution of the Final Notices, no payment is received the outstanding debts are referred to a debt collection agency.

The Town has retained Macquarie Collection Agency to act on its behalf in these matters.

The initial action that the debt collection agency undertake is to send the property owner a solicitors letter requesting payment.

If ratepayers are experiencing financial difficulties, the Town will offer an alternative schedule of payments that are negotiated with the individual ratepayer and in accordance with ratepayers financial ability to pay. It is however, current practice where possible to have the account settled within a financial year. In cases where arrears have arisen, arrangements are negotiated to ensure that repayments are made to ensure that the account is settled within an appropriate timeframe. In situations where arrangements are not made, the Town will use the formal debt recovery process available to them. The Town, through its debt recovery agency, will issue Local Government Summonses to errant ratepayers. Most ratepayers will settle on receipt of the summons, however in some cases, the receipt of a summons doesn't result in payment of the outstanding accounts.

In this situation the Town can follow up the summons with a Warrant of Execution.

This warrant requires a Bailiff to seize and sell goods to the value of the outstanding debt. During this process time and opportunity is allowed for the relevant ratepayer to come to an agreement with the Town which will avoid the need to sell the goods seized.

In some instances a Warrant of Execution will be returned to the court with the comment "nulla bona". This indicates that there are no goods of value belonging to the person(s) and the debt remains unsatisfied.

At this stage of the legal recovery process there are three (3) options available.

These are as follows:

- To utilise provisions within the Local Government Act which permit an authority to sell a property where rates remain unpaid for not less than three (3) years.
- To issue a Land Warrant through the Local Court and have the Bailiff sell the property and recover amounts due from the proceeds.
- To acknowledge that the ratepayer is not going to pay the outstanding rates levied or those raised in the future and accept this position. This will result in an accumulation of rates arrears which will be finalised on the sale of the property.

The recommended option is that of a Land Warrant. This option is similar to the rate sale provisions of the Local Government Act, however the Land Warrant is preferable for the reasons listed :

- Land Warrant process can be stopped whilst the owner makes an arrangement to settle the debt. (In the case of a rate sale under the Local Government Act only full payment of the account can prevent the sale).
- The legal costs incurred by the Town and subsequently passed on to the owner are less than that on a rate sale.
- The unrecoverable administrative costs are less if the Land Warrant is issued.

DETAILS:

A separate confidential attachment is a list of nine (9) properties where the rates have been outstanding for more than three (3) years will be distributed at the Council meeting and collected at the conclusion of the meeting. In several cases the rates are outstanding for five years.

The schedule includes owners names and the approximate number of financial years that rates have been outstanding and the amount currently outstanding.

The Town to date has not received a response to the current recovery action taken.

The Town will contact each ratepayer again prior to any further action being taken.

CONSULTATION/ADVERTISING:

The Town will contact each ratepayer again prior to any further action being taken.

LEGAL/POLICY:

The Chief Executive Officer has Council delegation to act under Local Government Act clauses 6.64 / 6.67. Actions to be taken when rates are in excess of three (3) years, subject to Council approval. To comply with the privacy provisions, the list of properties and details will be tabled at the Council meeting.

FINANCIAL/BUDGET IMPLICATIONS:

As at 30 June 2003 the Town had a total of \$543,964 of rates outstanding; this represents 4.36% of total rates raised.

The property owners listed owe a total of \$43,217.12.

STRATEGIC IMPLICATIONS:

In accordance with the Key Result Area Four of the Draft Strategic Plan 2002-2009 – 4.2

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.

COMMENTS:

The legal full debt recovery process on the outstanding rates should be followed to ensure that the Town collects all outstanding rates monies owed to them. It is recommended that a Warrant of Execution is first sought against the listed property owners. If this is unsuccessful, a Land Warrant is to be issued.

10.3.10 Authorisation of Expenditure for the Period 01 June - 30 June 2003

Ward:	-	Date:	25 July 2003
Precinct:	-	File Ref:	FIN0005
Attachments:	Porte		
Reporting Officer(s):	N Russell		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS;

- (i) the Schedule of Accounts for the period 1 June – 30 June 2003 and that the list of payments as laid on the table be included in the Minutes;*
- (ii) direct lodgement of payroll payments to the personal bank account of employees and be included in the Minutes;*
- (iii) direct lodgement of PAYG taxes to the Australian Taxation Office and be included in the Minutes;*
- (iv) direct lodgement of Child Support to the Australian Taxation Office and be included in the Minutes;*
- (v) direct lodgement of creditors payments to the individual bank accounts of creditors and be included in the Minutes; and*
- (vi) direct lodgement of Superannuation to Local Government and City of Perth superannuation plans and be included in the Minutes.*

COUNCIL DECISION ITEM 10.3.10

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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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:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$831,994.90
	EFT	\$500,000.00
	EFT	\$500,000.00
	EFT	\$500,000.00
	EFT	\$673,334.64
Total Municipal Account		\$3,005,329.54
Advance Account		
Automatic Cheques	43423-43439, 43441-43607, 43609-43653, 43784-43888, 43890-43989	\$661,363.21
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 105-116		\$1,184,092.28
Australia Post Lease Equipment	June 2003	\$311.77
Transfer of Payroll by EFT	June 2003	\$628,626.80
Transfer of PAYG Tax by EFT	June 2003	\$192,592.79
Transfer of Child Support by EFT	June 2003	\$936.69
Transfer of Superannuation by EFT City of Perth	June 2003	\$68,998.06
Local Government	June 2003	\$133,490.66
Total Advance Account		\$2,870,412.26
Bank Charges & Other Minor Debits		
Bank Charges – CBA		\$2,467.90
Lease Fees		\$1,169.32
Corporate MasterCards		\$4,648.15
Total Bank Charges & Other Minor Debits		\$8,285.37
Less GST effect on Advance Account		-\$87,381.77
Total Payments		\$5,796,645.40

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.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 4.5(a)

“Develop short term (5 year) and medium term (10 year) financial plans, linked to the strategic plan and principal activities plan (include the investment portfolio, current assets, and debt free status).”

ADVERTISING/CONSULTATION:

Nil.

10.3.11 Authorisation of Expenditure for the Period 01 July - 31 July 2003

Ward:	-	Date:	4 August 2003
Precinct:	-	File Ref:	FIN0005
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	N Russell		
Amended by:			

OFFICER RECOMMENDATION:

That the Council CONFIRMS;

- (i) the Schedule of Accounts for the period 1 July – 30 July 2003 and the list of payments as laid on the table be included in the Minutes;*
- (ii) direct lodgement of payroll payments to the personal bank account of employees and be included in the Minutes;*
- (iii) direct lodgement of PAYG taxes to the Australian Taxation Office and be included in the Minutes;*
- (iv) direct lodgement of Child Support to the Australian Taxation Office and be included in the Minutes;*
- (v) direct lodgement of creditors payments to the individual bank accounts of creditors and be included in the Minutes; and*
- (vi) direct lodgement of Superannuation to Local Government and City of Perth superannuation plans and be included in the Minutes.*

COUNCIL DECISION ITEM 10.3.11

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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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:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$1,000,000.00
	EFT	\$990,086.74
Total Municipal Account		\$1,990,086.74
Advance Account		
Automatic Cheques	43990 - 44211	\$763,435.29
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 118 - 127		\$860,078.69
Australia Post Lease Equipment	July 2003	\$311.77
Transfer of Payroll by EFT	July 2003	\$426,763.71
Transfer of PAYG Tax by EFT	July 2003	\$127,513.10
Transfer of Child Support by EFT	July 2003	\$624.46
Transfer of Superannuation by EFT City of Perth	July 2003	\$0.00
Local Government	July 2003	\$0.00
Total Advance Account		\$2,178,727.02
Bank Charges & Other Minor Debits		
Bank Charges – CBA		\$2,709.99
Lease Fees		\$1,169.32
Corporate MasterCards		\$8,393.80
Total Bank Charges & Other Minor Debits		\$12,273.11
Less GST effect on Advance Account		-\$85,584.00
Total Payments		\$4,095,502.87

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.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 4.5(a)

“Develop short term (5 year) and medium term (10 year) financial plans, linked to the strategic plan and principal activities plan (include the investment portfolio, current assets, and debt free status).”

ADVERTISING/CONSULTATION:

Nil.

10.4.1 Register of Petitions - Progress Report - August 2003

Ward:	-	Date:	5 August 2003
Precinct:	-	File Ref:	-
Attachments:	Nil		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

RECOMMENDATION:

That the Council NOTES the Progress Report on the Register of Petitions, as detailed in this report.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DETAILS:

Petitions received by the Town are read out at the Council Meeting and are referred to the appropriate Executive Manager for investigation and report. This normally takes 6-8 weeks and the purpose of this report is to keep the Council informed on the progress of the petitions which have not been reported to the Council.

The Independent Organisational Review dated April 2003, Recommendation 9 states; *"The Chief Executive Officer's report to each Council Meeting includes an outstanding action list that records matters previously considered by Council, yet to be actioned by the Officers."*

A status report will be submitted to the Council on a monthly basis.

Date Rcd	Subject	No. Signed	Rcd From	Council Meeting	Action Officer	Action Taken
14/05/02	Objecting to alterations to parking restrictions without consultation to stakeholders	10	Chairperson Beaufort Traders Group Beaufort Street Highgate 6003	14/05/02	EMTS	Matter still being investigated.
16/05/02	Parking for Armaguard Employees in Stuart Street, Perth	57	Armaguard Staff C/o Mayne Logistic 45 Stuart Street Perth 6000	28/05/02	EMEDS	Report to Council on 12 August 2003 seeking approval to introduce ticket machines in Stuart Street

Date Rcd	Subject	No. Signed	Rcd From	Council Meeting	Action Officer	Action Taken
16/05/02	Street Trees in Daphne Street	8	Mr K.G. Budd Daphne Street North Perth 6006	28/05/02	EMTS	Further report to be submitted to Council following further assessment & investigation.
24/09/02	Requesting permanent parking restrictions to Knebworth Avenue, Highgate	6	Ms J. Holdcroft Knebworth Avenue Highgate 6003	24/09/02	EMTS	Consultation letter regarding parking restrictions in Knebworth Street sent out early June 2003. Report to Council once comments rcd.
11/02/03	Objecting to "residents only" parking zone established on southern side of Mary St, Highgate and requesting restriction be removed and replaced with similar restrictions proposed for Chatsworth Rd, Broome St and other surrounding residential streets	77	C/o Tracey Nguyen Highgate Newsagency 481 Beaufort Street Highgate WA 6003	11/02/03	EMEDS/ EMTS	Decision dependent on Beaufort St parking review overall plan
28/03/03	Requesting that the currently designated "off leash" dog area of Charles Veryard Reserve be enlarged	15	Ms Ruth Bailey Oak Lane West Perth 6005	08/04/03	EMEDS	Still under investigation – Ms Bailey aware of situation. Town needs to consult with venue users and local residents.
16/04/03	Requesting the Town's Local Area Traffic Management Advisory Group review all matters relating to area traffic management & calming for Cowle street, West Perth	10	Mr M. Abdrabou Cowle Street West Perth 6005	22/04/03	EMTS	Classifiers deployed 28/05/03 - to be referred to LATM Advisory Group
19/05/03	Forrest Street, North Perth residents concerned about the volume, speed and accompanying noise of vehicular traffic using Forrest Street and urging Council to introduce traffic claming measures	121	Ms R. Willis Forrest Street North Perth 6006	27/05/03	EMTS	Currently being assessed and the matter will be reported to Council in July 2003. LATM Advisory Group to consider.

10.4.2 Register of Notices of Motion - Progress Report August 2003

Ward:	-	Date:	6 August 2003
Precinct:	-	File Ref:	-
Attachments:	Nil		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi	Amended by:	-

RECOMMENDATION:

That the Council NOTES the Progress Report on the Notices of Motion still requiring action as detailed in this report.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DETAILS:

The Independent Organisation Reveiw dated April 2003, Recommendation 9 states; "*The Chief Executive Officer's report to each Council Meeting includes an outstanding action list that records matters previously considered by Council, yet to be actioned by hte Officers.*"

A status report will be submitted to the Council on a monthly basis.

The following Notices of Motions still require action or are in the process of being actioned:

Item No	Details	Submitted By	Action Officer	Comment
22 July 2003				
11.2	Town of Vincent Planning and Building Policy Manual	Cr Chester	EMEDS	In progress
8 July 2003				
11.2	Review of the Town of Vincent Street Walls and Fences Policy	Cr Chester	EMEDS	In progress
11.3	Town Planning Scheme Assessment Report	Cr Chester	EMEDS	In progress
11.4	Commercial and Mixed-Use Developments Abutting Residential Areas	Cr Cohen	EMEDS	In progress
24 June 2003				
11.1	Request for Consultation - East Perth Power Station	Cr Cohen		Letter to EPRA 30/7/03
11.2	Proposed Business/Marketing Strategy for Town of Vincent	Crs Doran-Wu & Chester	CEO	Currently being investigated
11.3	Street Trees	Cr Chester	EMTS	Currently being investigated
28 May 2003 (Special)				
11.1	Acquisition of Two Privately Owned Rights of Way - Banks Precinct	Cr Cohen	EMTS	In progress
27 May 2003				
11.1	Adjourned - Acquisition of Two Privately Owned Rights of Way - Banks Precinct	Cr Cohen	EMTS	In progress
13 May 2003				
11.1	Informal Briefings	Cr Ker	CEO	In progress
11.2	Policies Relating to Footpath Use	Cr Ker	EMTS	In progress
11 March 2003				
11.3	Extensions to Menzies Park Community Pavilion, Mt Hawthorn	Crs Doran-Wu, Chester & Drewett	EMEDS	In progress
3 December 2002				
11.1	Disability Access Award	Cr Ker	EMCS	In progress
11.2	Town of Vincent Draft Municipal Heritage List	Cr Drewett	EMEDS	In progress

10.4.3 Register of Reports to be Actioned - Progress Report - August 2003

Ward:	-	Date:	6 August 2003
Precinct:	-	File Ref:	-
Attachments:	-		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi	Amended by:	-

RECOMMENDATION:

That the Council NOTES the Progress Report on the Register of Reports to be actioned, as detailed in this report.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DETAILS:

The Independent Organisational Review dated April 2003, Recommendation 9 states; *"The Chief Executive Officer's report to each Council Meeting includes an outstanding action list that records matters previously considered by Council, yet to be actioned by the Officers."*

Item	Report Details	Action Officer	Comments
<u>Council Meeting – 22 July 2003</u>			
10.2.3	Updated Robertson Park Improvement Plan (PRO0692) Hyde Park Precinct	EMTS	Community consultation being carried out
10.2.4	Introduction of an ACROD 2.5 Parking Bay Together With The Establishment of Additional Parking Spaces Outside the Vietnam Veterans' Federation of Australia Located at 207 Beaufort Street, Northbridge (PKG0011) Beaufort Precinct	EMTS	In progress
10.2.5	Town of Vincent 2003 Garden Competition (CVC0007) All Precincts	EMTS	In progress
10.4.4	Town of Vincent Policy Manual Review (ORG0023)	CEO	In progress
<u>Council Meeting – 8 July 2003</u>			
10.4.3	Independent Organisational Review (ADM0061)	CEO	In progress
<u>Special Council Meeting – 1 July 2003</u>			
7.2	Multi Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval, Pier Street, Perth - Acquisition of Water Corporation Land (RES0051)	CEO/ EMTS	Under investigation

Item	Report Details	Action Officer	Comments
<u>Council Meeting – 24 June 2003</u>			
10.1.17	Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process (All Precincts) PLA0100; PLA0140	EMEDS	In progress
10.3.3	Headquarters (PRO0946)	EMCS	In progress further information required. Report to Council September
10.3.4	Smiths Lake Mural Art Project (CMS0085)	EMCS	Report to OMC 12/8/03
<u>Council Meeting – 10 June 2003</u>			
10.3.2	Beatty Park Leisure Centre - Tender No. 260/03 Supply and Installation of an Ultraviolet Water Disinfection System for the Indoor Pool at Beatty Park Leisure Centre (TEN0270)	EMCS	In progress awaiting delivery
<u>Council Meeting – 27 May 2003</u>			
10.3.3	North Perth Bowling Club – Funding for Two Synthetic Bowling Greens (RES0010/FIN0074)	EMCS	Report to OMC 12 August 2003
10.4.5	Further Report - Planning and Building Policies - Amendment No. 9 Relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines and Appendix No. 12 Design Guidelines for Elven on the Park (Smith's Lake & Hyde Park Precincts) 118874 PLA0128 & PLA0142	EMEDS	In progress - awaiting comments from the Heritage Council of WA in relation to Brookman and Moir Streets Development Guidelines; and awaiting comments from the Department for Planning and Infrastructure with respect to Design Guidelines for Elven on the Park
<u>Council Meeting – 13 May 2003</u>			
10.4.4	Draft Strategic Plan 2002-2007 (ADM0038)	CEO	Report to OMC 12 August 2003
<u>Council Meeting – 22 April 2003</u>			
10.3.3	Land Sale Auction – Elven on the Park – Reserve Price (PRO1957)	EMCS	Awaiting finalisation and Council approval of Design Guidelines for Elven on the Park
10.4.2	Further Report - Planning and Building Policies - Amendment No. 9 Relating to Appendix No. 6 Brookman and Moir Streets Development Guidelines and Appendix No. 12 Design Guidelines for Elven on the Park (Smith's Lake Precinct) 118874; PLA0128 & PLA0142	Report to OMC 27/05/03	Briefing held on 15 May 2003 In progress - awaiting comments from the Heritage Council of WA in relation to Brookman and Moir Streets Development Guidelines; and awaiting comments from the Department for Planning and Infrastructure with respect to Design Guidelines for Elven on the Park
<u>Council Meeting – 8 April 2003</u>			
10.1.15	Authority to Sell Reduced Rate All-night Parking Permits for use in the Town's Car Parks, Which Attract a Night Parking Fee and Extension of Parking Time Restrictions for The Avenue Car Park and Frame Court Car Park (All Precincts) PKG0112	EMEDS	Completed. Reported to OMC 22 April 2003
<u>Council Meeting – 25 March 2003</u>			
10.2.1	Proposed Streetscape Improvements - Scarborough Beach Road, Mount Hawthorn (TES0077) Mt Hawthorn Centre Precinct	EMTS	Funds allocated in 2003/2004 budget

Item	Report Details	Action Officer	Comments
<u>Council Meeting – 25 February 2003</u>			
10.1.14	Mount Hawthorn Telephone Exchange at No. 129 (Lot 100) Scarborough Beach Road, Corner Oxford Street, Mount Hawthorn - Telecommunications Low - Impact Facility Notification (Mount Hawthorn Centre Precinct) PRO1181; PLA0001	EMEDS	In progress - awaiting amended plans from Telstra
10.2.5	Introduction of Fifteen Minute Parking Bays in Grosvenor Road, Mount Lawley (PKG0034) Mt Lawley Centre Precinct	EMTS	Deferred
<u>Special Council Meeting – 18 February 2003</u>			
7.1	Review of Town of Vincent Town Planning Scheme No. 1 (PLA0100, PLA0140)	EMEDS	In progress
<u>Council Meeting – 11 February 2003</u>			
10.2.1	Proposed Taking of Privately Owned Right of Way Bounded by Glendower, Lake, Bulwer and Irene Streets, North Perth (TES0167) Hyde Park Precinct	EMTS	In progress
<u>Council Meeting – 17 December 2002</u>			
10.1.21	Finalisation of Town of Vincent Town Planning Scheme No. 1 – Amendment No. 11: Rezoning the land contained in the “Eton – Locality Plan 7” (North Perth Precinct) PLA0101	EMEDS	In progress - awaiting final determination by Western Australian Planning Commission and Minister for Planning and Infrastructure
10.1.25	Progress Report - Parking Initiatives/Strategies throughout the Town of Vincent (PLA0084; PKG0044)	EMEDS	Under investigation
10.2.2	Revised Closure Proposal for the Portion of the Leake Street Road Reserve as Determined by the Department for Planning & Infrastructure (TES0350 & TES0516) Smith's Lake Precinct	EMTS	In progress
10.2.4	London Plane Trees, Birdwood Square and Port Jackson Figs, Hyde Park (RES0022) Hyde Park Precinct	EMTS	In progress
10.3.4	Lease - North Perth Bowling Club (RES0010)	EMCS	Letter sent
<u>Council Meeting – 3 December 2002</u>			
10.2.1	East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study (TES0303) Banks Precinct	EMTS	Report to OMC 26 August 2003
10.2.2	Charles Street Metropolitan Region Scheme Reservation (LEG0035&PLA0022) Cleaver Precinct; Smith's Lake Precinct; North Perth Centre Precinct; North Perth Precinct & Hyde Park Precinct	EMTS	In progress
10.4.3	Planning and Building Policies - Amendment No. 7 Relating to Appendix No. 12 Design Guidelines for Elven on the Park and Fletcher - Locality Plan 13 PLA0138	EMEDS	In progress - awaiting comments from the Department for Planning and Infrastructure with respect to Design Guidelines for Elven on the Park
<u>Council Meeting – 22 October 2002</u>			
10.4.8	Confidential Report – Hill's Weeping Figs (Ficus hillii) (TES0234)	EMTS	In progress

Item	Report Details	Action Officer	Comments
<u>Special Council Meeting – 15 October 2002</u>			
6.2	Presentation by Main Roads WA - East Parade - Proposed Changes (TES0303)	EMTS	Report to OMC 26 August 2003
<u>Council Meeting – 8 October 2002</u>			
10.4.3	Review of Council Meeting Procedures and Proposed Amendment to the Town of Vincent Local Law Relating to Standing Orders (LEG0019)	CEO	Deferred, pending Policy review implications
10.4.6	Confidential Report – Hill's Weeping Figs (Ficus Hilli) – Proposed Staged Removal/Planting Program (TES0234)	EMTS	In progress
<u>Council Meeting – 10 September 2002</u>			
10.2.1	Draft State Water Conservation Strategy (ORG0039) All Precincts	EMTS	Completed
10.2.3	Proposed Angle Parking, Controlled by Ticket Issuing Machines, on the South Side of Richmond Street between Loftus Street and Oxford Street Leederville (PKG0079) Oxford Centre Precinct	EMTS	Report to OMC 12 August 2003
10.3.4	Hyde Park Stage Upgrade (RES0031)	EMCS	In progress – working group established
<u>Council Meeting – 13 August 2002</u>			
10.2.4	Proposed Swan River Regional Recreational Path – Banks Reserve to Mitchell Street, Mt Lawley (TES0172) Banks Precinct	EMTS	In progress
10.4.9	Confidential Report – Hill's Weeping Figs (Ficus hilli) – Street Verge Trees (TES0234) Mt Hawthorn, Smith's Lake, North Perth, Norfolk, Hyde Park & Beaufort Precincts	EMTS	In progress
<u>Council Meeting – 23 July 2002</u>			
10.2.9	Recommended Introduction of Embayed Right Angled Parking, Controlled by Ticket Issuing Machines, on the South Side of Richmond Street, Leederville (PKG0079) Oxford Centre Precinct	EMTS	Report to OMC 26 August 2003

**10.1.22 Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville -
Application for Extended Trading Permit for Rugby World Cup**

Ward:	South	Date:	22 July 2003
Precinct:	Oxford Centre, P4	File Ref:	ENS0053 & PRO 0630
Attachments:	-		
Reporting Officer(s):	A Bosworth, D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES IN PRINCIPLE the proposal by the Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville, to host the South African Rugby Tour and supporters, and the subsequent Extended Trading Permit; and*
 - (ii) *DELEGATES the application of the appropriate conditions of approval and time restrictions to the Chief Executive Officer, including:*
 - (a) *a requirement for the Hotel to submit a Venue Management Plan that details foreseen risks and treatments, including Public Liability Insurance Cover, Noise Control, Litter Control, Anti-social and Crowd Control;*
 - (b) *limiting the Temporary Extended Trading Permit to the period of 8 to 20 October 2003 inclusive;*
 - (c) *the removal of all temporary structures no later than seven (7) days after the expiration of the Building Permit;*
 - (d) *limiting the late night hours tentatively to:*
 - (1) *Monday and Tuesday evenings - no extension granted;*
 - (2) *Wednesday and Thursday evening - extension to 1.00am;*
 - (3) *Friday and Saturday nights - extension to 2.00am;*
 - (4) *Sunday nights - extension until 11pm; and*
 - (5) *car parking area - no late night extended trading hours;**subject to discussions with the WA Police Service, Department Racing, Gaming and Liquor, Fire and Emergency Services, and the Hotel's Crowd Control Service Provider; and*
 - (e) *requiring the Leederville Hotel to advertise the temporary Extended Trading Period with relevant conditions and after-hours mobile and landline contact numbers for nearby ratepayers to contact the Duty Manager in relation to any noise, anti-social behaviour, or other problems, in both local newspapers and on an on-site notice board facing Vincent and Newcastle Streets appropriately located prior to commencement;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.22

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

LOST (2-6)

For

**Mayor Catania
Cr Torre**

Against

**Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Ker
Cr Lake**

(Cr Cohen on approved leave of absence.)

Reasons:

- 1. Extent of increase in licence capacity.**
 - 2. Impact on surrounding area.**
 - 3. Loss of carparking.**
 - 4. Inadequate information and lack of clarity of information in application.**
-

BACKGROUND:

On 3 July 2003, the Town received a letter from the Department of Racing, Gaming and Liquor, advising that an Application had been received from Pent Pty Ltd, ATFT, the Leederville Trust, for an Extended Trading Permit at the Leederville Hotel located at No. 742 Newcastle Street, Leederville for the period: 8 to 20 October 2003 inclusive. The Rugby (Union) World Cup is hosted by Australia this year, and would subsequently boost local businesses if embraced.

DETAILS:

In particular, the application requests approval to grant extended trading during the Rugby World Cup series, whereby five matches will be held at Subiaco Oval. The South African Rugby Pty Ltd has approached the Leederville Hotel requesting use of the venue during the period between 8 October and 20 October 2003. Specific details have not been finalised as yet, however the Extended Trading Permit incorporates a portion of the private car park at the rear. The proposed extended hours for the above temporary one-off period are detailed as follows:

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

In an initial working group meeting conducted at the Town's Administration and Civic Centre, the Leederville Hotel expressed an interest in working in conjunction with the Town and the Leederville Police Services to upgrade the existing 'Premises Management and Harm Minimisation Plan for the Leederville Hotel' to include the car park area, extended trading hours after midnight and relevant contingency planning and resolution action.

The Sections relating to control of noise, traffic, car parking, litter and anti-social behaviour are to be upgraded accordingly and a copy provided to the Town.

CONSULTATION/ADVERTISING:

Planning and Building Services Comment

The applicants on 10 July 2003 advised as follows:

- The extended trading permit is only for the period 8 October 2003 to 20 October 2003, inclusive.
- The activities does not involve the use of amplified music.
- The proposal does not involve any alterations to the existing building fabric, and the structures to be erected during the above period will be of a temporary nature only.

In light of the above, the proposal is considered to be development of a minor nature, and in accordance with the Town's Policy relating to Minor Nature Development and clause 33 of the Town's Town Planning Scheme No. 1, the proposal does not require Planning Approval.

Notwithstanding the above, the following condition should be applied to the proposed Extended Trading Permit:

All structures and the like erected in association with the proposed activities shall be removed from the site within seven (7) days of the expiration of the Permit, to the satisfaction of the Town.

Leederville Police Services Comment

Leederville Police Services Officer-in-Charge advised that the Local Police Services had no objections to the proposal.

Perth Alcohol & Drug Advisor, WA Police Services Comment

The WA Drug and Alcohol Office will be determining appropriate conditions, and raised concern regarding the need for extended trading hours on “*non-game nights*”, in particular the extension of time from 12 midnight to 2.00 am on a Monday and Tuesday night in the car park area is questioned.

Department of Racing, Gaming and Liquor Comment

The Department of Racing, Gaming and Liquor have required the Leederville Hotel to do a letter drop to residents in a 200 metres radius. Following this, the Town has received two calls from residents expressing their concern regarding the extended hours. All were requested to put their concerns in writing, and two responses have been received by the Town. The residents raised the following issues that may be exacerbated by later trading: parking problems, noise problems, increased traffic in surrounding streets, and public safety concerns. In addition, the Department of Racing, Gaming and Liquor received two complaints from residents.

STRATEGIC IMPLICATIONS:

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

COMMUNITY CONSULTATION/ADVERTISING:

No advertising is required as it is a temporary one-off event, and as the Director of Liquor Licensing has already required advertising.

FINANCIAL IMPLICATIONS:

No costs are foreseen.

COMMENTS:

It is considered appropriate that the application be supported in principle, subject to the conditioning by relevant State Agencies, the condition in relation to temporary structures, a suitable Event Management Plan detailing Public Liability, Noise Control, Anti-social and Crowd Control, Litter Control, and the trading hours being amended as follows:

Extended Trading Hours be limited to the following hours, with the exception of the car park area where no late night extended hours will be supported - Monday, Tuesday evenings no extension granted; Wednesday and Thursday evening, extension to 1.00am; Friday and Saturday nights, extension to 2.00am; and Sunday nights, extension until 11pm.

10.1.19 No. 7 (Lot 79) Cantle Street, Perth – Proposed Carport Additions to Existing Single House

Ward:	South	Date:	1 August 2003
Precinct:	Banks, P15	File Ref:	PRO 2161
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policies relating to Street Setbacks and Vehicular Access;*

the Council REFUSES the application submitted by the owner T M King for proposed carport addition to an existing single house on No. 7 (Lot 79) Cantle Street, Perth, as shown on the plans stamp-dated 8 May 2003 and 11 June 2003.

COUNCIL DECISION ITEM 10.1.19

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

LANDOWNER: T M King
APPLICANT: As above
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Carport Location	Car parking is to be accessible from existing Rights of Way where (legally) available	Car Parking is proposed from primary street within the front setback area
Use Class	Single House	
Use Classification	"P"	
Lot Area	469 square metres	

SITE HISTORY:

No.7 Cantle Street is occupied by a single house with a shed at the rear of the lot and an outdoor laundry and toilet. A Town owned right of way exists to the rear and east side of the lot. The right of way is unsealed with a total width of 4.02 metres.

DETAILS:

The carport is proposed in the front setback area of the lot with access from Cantle Street. Off street parking is currently accommodated via the existing shed at the rear of the lot.

CONSULTATION/ADVERTISING:

The proposal has not been advertised in this instance in light of the application being referred to the Council for consideration and determination, refusal being recommended, and the location of the carport being adjacent to the adjoining right of way, thus not considered to have adverse impact on the immediate adjoining neighbours.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

In the case of carports, the Town's Policies relating to Street Setbacks and Vehicular Access disallow carports to be located in the front setback area where there is opportunity to utilise the right of way and there is enough area at the rear of the lot or to the east side to accommodate the carport structure. It is considered that in this instance, the carport can be readily accommodated at the rear of the lot to the east side with access via the adjoining right of way. This ensures that the intent of the Town's Policies are achieved, which is to maintain the front aspect of the existing house and to preserve the general streetscape, while improving casual surveillance of the right of way.

The proposed carport is considered to depart from the relevant requirements of the Town's Policies. This variation is not supported and it is therefore recommended that the carport be refused.

10.1.3 No. 168 (Lots 33 and Pt 34) Vincent Street, Corner Leake Street, North Perth - Proposed Survey Strata Subdivision

Ward:	South	Date:	1 August 2003
Precinct:	Smith's Lake, P8	File Ref:	324-03
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 168 (Lots 33 and Pt 34) Vincent Street, corner Leake Street, North Perth and as shown on amended plans stamp-dated 3 July 2003 (survey strata subdivision 324-03), subject to:

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and associated materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) prior to the clearance of the Diagram or Plan of Survey by the Town, 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 or 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;*
- (vii) the street verge tree(s) on Vincent Street and Leake Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*

- (viii) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act;*
- (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
 - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement;*
- (ix) *the existing residence to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including;*
- (a) *the provision and construction of one (1) on-site car parking bay and associated driveway and crossover;*
 - (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and*
 - (c) *the provision of a 20 square metres courtyard, with minimum dimensions of 4 metres; and*
- (x) *the tree of significance on the land, Date Palm (Phoenix canariensis), being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

LOST (0-8)

(Cr Cohen on approved leave of absence.)

Reasons:

- 1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the existing dwelling and the locality.**
- 2. The non-compliance with the minimum lot area and car parking requirements of the Residential Design Codes.**
- 3. The size and configuration of the proposed northern lot would most likely result in any reasonable dwelling on this lot not complying with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies.**

Executive Manager Environmental and Development Services Comments

The subject property is located in the Smith's Lake Precinct. The issues relating to this application are similar to both the North Perth Precinct and Smith's Lake Precinct. As such, the Officer Recommendation remains unchanged, other than making the correct reference to North Perth and not Mount Lawley.

LANDOWNER: B R Stanton
APPLICANT: Oracle Surveys
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	691 square metres

Requirements	Required	Proposed
Minimum Carparking	Two carparking spaces for existing dwelling	One carparking space

SITE HISTORY:

The subject site has an existing character house that fronts Vincent Street.

A 5.0 metres wide, Town owned sealed right of way (ROW) abuts the northern boundary of the subject land, providing primary access to the proposed rear lot.

24 June 2003 The Council at its Ordinary Meeting considered an application for a similar proposal, and resolved to refuse the application for the following reasons:

- "(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the existing dwelling and the locality;*
- (b) the non-compliance with the minimum lot area and car parking requirements of the Residential Design Codes; and*
- (c) the size and configuration of the proposed northern lot would most likely result in any reasonable dwelling on this lot not complying with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies;"*

CONSULTATION/ADVERTISING:

Advertising is not required for subdivision applications.

LEGAL/POLICY:

Town Planning Scheme No. 1.

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

DETAILS:

The application is for the subdivision of the subject property into two survey strata lots. The proposed southern lot (which will accommodate the existing dwelling to be retained) consists of 491 square metres (502 square metres previously proposed), and the proposed northern vacant lot consists of 200 square metres (190 square metres previously proposed).

COMMENTS:

Site Area

The proposal fully complies with the average and minimum site area requirements under the Residential Design Codes (R Codes).

Open Space

The existing dwelling on the proposed southern lot complies with the total open space requirement of the R Codes (45 per cent required, 45 per cent proposed). The outdoor living area (minimum area of 20 square metres and dimension of 4 metres) is required to be located behind the street setback. In accordance with the open space performance criteria provisions of the R Codes, the required outdoor area can be provided within the Vincent Street setback area. This is considered acceptable in light of the lot being a corner lot, hence less opportunity to provide the courtyard behind the street setback. This courtyard forms part of a well established garden area that also accommodates a significant Date Palm tree.

Other functional courtyards are provided behind the dwelling adjacent to the eastern boundary and adjacent to Leake Street.

Car Parking

The subject proposal involves a variation to the minimum car parking requirements of two car parking spaces, as outlined in the Residential Design Codes. The applicant is seeking a variation to this requirement and requests that one car parking bay be provided on-site for the existing dwelling.

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

- *"If we are made to demolish part of the house in order to comply with Council's two parking bays, the heritage value of the building would be greatly reduced.*
- *The hazardous situation of using Vincent Street as an access to a carport."*

The provision of one on-site carparking space, in this instance, is considered supportable given the retention of the existing character dwelling therefore ensuring adequate consideration of the amenity and streetscape character of the locality, the close proximity to public transport services on Vincent Street and Fitzgerald Street, and unrestricted on-street parking facilities on Leake Street adjacent to the subject property.

It is recommended that the provision of one carparking bay on-site for the existing dwelling be supported in this instance.

In light of the above, it is recommended that the proposal be approved, subject to standard conditions.

10.1.20 No. 7 (Lot 37) Buxton Street, Mount Hawthorn – Proposed Carport Additions to Existing Single House

Ward:	North	Date:	31 July 2003
Precinct:	North Perth, P8	File Ref:	PRO 1886; 00/33/1673
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policies relating to Street Setbacks and Vehicular Access;*

the Council REFUSES the application submitted by the owner F Vanderkley for proposed carport additions to existing single house on No. 7 (Lot 37) Buxton Street, North Perth, and as shown on the plans stamp-dated 10 June 2003.

COUNCIL DECISION ITEM 10.1.20

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

LOST (1-7)

For
Cr Ker

Against
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Lake
Cr Torre

(Cr Cohen on approved leave of absence.)

Reasons:

- 1. Difficulty in using the ROW due to its narrowness and poor condition.**
- 2. Loss of amenity of the property.**
- 3. Lack of safety in reversing.**

ALTERNATIVE MOTION

COUNCIL DECISION ITEM 10.1.20

Moved Cr Doran-Wu, Seconded Cr Farrell

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 F Vanderkley for proposed carport additions to existing single house on No. 7 (Lot 37) Buxton Street, North Perth, and as shown on the plans stamp-dated 10 June 2003, subject to;

- (i) 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);*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) 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;*
- (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; and*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

CARRIED (7-1)

For
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Lake
Cr Torre

Against
Cr Ker

(Cr Cohen on approved leave of absence.)

FURTHER REPORT:

The Compliance Table of the Agenda Report should be amended to reflect the non-compliance of the proposal with the carport width requirements, as follows:

Requirements	Required	Proposed
Vehicular access via a right of way	Vehicular Access to be accessible from existing right of way where (legally) available	Vehicular access/carport is proposed from primary street within the front setback area
Carport Width	Not to exceed 50 percent of lot frontage	55 percent of lot frontage

LANDOWNER: F Vanderkley and A Shipcott
APPLICANT: F Vanderkley
ZONING: Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	“P”
Lot Area	425 square metres

Requirements	Required	Proposed
Vehicular access via a right of way	Vehicular Access to be accessible from existing right of way where (legally) available	Vehicular access/carport is proposed from primary street within the front setback area

SITE HISTORY:

The site is occupied by a single storey single house. Alterations and additions to the dwelling were conditionally approved under delegated authority on 14 December 2001. This application proposed a carport, which was later deleted at the request of the applicant. A previous single carport in the front setback area has been since demolished. A Town owned right of way exists to the rear of the lot. The right of way is unsealed and has a width of 5.0 metres.

DETAILS:

The applicant seeks approval for the proposed carport addition to the existing single house. The carport is proposed in the front setback area of the lot with access from Buxton Street. The site currently accommodates uncovered parking within the front setback area which is accessed from Buxton Street.

CONSULTATION/ADVERTISING:

No objections were received during the advertising period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The Town's Policies relating to Street Setbacks and Vehicular Access does not permit carports to be located in the front setback area where there is opportunity to utilise the right of way. In this case, there is sufficient room for a single carport to the rear. The intent of the Town's Policies is to maintain the front aspect of the existing house and to preserve the general streetscape, while providing casual surveillance of the right of way. The proposed carport is considered to depart from the relevant requirements of the Town's Policies. This variation is not supported and it is therefore recommended that the carport be refused.

10.1.2 No. 81 (Lot 246) Auckland Street, North Perth - Proposed Survey Strata Subdivision

Ward:	North	Date:	4 August 2003
Precinct:	North Perth, P8	File Ref:	752-03
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 81 (Lot 246) Auckland Street, North Perth, and as shown on the plan stamp-dated 1 July 2003 (survey strata subdivision 752-03), subject to:

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

- (viii) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
- (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
 - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and*
- (ix) *the existing residence to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including:*
- (a) *the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*
 - (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and*
 - (c) *the provision of a 20 square metres courtyard, with minimum dimensions of 4 metres;*

to the satisfaction of the Chief Executive Officer.

NOTE:

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

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

LOST (0-8)

(Cr Cohen on approved leave of absence.)

Reason:

1. **Conflicts with the intent of the Council and the Minister for Planning and Infrastructure's decision concerning Amendment No. 11 to the Town of Vincent Town Planning Scheme No.1.**

ALTERNATIVE MOTION

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Lake

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 81 (Lot 246) Auckland Street, North Perth, and as shown on the plan stamp-dated 1 July 2003 (survey strata subdivision 752-03), for the following reasons:*
- (a) *Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Minister for Planning and Infrastructure in letter dated 7 August 2003 has conditionally approved Amendment No.11; and*
- (b) *the proposed survey strata subdivision does not comply with the minimum and average site area requirements of the R20 code;*
- (ii) *the Council requests the Western Australian Planning Commission and the Minister for Planning and Infrastructure to expedite the promulgation of Amendment No.11 to the Town of Vincent Town Planning Scheme No.1; and*
- (iii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

LANDOWNER: A Antonas
APPLICANT: Property People Surveying
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R30/40 (R40 applies)
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	594 square metres

SITE HISTORY:

The site currently supports a single storey single house, which is contained on its own lot.

Scheme Amendment No. 11

The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

DETAILS:

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

CONSULTATION/ADVERTISING:

The proposal did not require advertising.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed survey strata subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres. Two (2) lots are proposed as part of the subdivision. The existing house is proposed to be retained on proposed front Lot 1.

The lot sizes proposed are 253 square metres for the lot fronting Auckland Street where the existing house is to be retained, 259 square metres for the proposed rear lot, and an area of common property of 82 square metres.

Parking for 2 vehicles of the existing dwelling can be accommodated within the front setback of the proposed Lot 1.

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

10.1.13 No. 135 (Lot 1) Raglan Road, North Perth- Proposed Partial Demolition of and Alterations and Additions to existing Single House

Ward:	South	Date:	4 August 2003
Precinct:	Smith's Lake P6	File Ref:	PRO2367; 00/33/1655
Attachments:	001 ; 002		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner N Burton for the proposed partial demolition of and alterations and additions to existing single house at No.135 (Lot 1) Raglan Road, North Perth, and as shown on plans dated 28 May 2003, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Raglan Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) 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;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the car bay being increased to 4 metres by 6 metres, with a 1.5 metres by 1.5 metres truncation, as shown in red on the approved plans.*

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

- (vi) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (viii) *compliance will all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker , Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

LANDOWNER: N Burton
APPLICANT: N Burton
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks:		
<u>Ground Floor</u> Eastern Side	3.3 metres	500 millimetres (existing) to 1.2 metres
<u>Upper Floor</u> Eastern Side	1.5 metres	500 millimetres to 1.4 metres

Cone of Vision Encroachments:		
Living Room (Ground Floor-above 500 millimetres on Eastern Side)	6 metres	1 metre
Deck (Ground Floor- above 500 millimetres on Eastern Side)	7.5 metres	1 metre
Balcony (Upper Floor- overlooks eastern neighbour)	7.5 metres	1.8 metres

Building Height		
Western side	6 metres to top of external wall	6.9 metres to top of external wall.
Parking	2 bays	1 Bay
Levels	500 millimetres	750 millimetres

Use Class	Single House
Use Classification	'P'
Lot Area	253 square metres

SITE HISTORY:

The subject site is occupied by a single storey single house with its primary street frontage to Raglan Road.

DETAILS:

The applicant seeks approval for alterations and additions to the existing single storey dwelling.

The subject land abuts a 4 metres wide, privately owned, unsealed right of way. Currently, there are no car parking bays existing on-site.

The applicant submitted the following justification in support of the proposed variations:

- *"...in this instance it was necessary to raise the height of the upper storey wall to 7 metres in order to accommodate and maintain the existing roof and ceiling of the cottage. As the total height of the house falls within the 9 metre limit we request that this requirement be relaxed".*
- *"the setback is reduced from that which is required by the codes, however it only occurs in the position of the neighbours parapet and has no major openings along the length".*

- *"There is no overlooking other than over the back corner of the eastern neighbours site. We do not feel that we overlook this neighbour any more than they overlook our property and have no effect on their amenity, in order to stop any direct overlooking from the bedroom or balcony we have screened the balcony to 1.6m".*

The applicants also submitted written justification in support of the proposed car parking variation (Attachment 1).

CONSULTATION/ADVERTISING:

The application was advertised to the adjoining neighbour at No. 133 Raglan Road from 16 June 2003 to 2 July 2003.

One submission was received during the advertising period, being one letter of non-objection from the adjoining neighbour at No. 133 Raglan Road.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

The property is not listed on the Town's Municipal Heritage Inventory, therefore, this application is subject to general provisions of the Town Planning Scheme and associated Policies.

Setbacks

A side setback variation from 500 millimetres to 1.2 metres, in lieu of 3.3 metres, is proposed to the ground floor on the eastern side, and a side setback variation from 500 millimetres to 1.4 metres, in lieu of 1.5 metres, is also proposed on the upper floor on the eastern elevation. However, given that the existing ground floor setbacks follow the existing line of the house, and that the upper floor abuts a parapet wall on the adjoining property, the proposal is not considered to unduly affect the amenity of the adjoining property.

Furthermore, the proposal does not unduly restrict natural light and ventilation to the existing building, or the adjoining property, and the proposed setback variations do not result in undue overshadowing of the adjoining neighbour. However, the proposed setback variations will result in overlooking of the adjoining, eastern neighbour, and this issue has been addressed below.

In light of the above, and given that the setbacks of the existing dwelling, the proposal is considered to address the relevant performance criteria under Clause 3.3.1 of the Residential Design Codes (R-Codes), and approval is therefore recommended.

Building Scale and Height

The second storey along the western side elevation exceeds the Residential Design Codes (R-Codes) acceptable development requirements, as a total height of 6.9 metres is proposed to the eaves, in lieu of the required 6 metres. However, due to the natural slope of the land, which drops by 1 metre from the front to the rear, the proposal is 6.9 metres in height to the eaves at the highest affected point, and 6.5 metres in average height along the western side.

Given that the second storey on the western side abuts a right of way, that adequate and direct sun light is available to the western neighbouring property, that adequate daylight is available to all major openings to habitable rooms, the proposal is not considered to unduly impact on the amenity of the adjoining property.

In light of the above, and given that the proposal complies with the R-Codes overshadowing and overlooking requirements on the western side, and the overall 9 metres height requirement to the ridge of the roof, it is therefore not considered that the 900 millimetres height increase to the eaves would have an undue, adverse impact on the amenity of the streetscape, or the area generally. Approval is therefore recommended.

Privacy

The natural slope of the land from front to rear results in the deck and living area at the rear being raised to 750 millimetres above natural ground level, and thus results in these habitable spaces overlooking the adjoining, eastern neighbour.

Notwithstanding the above non-compliances, screening is not considered necessary in this instance, as the lounge and deck predominantly overlook a parapet wall on the adjoining property. Also, the deck will be largely screened by the dividing fence and vegetation along the adjoining neighbour's eastern boundary. Additionally, the neighbour raises no objections to the variations.

A cone of vision encroachment is also proposed from the rear of the balcony to 1.8 metres, in lieu of 7.5 metres. However, given that the applicant has screened the eastern side of the balcony to 1.6 metres in height, and that the adjoining neighbours raised no objections to the cone of vision encroachment from the southern elevation, the proposal is not considered to unduly impact on the amenity of the adjoining property.

Additionally, the performance criteria under Clause 3.8.1 (Visual Privacy) of the R-Codes relates to the lesser need to screen habitable space that overlooks extensive areas of back garden, or areas that do not contain major openings to active habitable space. Given that the southern elevation of the balcony does not overlook any habitable space on the adjoining property, and predominantly overlooks an extensive, over grown back yard, and the roof of the adjoining, single dwelling, the proposal is therefore considered to address the above performance criteria. In light of this, approval is recommended.

Retaining and Fill

Fill of 750 millimetres, in lieu of 500 millimetres is proposed along the eastern elevation towards the rear of the property. This fill results in the living room and deck being raised more than 500 millimetres above natural ground level.

However, given that there is little potential for overlooking as the living room and deck overlook a parapet wall and extensive back garden area on the adjoining property, and that the neighbours raise no objections to the proposal, the proposal is not considered to unduly impact on the amenity of the adjoining neighbours. Furthermore, the proposed fill is minor in nature and it is considered to retain the natural, visual impression of the site, as viewed from the street and the adjoining property. In light of this, approval is recommended.

Car Parking Provisions

The proposal represents a variation to the R-Codes' car parking requirements for single dwellings, as one (1) bay is proposed in lieu two (2) bays. However, the existing dwelling currently does not provide any formal on-site parking provisions, and given that the right of way is only 4 metres in width, a single car bay is required to be 4 metres wide, with a 1.5 metres by 1.5 metres truncation to enable sufficient room for manoeuvring.

In light of the above, if two car parking bays were to be required, the bays would need to be almost 8 metres wide to allow enough space for manoeuvring. Also, the provision of two bays would result in the removal of two large and healthy trees (Box Tree and Fiddlewood) at the rear of the house, which will be retained if only one bay is required. Also, the applicant and landowner has advised that they only have one car, and they bought a house in an inner urban area as they prefer to be environmentally friendly and ride to work.

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

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

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

Given that on-street parking is available on Raglan Road without time restrictions, and that the subject land is within 400 metres of a bus stop along Fitzgerald Street, the proposal is considered to address the above mentioned performance criteria.

In light of the above, and given the current parking situation, the provision of two bays is considered onerous. Therefore, the provision of one bay is considered to be sufficient in this instance.

Conclusion

The proposed variations to the R-Codes and the Town's Policies are considered supportable in this instance, and it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.8 No. 18 (Lot 106) Doris Street, North Perth – Proposed Alterations, Carport and Storeroom Additions and Additional Two (2) Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	5 August 2003
Precinct:	North Perth, P8	File Ref:	PRO 2383; 00/33/1690
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner J Seow for proposed alterations, carport and storeroom additions and additional two (2) storey grouped dwelling to existing single house on No. 18 (Lot 106) Doris Street, North Perth, and as shown plans stamp-dated 20 June 2003, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) no front 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 Doris Street, shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (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) the construction of crossovers shall be in accordance with the Town's specifications;*

- (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) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the proposed dwelling, including its carport, being further setback a minimum of 0.3 metre from the east/rear boundary to accommodate a minimum 6 metres maneuvering distance from the carport;*
 - (b) *a pedestrian accessway with a minimum width of 1.5 metres being provided from Doris Street to the proposed rear dwelling along the northern side of the subject land, except where it abuts the existing dwelling where it can be a minimum width of 1 metre;*
 - (c) *the windows of bedroom 1, bedroom 2 and study on the first floor having a minimum sill height of 1.6 metres from the finished first floor level; and*
 - (d) *the proposed carport for the existing front dwelling being deleted and replaced with 2 uncovered free standing car bays.*

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

- (xi) *subject to first obtaining the consent of the owners of No. 16 Doris 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. 16 Doris Street in a good and clean condition;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Doris 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); and*
- (xiii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Doran-Wu

That the recommendation be adopted, with the following additional new clauses (xiv) and (xv);

"(xiv) prior to the first occupation of the development, the full length and width of the right of way from Bedford Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense; and

(xv) a bond and/or bank guarantee for \$15,600 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;"

Cr Torre departed the Chamber at 7.20pm.

Debate ensued.

Cr Torre returned to the Chamber at 7.21pm.

Moved Cr Lake, Seconded Cr Farrell

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

"(xvi) the large gum tree on site be protected during the building works;"

AMENDMENT CARRIED (6-2)

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

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker Seconded Cr Doran-Wu

That this item be DEFERRED for clarification of clause (v).

Debate ensued.

CARRIED (7-1)

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

(Cr Cohen on approved leave of absence.)

LANDOWNER: J Seow
APPLICANT: As above
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R30/40
EXISTING LAND USE: Grouped Dwelling
COMPLIANCE:

Requirements	Required	Proposed
Setback		
East Ground Floor (Carport)	6 metres maneuvering distance	5.7 metres
Privacy Assessment		
Bedroom 1, Bedroom 2 and Study Windows	4.5 metres from boundaries for bedroom windows and 6 metres for study windows, or screening or highlight window to sill height of 1.6 metres from first floor finished floor level	1.5 metres sill height from first floor finished floor level
Use Class	Grouped Dwelling	
Use Classification	"P"	
Lot Area	587 square metres	

SITE HISTORY:

No.18 Doris Street is occupied by an existing single storey single house. A right of way exists at the rear of the lot, which is Town owned and unsealed with a total width of 5 metres.

DETAILS:

The applicant seeks approval for front carport and rear store additions to the existing single house, and new two storey grouped dwelling with main access and orientation towards the right of way. The proposal generally complies with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

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

"1. Privacy

I strongly object to the windows to bedrooms 1 and 2 facing my property...as there will be significant loss of privacy. These windows could, and should, be located to the front and rear elevations which would ease the privacy issue with minimal, if any, impact on the proposed development.

2. Negative effect on surrounding area.

I strongly object to the simplistic character of the building...The development, by virtue of its height, will stand out and be clearly visible from both the street and my property.

Sole Vehicular Access via Right of Way

...I ask that you consider a final concern regarding vehicular access to the development. Council policy (policy 3.1.7) states that 'the Council may allow for sole vehicular access to be provided to a residential dwelling via a Right of Way provided that (inter alia)...the subject Right of Way is drained and sealed to conform with Councils specifications.'...I submit that Council policy is quite clear on this point, and that safety issues, such as access by emergency services, would demand that this requirement be met. I am sure that an examination of the right of way would reveal its ongoing poor condition and support my concern."

The second letter raises the following points;

"...we are concerned that the property will overlook our property and result in a reduction to our privacy.

...I am dismayed that we could be surrounded by two storey properties that will detrimentally effect our privacy, amenity and quality of life."

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Overshadowing

An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 16 Doris Street. The outcome of this assessment established that a total of 56.28 square metres of the adjoining property will be overshadowed. This equates to 8.4 percent. This is considered to be within the requirements of the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 35 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

East (Rear) Setback

The proposed setback variation corresponds with the lower floor of the proposed residence and is relevant to the carport distance from the right of way. For adequate maneuvering, a distance of 6 metres is required from the entry point of the carport to the opposite side of the right of way. To satisfy this requirement without reducing the car parking dimensions of the carport, the entire dwelling will need to move away from the rear boundary by 0.3 metre. This is represented in the conditions stated above.

Bedroom 1, Bedroom 2 and Study Windows

The applicant proposes highlight windows for bedrooms 1 and 2 as well as the study on the first floor of the proposal. The windows as proposed have a sill height of 1.5 metres from the finished floor level of the first floor. As per the Residential Design Codes, highlight windows require a minimum sill height of 1.6 metres. To achieve compliance the sill height has been conditioned to be changed to the required height.

Carport to Existing Dwelling

In the case of carports, the Town's Policies relating to Street Setbacks and Vehicular Access disallows carports to be located in the front setback area where there is opportunity to utilise the right of way. In this instance, a new development is proposed at the rear of the lot, which prevents use of the right of way for the front dwelling. It is considered that the streetscape should not be compromised in response to a new development and therefore will require that the carport be deleted and replaced with open free standing car bays as mentioned in the above conditions.

Response to Objections

In both letters submitted, concern is raised regarding privacy. As mentioned above, highlight windows are proposed from the first floor habitable rooms. This will ensure that the reasonable privacy of all adjoining neighbours is not disrupted. The two storey nature of the proposal as well as the appearance, are aspects that are not prohibited by the Town's requirements. Furthermore, the use of the right of way for access to the rear dwelling is encouraged and is consistent with Town's Policies relating to Vehicle Access to Dwellings Via a Right of Way, Vehicular Access and Street Setbacks.

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

10.1.6 No. 33 (Lot 5) Britannia Road, Leederville – Proposed Additional Two Storey Grouped Dwelling to Existing Single House

Ward:	South	Date:	4 August 2003
Precinct:	Leederville, P3	File Ref:	PRO 1958; 00/33/1746
Attachments:	001		
Reporting Officer(s):	J Barton, S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Cross Fishwick and Associates on behalf of the owners M and L Abel for proposed additional two storey grouped dwelling to existing single house at No. 33 (Lot 5) Britannia Road, Leederville, and as shown on the amended plans stamp-dated 28 July 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications and the existing dwelling's crossover shall be upgraded to concrete/brick paving construction and all costs shall be borne by the applicant/owner(s) to the satisfaction of Engineering Services;*
- (v) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development,*
 - (a) the west facing window to upper level Bedroom 2; and*
 - (b) the north facing window to upper level Bedroom 3;*

shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole 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 a major opening as defined in the Residential Design Codes 2002;

- (viii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the southern upper level wall being setback in accordance with the Residential Design Codes (1.5 metres). The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ix) subject to first obtaining the consent of the owners of Nos. 31, 35A and 35B Britannia Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing the existing dwelling at No. 33, and Nos. 31, 35A and 35B Britannia Road, in a good and clean condition;*
- (x) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Britannia Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xi) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

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

"(xii) the south boundary fence shall not exceed 1.8 metres in height."

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED LOST (0-8)

(Cr Cohen on approved leave of absence.)

Reasons:

1. The extent of non-compliance with the Residential Design Codes.
2. Impact on the amenity of the southern neighbour's property.
3. The adverse affect of overshadowing on the neighbouring properties.

FURTHER REPORT:

Comparison Table

Requirement	Required	Current Proposal to 12/8/2003 OMC	Previous Proposal to 10/6/2003 OMC
Setbacks			
Unit 2 - Proposed Dwelling			
Northern side ground level	1.0 metre	Nil	Nil
Northern side upper level	1.2 metres	1.0 metre	1.0 metre
Southern side upper level	1.5 metres	1.2 metres	1.2 metres
Eastern side ground level	1.5 metres	Minimum Nil	Minimum Nil
Eastern side upper level	3.6 metres	Minimum 1.2 metres	Minimum 1.2 metres
Western side ground level	1.0 metre	Minimum Nil	Minimum Nil
Western side upper level	3.3 metres	Minimum 1.2 metres	Minimum 1.2 metres
Cone of Vision Encroachment			
Bedroom two- overlooks southern neighbours.	4.5 metres	4 metres	4 metres
Bedroom three	4.5 metres	Compliant as the northern facing window has been screened to the western side.	4 metres- previously overlooked southern neighbours.
*Plot Ratio	0.65	0.60	0.66
**Open Space- Existing Dwelling	45 per cent	45 per cent	30.5 per cent

* The plot ratio has decreased from the previous application as the access leg has now been included in the site area of the rear lot, thus the plot ratio now complies with the R-Codes' plot ratio requirements. Previously, only half of the access leg would have been included as the applicants did not depict common property on the previous plans, thus it was assumed that the access leg was all common property. However, the applicants have now depicted a small portion of common property at the rear of the existing dwelling.

** The open space has been calculated correctly on the amended plans, in accordance with the 2002 R-Codes. The assessment of the previous proposal inadvertently included the verandahs in the calculation of site cover, however, they are exempt from the calculation of site cover as they open on two sides (24.5 square metres of verandah exempt, 10 per cent of the site area, as per the definition of open space in the R-Codes).

LANDOWNER: M and L Abel
APPLICANT: Cross Fishwick and Associates
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	562 square metres

Requirement	Required	Proposed
Setbacks		
Unit 2 - Proposed Dwelling		
Northern side ground level	1.0 metre	Nil
Northern side upper level	1.2 metres	1.0 metre
Southern side upper level	1.5 metres	1.2 metres
Eastern side ground level	1.5 metres	Minimum Nil
Eastern side upper level	3.6 metres	Minimum 1.2 metres
Western side ground level	1.0 metre	Minimum Nil
Western side upper level	3.3 metres	Minimum 1.2 metres
Cone of Vision Encroachment		
Bedroom two- southward view	4.5 metres	4 metres

SITE HISTORY:

The site currently supports a single storey single house.

The Council at its Ordinary Meeting of 28 May 2002 granted conditional approval for alterations, carport addition and additional two storey grouped dwelling to the existing dwelling, involving partial demolition.

A subsequent application, submitted on 3 February 2003, proposing a two storey grouped dwelling at the rear, was recommended for approval in a report to the Ordinary Meeting of Council held on 10 June 2003, subject to the proposal complying with the following conditions to address the non compliance issues:

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

- (a) the southern upper level wall being setback in accordance with the Residential Design Codes;*
- (b) the proposed dwelling having a maximum plot ratio of 0.65 in accordance with the Residential Design Codes;*
- (c) each dwelling being provided with a store in accordance with the Residential Design Codes;*
- (d) deletion of the proposed carport to the existing dwelling;*
- (e) the existing dwelling being provided with two (2) uncovered car parking spaces on-site;*
- (f) the existing dwelling complying with the open space requirements of the Residential Design Codes;*
- (g) the existing dwelling being provided with a minimum outdoor living space of 16 square metres with minimum dimensions of 4.0 metres in accordance with the Residential Design Codes; and*
- (h) the eastern facing parapet wall, being for the store and garage, being reduced in height to comply with the provisions of the Residential Design Codes for walls on the boundaries.*

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

However, the Council at its Ordinary Meeting of 10 June 2003 refused the above proposal for the following reasons:

- 1. The extent of non compliance to Residential Design Codes.*
- 2. The extent of redesign proposed to comply to Residential Design Codes.*
- 3. The adverse affect of overshadowing on the neighbouring properties.*
- 4. Consideration of the objections received.*

DETAILS:

The applicant seeks approval to construct an additional two storey grouped dwelling to the rear of the existing residence.

The applicant has lodged an amended application addressing the non-compliance issues from the previous application. The proposal is almost identical to the previous application, however, the points in condition (viii) mentioned above have been addressed.

CONSULTATION/ADVERTISING:

The previous proposal was advertised and written submissions were received from four owners. These submissions were a mixture of comments, which accompanied the application and objections. These are summarised below;

- No. 31B Britannia Road (eastern neighbour) state that they have sited the plans for the proposed parapet wall to their boundary (garage) and subject to it remaining at 2.7 metres in height and being render finished to their side they raise no objection;
- Nos. 35A and 35B Britannia Road (western neighbours) advised the applicant that prior to signing any such consents they requested further details. As part of the community consultation procedures, these neighbours were advised of the proposal and made aware that a full set of plans were available for viewing at the Town. These owners have subsequently provided a second submission objecting to the proposal. Further to this objection, each neighbour has provided another additional submission. The owners object on the following grounds: reduction in sunlight, the dwelling's size, the lot size is less than that prescribed in the Residential Design Codes, open space, reduced setbacks, further details are requested as to the parapet wall finish to the western side, upper level western side setback and the windows to the upper level staircase which face the western neighbour;
- A verbal discussion was held with the neighbour to the rear (south) of the subject site, who owns the retirement villa most affected by the proposal. The neighbour is concerned with the effect of the proposal on their courtyard with respect to the effect of the overshadowing and loss of light. This is the objectors primary outdoor space and wishes to maintain their amenity. The objector advised that a written objection would follow. At time of writing the report, the objection had not been received; and
- Owner/resident of one of the retirement village villas to the rear, objects to the proposal based on the proposed lot size, reduced proposed setbacks and the associated externalities this is perceived to create in a similar fashion to other comments made from other neighbours.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks – Proposed Rear Dwelling

Northern Side Ground Level Setback

The Residential Design Codes (R Codes) require this wall to be setback 1.0 metre from the affected boundary, whereas the applicant seeks a nil setback to accommodate a garage. The proposed wall is located on the southern boundary of the site and therefore any overshadowing cast by the structure will be onto the proposed dwelling, thereby not affecting the existing dwelling. On this basis, the impact of the parapet wall in this location is considered to provide privacy to the existing residence and will not reduce the amenity of their outdoor living space. As such, the reduced setback can be supported.

Northern Side Upper Level Setback

The R Codes require this wall to be setback 1.2 metres to the boundary, whereas the applicant seeks a reduced setback to 1.0 metre. Again, due to the wall being located to the south of the existing residence, no undue overshadowing is created. Taking into account the form and height of the wall, it is considered that the structure will not unduly affect the amenity of the existing residence, and again can be supported.

Southern Side Upper Level Setback

The applicants have addressed the southern, upper floor setback variation by relocating the major opening to bedroom three to the northern elevation. Given this, the effects of overlooking at the rear have been ameliorated, and the setback requirement has been reduced from 2.9 metres, to 1.5 metres.

As mentioned above, this wall would generally be required to be setback 1.5 metres from the boundary, with the applicant still seeking a reduced setback to 1.2 metres. Although the reduced setback is minor, in this instance it is not considered appropriate due to the effect on the southern neighbour, and coupled with this, the neighbour has specifically objected on the grounds of overshadowing and loss of light.

The applicant seeks a 5.31 metres high wall on this southern elevation for a length of 5.4 metres, with the remainder of the southern wall complying with the R Code setbacks. The applicant has calculated that the proposal will generate 113.4 square metres of overshadowing to the south, which will directly affect the objector's primary courtyard space. Furthermore, as the southern neighbours are part of an overall retirement village, it is important to note their complex has very little communal open space provision, and thus residents are reliant on their courtyard provisions. It is acknowledged that the site is in close proximity to Britannia Road Reserve (extension of Lake Monger), and that overall the proposal complies with the R-Codes overshadowing requirements, however, the immediate effect on this southern neighbour is inappropriate.

In light of the above, it is recommended that the southern upper level wall be setback another 300 millimetres in accordance with the R-Codes.

Eastern Side Ground Level Setback

The amended plans have addressed the height of the parapet wall on the eastern elevation, by reducing the height to 2.5 metres from natural ground level. Given this, the proposal now complies with the R-Codes height requirements. Also, the neighbours concerns have now been addressed through the amended plans.

Eastern Side Upper Floor Setback

The R-Codes would require the eastern upper level wall to be setback 3.6 metres from the affected boundary, whereas the applicant has sought a setback of between 1.2 metres to a maximum of 3.0 metres for differing elements of the subject wall. The affected neighbour has similarly developed a rear additional grouped dwelling on their site, which is located in close proximity to the affected boundary. As such, the impact of the reduced setback on this neighbour is considered negligible, as the affected area of adjacent residence does not represent the sensitive areas of that dwelling. In addition, no undue overshadowing or privacy concerns will result from the proposal to the eastern neighbour. As such, this relaxation in setback is not considered to unduly adversely affect their amenity provision, and therefore can be supported.

Western Side Ground Level Setback

The R-Codes require this wall to be setback 1.0 metre from the boundary, whereas the applicant seeks to incorporate a third parapet wall in the proposal to accommodate a family room. The proposed parapet is 5.1 metres in length and 2.8 metres in height. The proposed parapet is adjacent to the affected neighbour's vacant rear yard. The neighbour has raised concerns with respect to the development, however in relation to this parapet wall concerns related to the finish and access arrangements in order to provide the necessary finish. A condition of approval has been included that requires this wall to be suitably finished and for the applicant to seek the neighbour's permission to do so. The finish of the wall will be consistent with the dwelling. The proposed parapet is not considered to unreasonably diminish the amenity of the affected neighbour's outdoor space provision and will result in no undue overshadowing. As such, the proposal is therefore considered acceptable.

Western Side Upper Level Setback

The upper level wall requires a 3.3 metres setback to the boundary, whereas the applicant seeks a reduced setback to between 1.2 metres and 5.42 metres. The reduced setback request affects Bedroom 3 and the stairwell, with the stairwell having a 3.0 metres setback from the boundary. As such, effectively the reduced setback principally is to accommodate Bedroom 3 for a wall length of 5.1 metres. Again, this reduced setback will cause no undue privacy or overshadowing concerns and therefore is considered acceptable.

Cone of Vision – Upper Level Proposed Rear Dwelling

Bedroom 3- North Facing Window

The window to bedroom 3 has been relocated from the southern elevation, to the northern elevation, and appropriate screening has been applied. Given this, the proposal does not overlook the adjoining, western neighbours. However, the screening condition has still been imposed to ensure that adequate screening is applied.

Bedroom 2 – West Facing Window

The above window provides views southwards, despite the denotation of screening on the plans. This window is again required to be 4.5 metres from any boundary. Applying the cone of vision principles, unreasonable views can still be seen from the window, past where the screening has been provided. As such, an appropriate screening requirement should again be imposed.

Other Issues

The previous application was refused due to other non-compliances, such as plot ratio, lack of open space to the existing dwelling, the lack of storage provisions, and the reduced rear battleaxe lot area. However, the proposal now complies with the open space and plot ratio requirements, and two stores have now been indicated on the plans.

Additionally, given that common property has now been allocated on the proposed plans, the rear battleaxe lot area requirement is no longer applicable. Furthermore, the carport to the existing dwelling does not need to be deleted from the plans and replaced with two open car bays as recommended in condition (viii) (d) and (e) in the previous report to Council, as Council approved a planning application (00/33/0939) on 19 June 2002, and a Building Licence (20/1980) was issued on 3 June 2003, for the proposed carport. Additionally, a Town Planning and Building Services Officer inspected the property on 12 August 2003. The site inspection revealed that the carport has not been constructed as yet, and a brick wall has been partially built. The wall appears to be in accordance with the Town's Policy relating to Street Walls and Fences, as the wall is of an open nature above 1.2 metres from the natural ground level, therefore formal approval is not required for this structure.

Conclusion

Given that the proposal has been brought into closer compliance with the R-Codes in order to address the previous reasons for refusal, and the neighbours objections, and that the proposal complies with the R-Codes overshadowing requirements, it is considered that the proposal will generally have no unreasonable detrimental impact on the amenity and streetscape of the area.

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

NOTE:

The Manager Planning and Building Services, Des Abel, is not related to the owners M and L Abel.

10.1.14 No. 97 (Lot 238) Dunedin Street, Mount Hawthorn – Proposed Partial Demolition of and Alterations, Additions and Carport to Existing Single House

Ward:	North	Date:	4 August 2003
Precinct:	Mount Hawthorn P1	File Ref:	PRO2408; 00/33/1697
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Iredale Pederson Hook Architects on behalf of the owners T Denham and A Adams for the proposed partial demolition of and alterations, additions and carport to existing single house on No. 97 (Lot 238) Dunedin Street, North Perth, and as shown on the plans stamped 26 June 2003, subject to;

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the carport being deleted and replaced with two uncovered freestanding carparking spaces. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (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 Dunedin Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) prior to the clearance of the Diagram or Plan of Survey by the Town, 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 or 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 deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (xi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

Moved Cr Torre, Seconded Cr Lake

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 7.32pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 7.34pm.

Moved Cr Doran-Wu, Seconded Cr Farrell

That clause (i) be deleted and the remaining clauses renumbered accordingly.

Debate ensued.

AMENDMENT CARRIED (5-4)
ON THE CASTING VOTE OF THE MAYOR

<u>For</u>	<u>Against</u>
Mayor Catania (2 votes)	Cr Chester
Cr Doran-Wu	Cr Franchina
Cr Farrell	Cr Ker
Cr Torre	Cr Lake

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (5-3)

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

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.14

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 Iredale Pederson Hook Architects on behalf of the owners T Denham and A Adams for the proposed partial demolition of and alterations, additions and carport to existing single house on No. 97 (Lot 238) Dunedin Street, North Perth, and as shown on the plans stamped 26 June 2003, subject to;

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Dunedin Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) prior to the clearance of the Diagram or Plan of Survey by the Town, 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 or 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.*
- (iv) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*

- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *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 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; and*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Tracey Denham and Andrew Adams
APPLICANT: Iredale Pederson Hook Architects
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	453 square metres

Requirements	Required	Proposed
Vehicular access via a right of way	Vehicular Access to be accessible from existing right of way where (legally) available.	Vehicular Access/carport is proposed from primary street within the front setback area.
Setbacks- North	1.5 metres	0.92 metre
South	1.5 metres	1.25 metres

SITE HISTORY:

The site is occupied by a single storey single house. A Town owned right of way exists to the rear of the lot. The right of way is sealed and has a width of 4.6 metres.

DETAILS:

The applicant seeks approval for the proposed carport addition to the existing single house. The carport is proposed in the front setback area of the lot with access from Dunedin Street.

The site currently accommodates a single garage behind the main building line of the dwelling and uncovered parking within the front setback area with access from Dunedin Street. The proposal also includes additions to the rear of the existing dwelling, which follow the existing building line of the dwelling.

CONSULTATION/ADVERTISING:

No objections were received during the advertising period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Partial Demolition

The subject property is not listed on the Town of Vincent Municipal Heritage Inventory. As such, this application is subject to general Town Planning Scheme provisions and Policies.

Setbacks

The north and south side setback variations are supported, as they are not considered to unduly affect the amenity of the area and as they follow the existing building line and there were no objections received during the advertising period

Carport

The Town's Policies relating to Street Setbacks and Vehicular Access does not permit carports to be located in the front setback area where there is opportunity to utilise the right of way. In this case, there is sufficient room for a double carport to the rear with access from the rear right of way. The intent of the Town's Policies is to maintain the front aspect of the existing house and to preserve the general streetscape, while providing casual surveillance of the right of way. The proposed carport is considered to depart from the relevant requirements of the Town's Policies. This variation is not supported and it is therefore recommended that the carport be deleted and replaced with two uncovered freestanding carparking spaces. The proposed partial demolition and alterations and additions, excluding the proposed front carport, are supported and recommended for conditional approval.

10.1.17 No. 4 (Lot 53) Ruby Street (Dual Frontage to Nova Lane), North Perth – Proposed Demolition of Existing Outbuildings and Construction of Two Additional Two-Storey Grouped Dwellings to Existing Single House

Ward:	North	Date:	5 August 2003
Precinct:	North Perth, P8	File Ref:	PRO2401 00/33/1689
Attachments:	001		
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner S Bardon for proposed demolition of existing outbuildings and construction of two additional two storey grouped dwellings, at No. 4 (Lot 53) Ruby Street (dual frontage to Nova Lane), North Perth, and as shown on plans stamp-dated 19 June 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the upper level western setback to Unit 1 being setback in accordance with the Residential Design Codes;*
 - (b) the upper level eastern setback to Unit 2 being setback in accordance with the Residential Design Codes;*
 - (c) the eaves to Units 1 and 2 being no closer to the boundary than 0.75 metre;*
 - (d) the existing dwelling being provided with a 4.0 square metres store; and*
 - (e) the existing dwelling being provided with two (2) car parking bays on-site.*

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

- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the upper level bedroom 2 windows to Units 1 and 2 shall be screened with a permanent obscure material to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be operable, or the whole window be top hinged and the obscure portion of the window operable to a maximum of 20 degrees;*

- (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 or 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 and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (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) *a pedestrian access way of a minimum width of 1.5 metres shall be provided and constructed from Ruby Street to the proposed rear grouped dwellings. The width of this pedestrian access way may be reduced to 1.2 metres where it abuts the existing dwelling;*
- (x) *any filling placed on the site shall not exceed a height of 500 millimetres above the established natural ground level at any boundary;*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Ruby 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) *subject to first obtaining the consent of the owners of Nos. 2 and 6 Ruby Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing Nos. 2 and 5 Ruby Street in a good and clean condition; and*

(xiv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Ruby Street and Nova Lane shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.17

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Cr Franchina departed the Chamber at 7.39pm.

Debate ensued.

LOST (0-7)

(Cr Franchina was absent from the Chamber and did not vote. Cr Cohen on approved leave of absence.)

Reasons:

1. **Non-compliance to Residential Design Codes concerning setbacks.**
2. **The affect on the amenity of neighbouring properties.**
3. **In consideration of objections received.**

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

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
East – ground floor	1.5 metres	0.7 metre
East – upper floor	1.5 metres	0.7 metre
West – ground floor	1.5 metres	0.7 metre
West – upper floor	1.5 metres	0.7 metre
Eaves	0.75 metre from boundary	0.1 metre
Cone of Vision		
Bedroom 2 – Units 1 and 2	4.5 metres	2.2 metres
Pedestrian Access Way Width	1.5 metres	1.2 metres

Existing Dwelling		
Car parking	2 bays	Nil illustrated
Store	4.0 square metres	Nil illustrated
Use Class	Group Dwellings	
Use Classification	"P"	
Lot Area	1012 square metres	

SITE HISTORY:

The site is occupied by a substantial single storey dwelling orientated to the Ruby Street frontage.

DETAILS:

The applicant seeks approval to remove existing outbuildings to the rear of the site with frontage to Nova Lane and the construction of two, two storey grouped dwellings.

CONSULTATION/ADVERTISING:

The proposal was advertised and three submissions were received within this time. One was from the owner of No. 2 Ruby Street (eastern neighbour), the second was from the owners of No. 6 Ruby Street (western neighbour) and the third was from the owners of No. 7A Nova Lane (rear neighbour). The objections raised the following concerns;

- Non-compliance with Residential Design Codes (R Codes);
- Proximity of the access path to the new dwellings to adjacent property and associated privacy concerns;
- Considers two additional dwellings is too much;
- Potential noise impacts;
- Potential overlooking concerns;
- Run-off impact from eaves;
- Concerns relating to the realignment of the fence;
- Suggestion that proposal does not comply with Building Code of Australia;
- No provision of off street parking for visitors; and
- Only one car parking space provided per new dwelling.

With respect to the objections the following comments are made;

- The elements on non-compliance to the R Codes are identified within the Compliance Table above and are discussed in detail in this report.
- The proposed pedestrian access way linking the new dwellings to Ruby Street will be separated from adjacent development by a standard 1.8 metres high dividing fence. The path is not the main access to the dwellings and is generally for the express purpose of emergency service access, to allow bins to be deposited to Ruby Street once a week for collection, for visitor access and mail collection.
- The current density code of the site permits a maximum of three (3) dwellings to be accommodated on-site.
- The potential noise impacts are residential in nature and are commensurate with appropriate development.
- Overlooking issues have been addressed below.

- Rain water runoff is controlled through the provision of the Building Code of Australia (BCA) and compliance is ensured at the Building Licence stage of the development, as is compliance with all BCA requirements.
- Realignment of fencing issues falls under the Dividing Fences Act and is not a matter for consideration by the Town.
- Residential development in the form of grouped dwellings of this scale and nature are not required to provide for visitor parking.
- Two car parking spaces have been provided per additional unit, in a tandem arrangement, thus complying with R Code requirements.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

The Town's Heritage Officer has reviewed the proposal and raises no objections.

Setbacks

Eastern Setback – Proposed Unit 2

The Residential Design Codes (R Codes) would require a 1.5 metres setback for both the ground floor and upper floor setbacks for this elevation.

The R Codes permit in areas coded R30 or higher one wall to be located on a boundary, if the wall has a maximum height of 3.5 metres with an average height of 3.0 metres and covers no more than 2/3 of the boundary. The R Codes further state that a wall is considered a boundary wall if it is either on the boundary or up to 0.75 metre from the boundary. As such, the ground floor element of the wall is considered a parapet for setback purposes. Taking into account the length of the proposed unit boundary wall and that of the existing residence for the eastern boundary, the reduced setback in this instance is acceptable development.

With respect to the upper level the same reduced setback is proposed. The subject wall is 8.2 metres in length and has a maximum height of 5.0 metres, with no openings contained within the face of the wall. It should be noted that the eaves of the structure are only setback 100 millimeters off the boundary also. The R Codes would require this upper level element to be setback 1.5 metres from the boundary.

The eastern property supports two dwellings and the rear dwelling will be affected by the proposed parapet wall. A portion of the proposed parapet affects the neighbour's brick garage with the remainder of the wall being adjacent to the existing dwelling and a courtyard provision. It is acknowledged that the proposed two storey parapet would not pose privacy or overshadowing concerns to the neighbour, however there is considered to be a limited impact on the neighbour's amenity.

This impact is limited to its effect on the neighbour's courtyard area only. Such impact is considered limited due to the sensitive nature of the design of the proposal. Two storey construction is permitted a 6.0 metres wall height, whereas the subject wall is limited to a maximum height of 5.0 metres. This lesser wall height will directly reduce any adverse impact from the proximity of the wall to the boundary. In addition, taking into account a standard dividing fence between the properties would result in 3.2 metres of the wall being visible above this point. As the wall does not pose privacy or overshadowing concerns, it is considered that the reduced setback will not unduly affect the amenity of the outdoor area associated with the rear dwelling at No. 2 Ruby Street. Despite this assessment, as a result of the objection from the neighbour, it is considered necessary to require the upper level to be setback in accordance with the provisions of the R Codes.

Western Setback – Proposed Unit 2

Similarly to the eastern side setback, the Residential Design Codes (R Codes) would require a 1.5 metres setback for both the ground floor and upper floor setbacks for this elevation also. The arguments relating to the setback variation are substantially the same as that addressed above.

Generally, the R Codes only permit one parapet wall to a side boundary under the provisions for areas coded R30 or higher. In this instance, the western boundary parapet is the second side parapet proposed within the development and would generally represent a variation. However, in this instance, it is considered important to take into account the intent of the development, that being that the additional units are likely to be strata titled in the future. If this were the case one side parapet would be permitted for each lot. Because this is the intent of the proposal it is considered reasonable to consider the additional parapet wall favourably in light of this. In terms of assessment, this parapet will not pose privacy or overshadowing concerns to the affected neighbours at No. 6 Ruby Street (rear dwelling). Any impact on the neighbour's amenity is also considered to be minimal with the single level wall only protruding a maximum of 1.2 metres above the dividing fence. As such, on this basis the reduced setback in this instance is considered acceptable.

With respect to the upper level setback a similar situation is encountered to the eastern elevation discussed above. Despite the impacts of the proposed reduced setback being considered minimal, as a result of the objection from the affected neighbour, it is considered that the prescribed R Code setbacks should be imposed.

Eaves

The R Codes require that eaves should project no more than 0.75 metre into a setback area and should be no closer than 0.75 metre to the boundary. In this instance, it appears that the eaves of the additional dwellings will be approximately 100 millimeters from the boundary. In order to address the R Code requirements, the proposal should be appropriately conditioned.

Cone of Vision

The R Codes require a 4.5 metres setback from bedrooms to boundaries. Both north facing windows to bedroom 2 of each unit do not comply with this requirement and should be conditioned in order to address privacy concerns.

Pedestrian Access Way

The R Codes require that the minimum pedestrian access way required is 1.5 metres in width, whereas the applicant proposes an access width of 1.2 metres. The proposal should be appropriately conditioned to address this aspect.

Existing Dwelling

Car Parking

The R Codes require that dwellings be provided with two car parking bays on-site. The existing dwelling is serviced with a crossover and drive; however, there is not sufficient room to accommodate two cars in tandem within the driveway. A garage is denoted on the plans however, it is not clear whether this has been retained for car parking. As such, the applicant shall be required to demonstrate appropriate parking prior to the issue of a Building Licence.

Store

Similarly, the R Codes require the provision of a 4.0 square metres store for the existing residence to be provided; again, this requirement will be addressed via a condition.

It is considered that the proposal will generally have no undue detrimental impact on the streetscape or amenity of the area. Accordingly, the proposal is recommended for approval, subject to standard conditions to address the above matters. The conditions stated in the Officer Recommendation are not expected to involve significant modification to the proposal, and the applicant/owner has indicated preparedness to comply with the conditions.

10.4.10 National General Assembly of Local Government 2003

Ward:	-	Date:	5 August 2003
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Mayor and Chief Executive Officer be authorised to attend the National General Assembly of Local Government (and Regional Co-operation and Development Forum) to be held at the National Convention Centre, Canberra, from Sunday 23 November 2003 to Wednesday 26 November 2003 at an estimated cost of \$1,861 each and to visit various Local Governments in Melbourne from 26-28 November 2003 at an estimated cost of \$500 each.

COUNCIL DECISION ITEM 10.4.10

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Cohen on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

BACKGROUND:

The Tenth National General Assembly of Local Government is to be held at the National Convention Centre, Canberra from Sunday 23 November 2003 to Wednesday 26 November 2003. This is the peak forum for Local Government Elected Members from throughout Australia.

National General Assembly

The theme for Assembly 2003 is "Forging our Future - Local Governance Towards 2020". This will provide the chance to look deeper into the future, to look at the impact of likely demographic, political and economic change on local government and to examine actions might be taken to forge the kind of future that will best serve councils and communities.

Guest speakers will include: Mr Paul Kelly - Political Analyst and Contemporary Historian; Dr Simon Longstaff - Executive Director, St James Ethics Centre; The Hon Tim Fischer - Consultant and Company Director and Multiple Patron; Ms Maxine McKew - Opening Ceremony Master of Ceremonies and Governance Panel Facilitator.

The Assembly will be attended by in excess of 500 delegates Elected Members and Senior Local Government personnel and provides an excellent forum to discuss issues affecting Local Government.

Regional Co-operation and Development Forum

The Local Government Regional Co-operation and Development Forum is in its seventh year and brings together Local Government Councillors and staff to discuss local and regional economic development.

The theme for this year's Forum is "Population Impacts: Old Age or New Age Regions". The "State of the Regions" report for 2003 will also be launched at the Forum. The report analyses regional trends in economic growth, population, income, employment and unemployment and looks in depth at major issues impacting on regional economic performance. The report will investigate the implications for an ageing population and the effect of ageing on the fiscal position of local government will be analysed.

Local Government Visits - Melbourne

It is proposed to visit several local governments in inner Melbourne. The purpose is to inspect various revitalised commercial precincts, in particular "strip shopping" centres in the inner city. This will provide information which will assist the Town in its infrastructure improvement and economic development over the forthcoming years. (Over the 2003/2004 year the Angove/North Perth Shopping Precinct, Mount Hawthorn Precinct and William Street are to be upgraded.)

The additional cost to visit Melbourne is minimal, at \$500 per person (accommodation \$350, expenses \$150).

FINANCIAL IMPLICATIONS:**National General Assembly**

	Economy Class
Assembly Registration (early bird - payment by 29 September 2003)	\$725.00
Accommodation	\$525.00
Airfare (economy class) **	\$686.00
Forum Registration	\$150.00
Expenses allowance (meals, etc)	\$300.00
	<u>\$1,861.00</u>

** *Business Class Airfare is \$2,283*

Melbourne Local Government Visit

Accommodation	\$350.00
Expense Allowance	\$150.00
	<u>\$500.00</u>

LEGAL POLICY:

Council's Policy 4.1.13 – "*Conferences – attendance, representation and related issues*" – Clause 1 states that a maximum of one Elected Member and one officer may attend interstate or international conferences.

Council's Policy 4.1.14 – "*Conferences – travel and accommodation expenses*"- states that the Mayor and Chief Executive Officer are entitled to travel business class and all other persons to travel economy class. However, in view of the cost difference in airfares, the Mayor and Chief Executive Officer have chosen to travel economy class.

STRATEGIC IMPLICATIONS:

Attendance at this National Forum is an excellent opportunity for the Mayor and Chief Executive Officer to be appraised of issues relating to Local Government, to network with colleagues and to lobby politicians.

COMMENT:

It is requested that approval be granted for the Mayor and Chief Executive Officer to attend the National General Assembly of Local Government and to visit the various local governments in Melbourne.

10.4.11 Information Bulletin

Ward:	-	Date:	6 August 2003
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi	Amended by:	-

RECOMMENDATION:

That the Information Bulletin dated 12 August 2003, as distributed with the Agenda, be RECEIVED.

COUNCIL DECISION ITEM 10.4.11

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Cohen on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

DETAILS:

The items included in the Information Bulletin dated 12 August 2003 are as follows:

ITEM	DESCRIPTION
IB01	Amendment No.8 - Town of Vincent Town Planning Scheme No.1 - Include in Schedule 3 an Additional Use Being the Use of No.181 (Lot 8) Carr Place, Leederville for Vehicle Storage Associated with the Use of Portion of Adjoining No.622 (Lot 1) Newcastle Street, Leederville for Motor Body Repairing
IB02	Letter from Minister for Planning and Infrastructure - Inquiry into Planning Approval granted by the Town of Vincent for Development at Lot 11 Loftus Street, Leederville
IB03	Progress Report on Local Studies and History Collection - January to June 2003

- IB04 Letter from Heritage Council of Western Australia congratulating the Town for its continued initiative with regard to the Building Design & Conservation Awards
- IB05 Letter from Main Roads WA re Change to the functional classification of the section of Anzac Road between Oxford Street and Scarborough Beach Road
- IB06 Letter to Ms K Hall, 327 Pier Street, Perth – Response to Questions Taken on Notice asked at the Ordinary Meeting of Council – 22 July 2003
- IB07 Email of Thanks from Alison Gifford re School Holiday Programme

10.1.4 No. 36 (Lot 633) Sydney Street, North Perth - Proposed Survey Strata Subdivision

Ward:	North	Date:	5 August 2003
Precinct:	North Perth, P8	File Ref:	655-03
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 36 (Lot 633) Sydney Street, North Perth, and as shown on the plan stamp-dated 11 June 2003 (survey strata subdivision 655-03), subject to;

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

- (viii) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
- (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
 - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and*
- (ix) *the existing residence, if required to be retained by the Town, is to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including;*
- (a) *the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*
 - (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and*
 - (c) *the provision of a 20 square metres courtyard, with minimum dimensions of 4 metres;*

to the satisfaction of the Chief Executive Officer.

NOTE:

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

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Franchina returned to the Chamber at 7.50pm.

Debate ensued.

Cr Lake departed the Chamber at 7.58pm.

Debate ensued.

Cr Lake returned to the Chamber at 7.59pm.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That clause (iii) be amended by inserting the words "and approved by Council" following the words "from the Town", as follows;

"(iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town and approved by Council for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;"

AMENDMENT CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (7-1)

For

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

Against

Cr Doran-Wu

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 36 (Lot 633) Sydney Street, North Perth, and as shown on the plan stamp-dated 11 June 2003 (survey strata subdivision 655-03), subject to;

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town and approved by Council for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*

- (v) *the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) *the street verge trees on Sydney Street adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) *the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes. Any proposed development shall comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies, including the Policy relating to the Eton Locality, which includes the provision that development is to respect and maintain the existing character of the area, and this is considered to be predominantly detached dwellings with no boundary/parapet walls;*
- (viii) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
 - (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
 - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and*
- (ix) *the existing residence, if required to be retained by the Town, is to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including:*
 - (a) *the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*
 - (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and*
 - (c) *the provision of a 20 square metres courtyard, with minimum dimensions of 4 metres;*

to the satisfaction of the Chief Executive Officer.

NOTE:

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

LANDOWNER:

D Novatscou and T Andreou

APPLICANT:

Dennys Hayes and Associates Surveyors

ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme
No.1: Residential R30/40 (R30 applies)
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	1020 square metres

SITE HISTORY:

The site currently supports a single storey single house, which is contained on its own lot.

Scheme Amendment No. 11

The subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

DETAILS:

The applicant seeks to survey strata subdivide the property in accordance with the Residential R30 density code, to create three (3) lots.

CONSULTATION/ADVERTISING:

The proposal did not require advertising.

COMMENTS:

The existing house is proposed to be demolished, as such, in accordance with Clause 20 (4) (c) of the Town's Town Planning Scheme No.1, the R30 density code applies to this proposal. The R30 code permits a minimum lot size of 270 square metres with an average lot size of 300 square metres. Three (3) lots are proposed as part of the subdivision. The lot sizes proposed are 282 square metres, 277 square metres, 334 square metres and an area of common property of 127 square metres. The proposed survey strata subdivision therefore complies with the provisions of the Residential R30 density code in relation to minimum and average lot size requirements.

The proposal is in accordance with the current provisions of the Town's Town Planning Scheme No.1 and associated Policies and the Residential Design Codes, and is therefore supported subject to standard conditions.

10.1.5 No. 38 (Lot 1) Sydney Street, North Perth - Proposed Survey Strata Subdivision

Ward:	North	Date:	5 August 2003
Precinct:	North Perth, P8	File Ref:	654-03
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 38 (Lot 1) Sydney Street, North Perth, and as shown on the plan stamp-dated 10 June 2003 (survey strata subdivision 654-03), subject to:

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

- (viii) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
- (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
 - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and*
- (ix) *the existing residence, if required to be retained by the Town, is to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including;*
- (a) *the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*
 - (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and*
 - (c) *the provision of a 20 square metres courtyard, with minimum dimensions of 4 metres;*

to the satisfaction of the Chief Executive Officer.

NOTE:

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

COUNCIL DECISION ITEM 10.1.5

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Cr Torre departed the Chamber at 8.03pm.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That clause (iii) be amended by inserting the words "and approved by Council" following the words "from the Town", as follows;

- "(iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town and approved by Council for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;"*

CARRIED (7-0)

(Cr Cohen on approved leave of absence. Cr Torre was out of the Chamber and did not vote.)

MOTION AS AMENDED LOST (0-7)

(Cr Cohen on approved leave of absence. Cr Torre was out of the Chamber and did not vote.)

Reasons:

1. Conflicts with the intent of the Council and the Minister for Planning and Infrastructure's decision concerning Amendment No. 11 to the Town of Vincent Town Planning Scheme No.1.
2. Affect on the streetscape if subdivision approved.

ALTERNATIVE MOTION

COUNCIL DECISION ITEM 10.1.5

Moved Cr Chester, Seconded Cr Lake

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 38 (Lot 1) Sydney Street, North Perth, and as shown on the plan stamp-dated 10 June 2003 (survey strata subdivision 654-03), for the following reasons:*
 - (a) *Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Minister for Planning and Infrastructure in letter dated 7 August 2003 has conditionally approved Amendment No.11; and*
 - (b) *the proposed survey strata subdivision does not comply with the minimum and average site area requirements of the R20 code;*
- (ii) *the Council requests the Western Australian Planning Commission and the Minister for Planning and Infrastructure to expedite the promulgation of Amendment No.11 to the Town of Vincent Town Planning Scheme No.1; and*
- (iii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

CARRIED (7-0)

(Cr Cohen on approved leave of absence. Cr Torre was out of the Chamber and did not vote.)

LANDOWNER: D Novatscou
APPLICANT: Dennys Hayes and Associates Surveyors
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme
No.1: Residential R30/40 (R30 applies)
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	1021 square metres

SITE HISTORY:

The site currently supports a single storey single house, which is contained on its own lot.

Scheme Amendment No. 11

The subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

DETAILS:

The applicant seeks to survey strata subdivide the property in accordance with the Residential R30 density code, to create three (3) lots.

CONSULTATION/ADVERTISING:

The proposal did not require advertising.

COMMENTS:

The existing house is proposed to be demolished, as such, in accordance with Clause 20 (4) (c), of the Town's Town Planning Scheme No.1, the R30 density code applies to this proposal. The R30 code permits a minimum lot size of 270 square metres with an average lot size of 300 square metres. Three (3) lots are proposed as part of the subdivision. The lot sizes proposed are 282 square metres, 278 square metres, 334 square metres and an area of common property of 127 square metres. The proposed survey strata subdivision therefore complies with the provisions of the Residential R30 density code in relation to minimum and average lot size requirements.

The proposal is in accordance with the current provisions of the Town's Town Planning Scheme No.1 and associated Policies and the Residential Design Codes, and is therefore supported subject to standard conditions.

10.1.7 No. 85 (Lots 43, 70 and 71) Glendower Street (Dual Frontage to Primrose Street), Perth – Proposed Single Storey Addition and Free Standing Rear Garage to Existing Three-Storey House

Ward:	South	Date:	4 August 2003
Precinct:	Hyde Park, P12	File Ref:	PRO2296; 00/33/1703
Attachments:	001		
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner R Rodgers for proposed single storey addition and free standing rear garage to existing three-storey single house, at No. 85 (Lots 43, 70 and 71) Glendower Street (dual frontage to Primrose Street), Perth, and as shown on plans stamp-dated 4 July 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (v) the structure is not to be used for industrial, commercial or habitable purposes;*
- (vi) subject to first obtaining the consent of the owners of Nos. 83 and 87 Glendower Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 83 and 87 Glendower Street in a good and clean condition; and*
- (vii) the garage is a single car garage only;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Cr Ker requested that an apology to the applicant be recorded concerning the incorrect Agenda reporting of the plot ratio calculation.

Cr Torre returned to the Chamber at 8.08pm.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

FURTHER REPORT:

A detailed re-assessment of the proposal has been carried out and the plot ratio has been calculated as follows:

Requirements	Required	Proposed
Plot Ratio	0.65	*1.105

* Plot Ratio Calculation:

Existing dwelling plot ratio floor area (210 square metres) plus sunroom plot ratio floor area (12.2 square metres) divided by site area (210 square metres) = 1.105.

LANDOWNER: R Rodgers
APPLICANT: As above
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R80 (R60 applies)
EXISTING LAND USE: Single House
COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	201 square metres

Requirements	Required	Proposed
Garage		
Secondary street frontage	1.5 metres	Nil
Eastern side setback	1.0 metre	Nil
Western side setback	1.0 metre	Nil
Car parking provision	2 car parking bays	1 car parking bay
Extension – ground level		
Eastern side setback	2.1 metres	Nil
Western side setback	2.1 metres	Nil
Plot Ratio	0.65	1.2

SITE HISTORY:

The site is occupied by a three storey single house in a terrace configuration, with dual frontage to Primrose Street. A similar application was considered at the Ordinary Meeting of Council held on 22 April 2003. This application was refused planning consent due to its non-compliances with the Residential Design Codes.

DETAILS:

The applicant has provided revised plans seeking a single storey addition to an existing three-storey house and a proposed free standing rear garage. The revised plans address some of the non-compliances identified in the previous application. As the application is virtually identical to the previous application, only the outstanding non-compliances will be addressed as part of this report. The Town's Officers conducted a site visit at the premises with the applicant to address the issues of the previous refusal.

CONSULTATION/ADVERTISING:

The proposal was not required to be advertised as the neighbours have signed the submitted plans.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Garage

Secondary Street Frontage

The Residential Design Codes (R Codes) prescribe that a 1.5 metres setback should be achieved to the secondary street for a garage. The applicant proposes a nil setback to this boundary to accommodate the garage, while maintaining their courtyard provision to the rear of the dwelling. The nature of the garage is identical to that which was applied for previously and was supported at Officer level. This approach to car parking is reflective of surrounding development with a number of single garages of this nature being located with nil setback to Primrose Street servicing the terraced dwellings. Currently, the property provides no on-site car parking and with the addition of the single garage results in one less car vying for street parking on Glendower Street. It should be noted that there is limited opportunity to provide two car parking spaces on the property due to the width of the lot (4.97 metres), different levels from the Primrose Street portion of the lot and the adjacent courtyard, and this would erode the current courtyard provision, which would seriously reduce the amenity of the dwelling. On this basis, the proposed single garage is considered acceptable.

Eastern and Western Side Setbacks

The R Codes would require these side walls to be setback 1.0 metre from each boundary, whereas the applicant seeks a nil setback to each boundary. The entire block is 4.97 metres wide and in order to accommodate a single garage most of this width is required. As the garage represents infill development that will sit between two existing garages of the same nature, the reduced setbacks are not considered to have any undue impact on the neighbours. Furthermore, these neighbours have provided their consent to the proposal through signing the submitted plans. As such, no objection is raised to the reduced setback for the structure.

Car Parking Provision

The R Codes require that two (2) car parking spaces be provided on-site. As mentioned, the dwelling currently accommodates no onsite car parking provision. It is considered that the accommodation of one car on-site is an improvement to the current requirement for both cars to be located within the existing street parking provisions. There is no opportunity to accommodate two bays on-site while maintaining a courtyard provision for associated recreational amenity space for the dwelling. On this basis, the ability to accommodate one car parking space on-site is considered preferable to nil being provided. This approach has similarly been adopted for the surrounding terrace dwellings also.

Extension

Eastern and Western Side Setbacks

In order to address the previous non-compliance with open space provisions, the applicant has reduced the size of the proposed ground level sunroom extension from 3.005 metres in length down to 2.455 metres. This reduction was for the express purpose of achieving 45 per cent open space over the site. No objection was raised to the proposed extension previously. The applicant still seeks a reduction in side setbacks from the required R Code provision of 2.1 metres to nil.

The dwellings along Glendower Street are a set of uniform terraces which have identical footprints. The extension will alter this uniformity, however little impact is again considered to result from the proposal. Furthermore, the R Codes permits a parapet wall to one side boundary in areas coded R30 or higher where the wall has a maximum height of 3.5 metres with an average height of 3.0 metres. Under these provisions, one of the side boundary walls complies with the provision of this clause of the R Codes, and a variation is therefore only sought for the alternative side. The northern aspect is to the Glendower Street frontage and as such any overshadowing cast by the extension will fall within the subject lot boundaries only. Secondly, the presence of single storey parapet walls for a length of 2.455 metres is not considered to reduce the amenity of the neighbouring dwellings. Furthermore, these owners have consented to the proposal. On the basis that little impact is caused by the extension, it is considered suitable.

Plot Ratio

The Residential R60 Code for single houses permits a plot ratio of 0.65 for the site. The applicant seeks a relaxation of this to allow a plot ratio of 1.2. The existing residence has a plot ratio of 1.045, which is already well in excess of the R Codes provisions. As such, the plot ratio increase proposed for the extensions (ground level sunroom and garage) only represent an increase of 0.155, which is a 23.8 per cent increase. As the applicant has altered the proposal to comply with open space requirements to maintain maximum amenity to the dwelling, the minor increase to plot ratio is not considered to unduly affect the amenity of the subject dwelling or the amenity of the surrounding properties. The site is small, being 201 square metres in size and having a frontage of only 4.97 metres. Due to the restrictive nature of the site and the constraints of the existing dwelling, an increase to habitable floor space is not considered unreasonable in this case. As such, the variation to plot ratio is once again supported on this basis. It is considered that the proposal will generally have no undue detrimental impact on the streetscape or amenity of the area. Accordingly, the proposal is recommended for approval, subject to standard conditions to address the above matters.

Mayor Catania announced that he had declared a proximity interest in this item and departed the Chamber at 8.10pm. He did not speak or vote on the item. Deputy Mayor, Cr Ker assumed the Chair.

10.1.9 No. 86A (Lot 9) Bourke Street, Leederville – Proposed Alterations and Additions to Approved Additional Grouped Dwelling to Existing Dwelling

Ward:	South	Date:	4 August 2003
Precinct:	Leederville, P3	File Ref:	PRO 1804; 00/33/1702
Attachments:	001 002		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner V M Chapman for proposed alterations and additions to approved additional grouped dwelling to existing dwelling at No. 86A (Lot 9) Bourke Street, Leederville, and as shown on plans stamp-dated 20 June 2003, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ii) subject to first obtaining the consent of the owners of No. 88 Bourke 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. 88 Bourke Street, in a good and clean condition; and*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted, with the following additional new clause (iv).

"(iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a door from the powder room and/or store room, which provides pedestrian access to the south western corner of the site. 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.

LOST (0-7)

(Cr Cohen on approved leave of absence. Mayor Catania was absent from the Chamber and did not vote.)

Reasons:

1. **Non-compliance to Residential Design Codes.**
2. **Affect on the amenity of neighbouring properties.**
3. **Non-compliance of parapet walls.**

LANDOWNER: V M Chapman
APPLICANT: As above
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Grouped Dwelling

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
West Ground Floor (Powder Room)	1 metre	0 metre
West First Floor (Tea Room)	1.2 metres	0 metre
Plot Ratio	0.65	0.69
Use Class	Single House	
Use Classification	"P"	
Lot Area	911 square metres	

SITE HISTORY:

The site is currently a vacant lot created via a survey strata application under reference 217-01. The Council at its Ordinary Meeting held on 10 June 2003, conditionally approved a two storey grouped dwelling on the subject lot.

DETAILS:

The applicant seeks approval for a minor extension to the west of the above approved grouped dwelling that accommodates a ground floor powder room and a first floor tea room. The proposal generally complies with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies, with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

The application was not advertised as a very similar proposal was previously advertised in the past 12 months. However, the owner has obtained written consent from the owner of No. 88 Bourke Street as the immediate adjoining neighbour affected by this development proposal.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Overshadowing

An overshadowing assessment was conducted to establish the extent of overshadowing the entire development would impose onto the adjoining affected property, being the southern neighbour. The outcome of this assessment established that a total of 29.7 percent of the adjoining southern neighbour will be in shadow as a result of the entire grouped dwelling development including the current addition being proposed. This is considered to be within the requirements as per the R Codes. The R Codes stipulate that the shadow cast onto the adjoining property, must not exceed 35 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable. The shadow cast diagram for the proposal approved by the Council on 10 June 2003 demonstrated 24.77 per cent of the site area of the adjoining southern (No. 86) (Survey Strata Lot 1) Bourke Street being overshadowed at midday, 21 June.

West Side Setback

The proposed setback variation corresponds with the powder room and the tea room. The powder room is located on the ground floor with the tea room proposed directly above on the upper floor. The boundary wall is a total height of 6.5 metres. Whilst it does not meet the setback requirement, the R Codes has a provision that allows for single storey boundary wall development. Anything exceeding the requirement of the R Codes represents a variation and is to be addressed on a performance basis. The total length of wall is 2 metres, which is considered to be a minimal amount. Furthermore, the adjoining affected neighbour has consented to the proposed wall being on the boundary. The variation is considered acceptable and therefore supported.

Boundary Wall Development

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height of the boundary wall. In this instance, the proposed development involves a proposed two storey boundary wall on the west side boundary. A single storey boundary wall on the southern boundary was approved as part of the previously approved grouped dwelling. Whilst it is a deviation from the requirements of the R Codes in terms of its proposed height and number of boundary walls, such a provision can be varied. The west neighbour has consented to the west boundary. The boundary wall is not considered to be over imposing, rather it help to make effective use of space for the development proposed on the site. The boundary wall is considered acceptable and therefore supported.

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

Mayor Catania remained outside the Chamber as he had declared a financial interest in this item.

10.3.2 Investment Report

Ward:	-	Date:	4 August 2003
Precinct:	-	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Russell	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.3.2

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Cohen on approved leave of absence. 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. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

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

DETAILS:

Total Investments for the period ended 30 June 2003 were \$8,705,558 compared with \$11,121,708 at 31 May 2003. At 30 June 2002, \$9,441,091 was invested.

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

	Budget	Actual	%
	\$	\$	
Municipal	300,000	275,764	91.92
Reserve	355,100	342,772	96.53

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 remained outside the Chamber as he had declared a financial interest in this item.

10.3.3 Investment Report

Ward:	-	Date:	4 August 2003
Precinct:	-	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Russell	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 July 2003.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Cohen on approved leave of absence. 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. 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 July 2003 were \$7,605,692 compared with \$8,705,558 at 30 June 2003. At 31 July 2002, \$9,441,218 was invested.

Total accrued interest earned on Investments as at 31 July 2003:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	4,251	1.42
Reserve	342,000	30,358	8.88

COMMENT:

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

Mayor Catania returned to the Chamber at 8.28pm and resumed the Chair. He was advised that Item 10.1.9 was lost (0-7), and Items 10.3.2 and 10.3.3 were carried (7-0). Mayor Catania announced that Crs Chester and Ker had declared a proximity interest in this item and they departed the Chamber at 8.15pm. They did not speak or vote on the item.

10.1.10 No. 2 (Lot 205) Hyde Street, Corner Chelmsford Road, Mount Lawley – Proposed Two-Storey Single House

Ward:	South	Date:	4 August 2003
Precinct:	Norfolk P10	File Ref:	PRO1578; 00/33/1657
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perceptions behalf of the owners Brenlane Pty Ltd for proposed two storey single house at No.2 (Lot 205) Hyde Street, (corner Chelmsford Road,) Mount Lawley, and as shown on the plans stamp dated 19th June 2003, subject to:

- (i) subject to first obtaining the consent of the owners of No. 2 (Lot 206) Hyde 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. 2 (Lot 206) Hyde Street in a good and clean condition;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) 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) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the master suite on the first floor level on the southern elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; 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 a major opening as defined in the Residential Design Codes 2002;*
- (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 front fences and gates adjacent to Hyde Street and Chelmsford Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (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; and*
- (xii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the porch/portico being setback between 4.0 metres and 4.5 metres to Hyde Street;*
 - (b) *the dwelling being setback a minimum of 1.5 metres from Chelmsford Road;*
 - (c) *the windows to bedroom 4 on the upper/first floor northern elevation exceeding one square metre in aggregate, so that it is considered a major opening as defined in the Residential Design Codes 2002; and*
 - (d) *the upper/first floor northern elevation of bedroom 2 incorporating a major opening as defined in the Residential Design Codes 2002; and*
 - (e) *the upper/first floor balcony to be open on the northern and southern elevation and incorporate wrought iron balustrade as per the front/western elevation to Hyde Street.*

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 10.1.10

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (6-0)

(Cr Cohen on approved leave of absence. Crs Chester and Ker were absent from the Chamber and did not vote.)

LANDOWNER: Brenlane Pty Ltd
APPLICANT: Perceptions
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R40
EXISTING LAND USE: Vacant land
COMPLIANCE:

Use Class	Single House	
Use Classification	"p"	
Lot Area	285 square metres	
Requirements	Required	Proposed
Street Setback- Hyde Street (First Floor)	6.0 metres	4.5 metres (balcony)
Garage	Behind main building line	4.5 metres, in front of main building line
Setbacks- Chelmsford Road Secondary Street (first floor and ground floor)	1.5 metres	1.42 metres
South (ground floor)	1.5 metres	Nil - 1.5 metres
South (first floor)	2.0 metres	1.5 metres - 2.0 metres
East (first floor)	1.2 metres	1.008 metres

SITE HISTORY:

The subject site is vacant. The surrounding area is characterised by single and two storey dwellings.

The Council at its Ordinary Meeting held on 12 June 2001 resolved to refuse an application for a three storey single house on the site.

DETAILS:

Approval is sought for a proposed two storey single house with its main frontage to Hyde Street.

CONSULTATION/ADVERTISING:

There were no objections received during the advertising period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Primary Street Setback

The development proposes a 4.5 metres first floor setback to Hyde Street. Abutting the site are two newly constructed two storey dwellings located at No.2A and No.2B Hyde Street, which have a first floor setback of 5.5 metres and 4.5 metres respectively. Whilst the development does not comply with the setback requirements to Hyde Street, the development follows the existing setback of the adjacent existing residences and the upper floor balcony has been conditioned to be open (wrought iron balustrade) on all sides to reduce the visual impact of the balcony and actively interact with Hyde Street, and as such is supported.

Setbacks

The setback variations to the garage are supported as the porch/portico has been conditioned to be setback in front or in line with the garage.

The setback to Chelmsford Road has been conditioned to comply with the Town's requirements.

The southern and eastern setback variations are supportable in this instance as they are considered minor, no objections were received during the advertising period and will not unduly impact the amenity of the affected neighbours.

Summary

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

Crs Chester and Ker returned to the Chamber at 8.16pm. Mayor Catania advised that Item 10.1.9 was carried (6-0).

10.1.11 No. 242 (Lot 75) Vincent Street, Corner of Loftus Street, North Perth – Proposed Four (4) Single Bedroom Multiple Dwellings and One (1) Two-Storey Single Bedroom Grouped Dwelling

Ward:	South	Date:	4 July 2003
Precinct:	Smith's Lake P6	File Ref:	PRO1041; 00/33/1678
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Paul Meschiat and Associates on behalf of the owners Department of Housing and Works for proposed four (4) single bedroom multiple dwellings and one (1) two-storey single bedroom grouped dwelling at No. 242 (Lot 75) Vincent Street, corner of Loftus Street, North Perth, and as shown on the plans stamp dated 13 June 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Vincent Street and Loftus 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);*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the bedroom of unit 5 on the first floor level on the eastern elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (iv) subject to first obtaining the consent of the owners of No. 240 Vincent 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. 240 Vincent Street in a good and clean condition;*
- (v) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following;*

- (a) *the landscaping strip being removed as depicted in red on the attached plans;*
- (b) *the outdoor living area of unit 5 having a minimum dimension of 4 metres by 4 metres;*
- (c) *the entry to units 1, 2, 3 and 4 being altered as depicted in red on the attached plans;*
- (d) *the stores to units 1 and 2 being relocated to be at least 1.5 metres from the Beatty Walk/northern boundary;*
- (e) *the solid visually impermeable fence adjacent to Vincent Street, Loftus Street and Beatty Walk incorporating a minimum of two appropriate design features, to reduce the visual impact; and*
- (f) *the floor plan of Unit 5 to correlate with the Vincent Street elevation of Unit 5;*

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

- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (xi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That a new clause (v) (f) be added as follows, and the existing (v) (f) clause be renumbered to (v) (g).

"(v) (f) 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 Loftus Street and the truncation across the Vincent Street corner shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and"

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.11

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Paul Meschiati and Associates on behalf of the owners Department of Housing and Works for proposed four (4) single bedroom multiple dwellings and one (1) two-storey single bedroom grouped dwelling at No. 242 (Lot 75) Vincent Street, corner of Loftus Street, North Perth, and as shown on the plans stamp dated 13 June 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Vincent Street and Loftus 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);*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the bedroom of unit 5 on the first floor level on the eastern elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*

- (iv) *subject to first obtaining the consent of the owners of No. 240 Vincent 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. 240 Vincent Street in a good and clean condition;*
- (v) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following;*
- (a) *the landscaping strip being removed as depicted in red on the attached plans;*
 - (b) *the outdoor living area of unit 5 having a minimum dimension of 4 metres by 4 metres;*
 - (c) *the entry to units 1, 2, 3 and 4 being altered as depicted in red on the attached plans;*
 - (d) *the stores to units 1 and 2 being relocated to be at least 1.5 metres from the Beatty Walk/northern boundary;*
 - (e) *the solid visually impermeable fence adjacent to Vincent Street, Loftus Street and Beatty Walk incorporating a minimum of two appropriate design features, to reduce the visual impact;*
 - (f) *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 Loftus Street and the truncation across the Vincent Street corner shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
 - (g) *the floor plan of Unit 5 to correlate with the Vincent Street elevation of Unit 5;*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (x) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (xi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Department of Housing and Works
APPLICANT: Paul Meschiat and Associates
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R40
EXISTING LAND USE: Vacant land

COMPLIANCE:

Use Class	Group Dwelling, Multiple Dwelling
Use Classification	"P"
Lot Area	728 square metres

Requirements	Required	Proposed
Setback- East-Unit 5-ground floor	1.5 metres	1.0 metre
East - Unit 3 -Store	1.0 metre	Nil
Beatty Walk- Stores	1.5 metres	Nil (conditioned to comply)
Outdoor Living -Unit 5	Minimum dimension of 4 metres (total area of 16 square metres)	Minimum dimension of 4 by 3.5 metres (total area of 16 square metres)

SITE HISTORY:

The subject site is currently vacant. The surrounding area is characterised by a mixture of single and two storey dwellings. A Planning Approval for the demolition of the existing dwelling was issued on 28 September 1998.

DETAILS:

Approval is sought for four (4) single bedroom multiple dwellings and one (1) two-storey single bedroom grouped dwelling. This application has been referred to Council for consideration as the proposed development is located on a prominent site within the Town.

CONSULTATION/ADVERTISING:

There were no objections received during the advertising period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Side Setback

The eastern side setback variation to unit 5 is considered acceptable in this instance, as it is only a minor variation, does not unduly affect the eastern neighbour, and no objections were received during the advertising period. The eastern side setback variations (store to unit 3) is considered supportable, as it complies with Clause 3.3.2 (A2) (iii) of the Residential Design Codes and is not considered to have an unreasonable adverse effect on the neighbouring eastern property.

Store

The stores to unit 1 and 2 have been conditioned to be relocated to comply with the Town's Street Setbacks Policy.

Outdoor Living

The Residential Design Codes require a grouped dwelling to have an outdoor living area with a minimum dimension of 4 metres and a minimum total area of 16 square metres. In this instance, the outdoor living area for unit 5 has a minimum dimension of 3.5 metres and a total area of 16 square metres. A condition has been applied for the outdoor living area to comply with the requirements of the Residential Design Codes.

Vincent Street Elevation

The Vincent Street elevation on the upper floor depicts three major openings facing the street. The floor plan does not depict these windows. The applicant has been advised of this matter and prior to the issue of a Building Licence will submit plans with the correct floor plans which correlates to the elevation.

Summary

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

10.1.15 No. 516 (Lot 5) Fitzgerald Street, North Perth – Proposed Partial Demolition of and Alterations and Additions, Triple Garage With Cellar and Loft to Existing Single House

Ward:	North	Date:	4 August 2003
Precinct:	Norfolk, P10	File Ref:	PRO2368; 00/33/1658
Attachments:	001		
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Robert De Boni – Architect on behalf of the owner L Ingram for proposed partial demolition of and alterations and additions, triple garage with cellar and loft to existing single house, at No. 516 (Lot 5) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 29 May 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating adequate maneuvering room for all three car parking spaces.*

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

- (iii) the garage loft structure is not to be used for industrial, commercial or habitable purposes;*
- (iv) subject to first obtaining the consent of the owners of No. 314 Fitzgerald 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. 314 Fitzgerald Street in a good and clean condition;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the northern elevation of the deck; and*
 - (b) any portion of the eastern elevation of the deck that is within 7.5 metres of the northern boundary when measured at 45 degrees;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;

- (vi) 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 or 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;*

- (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 bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing; and*
- (x) *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 Building Licence;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted, with the existing clause (iv) deleted, and the following new clause (iv) inserted.

- "(iv) subject to first obtaining the consent of the owners of No. 514 Fitzgerald 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. 514 Fitzgerald Street in a good and clean condition;"*

Debate ensued.

Cr Farrell departed the Chamber at 8.25pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.27pm.

Moved Cr Chester, Seconded Cr Lake

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

"(xi) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the loft 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."

AMENDMENT CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.15

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 Robert De Boni – Architect on behalf of the owner L Ingram for proposed partial demolition of and alterations and additions, triple garage with cellar and loft to existing single house, at No. 516 (Lot 5) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 29 May 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating adequate maneuvering room for all three car parking spaces.*

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

- (iii) the garage loft structure is not to be used for industrial, commercial or habitable purposes;*
- (iv) subject to first obtaining the consent of the owners of No. 514 Fitzgerald 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. 514 Fitzgerald Street in a good and clean condition;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the northern elevation of the deck; and*
 - (b) any portion of the eastern elevation of the deck that is within 7.5 metres of the northern boundary when measured at 45 degrees;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;

- (vi) 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 or 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;*
- (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 bond and /or bank guarantee of \$550 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (x) 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 Building Licence; and*
- (xi) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the loft 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.*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	L Ingram
APPLICANT:	Robert De Boni - Architect
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 – Residential R60
EXISTING LAND USE:	Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Ground floor - north (living, deck)	4.5 metres or seamless extension	1.440 metres
Ground floor - south (kitchen, Laundry)	4.5 metres or seamless extension	0.9 metre
Ground floor – south (garage)	1.0 metre	Nil
Upper floor – south (garage structure)	1.2 metres	Nil
Upper floor – east (garage loft)	1.5 metres	1.0 metre
Cone of Vision		
North – deck	7.5 metres	1.440 metres
Use Class	Single House	
Use Classification	"P"	
Lot Area	630 square metres	

SITE HISTORY:

The site is occupied by a single storey single house. The site also has access to a 5.0 metres wide, privately owned, unsealed right of way to the rear of the property.

DETAILS:

The applicant seeks alterations to renovate the rear of the existing residence, as well as the construction of a rear garage structure incorporating a loft and a carport both being located off the existing right of way. The proposal involves the partial demolition of the rear of the residence to do the upgrading works.

CONSULTATION/ADVERTISING:

The proposal was advertised and one submission was received within this time. The submission was from the owner of No. 28 Venn Street, North Perth. No. 28 Venn Street is well removed from the subject site. The objector believes that the Residential Design Code standards should not be flexible and that the proposal will be detrimental to the neighbour's privacy and that the setbacks are insufficient.

The neighbours at No. 514 Fitzgerald Street (southern neighbours) have provided a letter of consent and their signatures on the proposed development plans.

Fitzgerald Street is designated as an Other Regional Road however, referral to the Department of Planning and Infrastructure was not required, as no change is proposed to the vehicular access arrangements or setbacks affecting the existing development on the property.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

The Town's Heritage Officer has advised that the property is included on the Town's Interim Heritage Database. The proposed works, including demolition of the rear garage and partial demolition of the rear sections of the dwelling, are considered acceptable, subject to standard archival conditions.

Setbacks

Ground Floor – Northern Setback

The Residential Design Codes (R Codes) prescribe that this elevation should have a 4.5 metres setback to the boundary, with the applicant achieving a 1.44 metres setback. The Town's Policy relating to Local Character supports the consideration of development that achieves a seamless extension to the existing built form. The existing dwelling has an existing setback of 1.44 metres to this boundary and the applicant seeks a continuation of this setback for the redevelopment of the rear of the dwelling, to accommodate the living and deck areas.

The reduced setback is not considered to have any undue detrimental impact to the northern neighbour with respect to bulk and scale and overshadowing, thereby not reducing this neighbour's amenity. The proposed extension, despite its increased size, will not protrude further than the extremity of the existing dwelling to the north. As such, due to the limited impact associated with the extension and the reduced setback, no objection is raised.

With respect to privacy, minor nature windows have been incorporated to the kitchen which pose no privacy concerns to the affected neighbour. No screening is proposed to the decking and this aspect will be addressed later in the report.

Ground Floor – Southern Setback

The R Codes would also require this elevation to be setback 4.5 metres from the boundary, with the applicant achieving a 0.9 metre setback. Again, the Town's Policy relating to Local Character supports the consideration of development that achieves a seamless extension to the existing built form. The proposed redeveloped rear element of the dwelling seeks a continuation of the existing setback to the southern boundary to accommodate the laundry and kitchen areas. No privacy concerns are raised by the extension. The affected southern neighbours have consented to the proposal, and therefore no objection is raised to the reduced setback.

Upper Floor – Eastern Setback (Garage Loft)

The applicant seeks a loft element above the proposed garage structure. The R Codes would require the upper level to be setback 1.5 metres from the right of way boundary, whereas the applicant seeks a 1.0 metre setback. The applicant has advised that the loft will be used solely for storage purposes.

The rear neighbours are located on the other side of the right of way and these blocks are perpendicular to the subject lot. The garage is located in a position that it is between the boundary of the two rear neighbours, one property facing Venn Street and the other facing York Street.

As such, the impact of this structure on the rear yards of these properties is considered minimal, especially when considering the separation provided by the right of way and that no windows affect the eastern elevation. As such, the reduced setback of the proposal is considered acceptable.

With respect to the use of the loft it is not expected to be limited to storage use only. A full 2.7 metres floor to ceiling height prevails for the majority of the structure and due to its large size (48.09 square metres) and windows servicing the structure, it is more likely to be habitable space as an extension of the dwelling. Such use is permissible as the overall development complies with open space and plot ratio requirements. The Town's Health Services have stated that the space should not be used for sleeping purposes. This is derived from the Town of Vincent, Health Local Laws 1997 - Part 3, Division 2, Clause 23 – Overcrowding, “ *The owner or occupier of a house shall not permit – (c) any garage or shed to be used for sleeping purposes.* ” The issue of privacy will be addressed later in the report.

Ground Floor – Southern Setbacks

The R Codes require a 1.0 metre setback for the subject wall and the applicant seeks a reduced setback to nil. The R Codes allow a parapet wall in areas coded R30 or higher to have a nil setback to one side boundary (for maximum of two-thirds of the length of the boundary) when walls have a maximum height of 3.5 metres and an average height of 3.0 metres. The proposal complies with this provision.

Upper Floor – Southern Setbacks

The upper level would require to be setback 1.2 metres from the boundary and the applicant seeks a nil setback. This wall will cause some overshadowing to the affected neighbour, as they are located on the southern side. These neighbours have provided their consent to the proposal and therefore the reduced setback is considered acceptable.

Cone of Vision

Northern and Eastern Elevation – Deck

The existing dwelling is serviced with a deck and the applicant seeks to retain this element, albeit enlarged, as part of the renovations. The applicant has however, not proposed appropriate screening to the structure. The R Codes would require a setback of 7.5 metres to the northern boundary and the applicant seeks a setback of 1.44 metres. This setback, as established, follows the existing pattern of the dwelling. However, such a reduced setback does pose overlooking concerns for the northern neighbour. To address this an appropriate screening condition should be imposed. This condition should be worded such as to also encompass the eastern elevation, due to overlooking from the rear of the deck also.

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

10.1.16 No. 22 (Lot 2) York Street, Dual Frontage to Little Russell and Little Walcott Streets, North Perth – Proposed Demolition of Existing Outbuildings and Construction of Additional Two (2)-Storey Single House to Existing Single House

Ward:	North	Date:	4 August 2003
Precinct:	Norfolk, P10	File Ref:	PRO 2383; 00/33/1664
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Mardesic on behalf of the owners M J and M Murphy for proposed demolition of existing outbuildings and construction of additional two (2) - storey single house to existing single house at No. 22 (Lot 2) York Street, dual frontage to Little Russell and Little Walcott Streets, North Perth, and as shown plans stamp-dated 18 July 2003, subject to:

- (i) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised; and*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) no front 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 York Street, shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (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) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*

- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (x) *no plumbing or sanitary facilities or fixtures shall be provided within the proposed loft without the prior approval of such by the Town;*
- (xi) *the proposed loft shall be used for storage purposes only;*
- (xii) *subject to first obtaining the consent of the owners of No. 20 York Street and No.1 Little Russell 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. 20 York Street and No. 1 Little Russell Street in a good and clean condition;*
- (xiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Little Walcott Street and Little Russell 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); and*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the proposed dwelling, not exceeding a maximum wall height of 6 metres from the natural ground level at any point; and*
- (b) *the proposed dwelling being setback a minimum of 1.5 metres from the secondary, street being Little Walcott Street.*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (6-2)

For
Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Lake
Cr Torre

Against
Cr Chester
Cr Ker

(Cr Cohen on approved leave of absence.)

LANDOWNER: M J and M Murphy
APPLICANT: As above
ZONING: Metropolitan Region Scheme - Urban Town Planning
 Scheme No. 1 - Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setback		
West Ground Floor (Dining, Family, Lounge)	1.5 metres	0 metre
East Ground Floor (Garage)	1 metre	0 metre
Secondary Street - Little Walcott Street	1.5 metres	1.3 metre
Privacy Assessment		
Bedroom 3 Window	4.5 metres to East Boundary or Screening	2.5 metres to East Boundary
Wall Height	Maximum 6 metres	Maximum 7.2 metres
Plot Ratio	0.65	0.69
Use Class	Single House	
Use Classification	"P"	
Lot Area	650 metres square	

SITE HISTORY:

No.22 York Street is occupied by an existing single house with frontage to York Street. The lot has two street frontages being Doris Street and Little Russell Street.

DETAILS:

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

CONSULTATION/ADVERTISING:

The proposal has been advertised and no written submissions have been received by the Town.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

The proposal includes the removal of an existing outbuilding, which is listed on the Municipal Heritage Inventory. However, management recommendation is to archive with photographs before removal. The photographs supplied are considered to be acceptable, therefore the demolition of the existing outbuilding is considered supportable.

The existing main dwelling is not listed on the Town of Vincent Municipal Heritage Inventory. As such, this application is subject to general Town Planning Scheme provisions and relevant Policies.

Overshadowing

An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property, being the existing residence of the subject lot. The outcome of this assessment established that a total of 45.66 square metres of the adjoining property will be overshadowed. This equates to 11 percent. This is considered to be within the requirements of the R Codes. The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 50 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

West Side Setback

The proposed setback variation corresponds with the lower floor of the proposed residence. The boundary wall portion of the dwelling accommodates the lounge, family and dining areas. Whilst it does not meet the setback requirement, the R Codes has a provision that allows for boundary wall development. The subject wall is single storey in nature reaching a maximum height of 2.85 metres and occupying a maximum length of 11.85 metres. No undue overshadowing is caused as a result of the proposed wall due to its location in relation to the orientation of the lot. In addition, no objection was received from the affected adjoining neighbour. The variation is considered acceptable and therefore supported.

East Side Setback (Garage)

The applicant seeks a variation to the setback of the garage. The garage is proposed to be located on the east boundary. The subject wall is single storey in nature reaching a maximum height of 2.7 metres and occupying a maximum length of 6.60 metres. No undue overshadowing is caused as a result of the proposed wall due to its location in relation to the orientation of the lot. It is also noted that no undue loss of amenity is imposed to the adjoining affected neighbour on the east side, as its location is common to the location of an existing garage structure on that site. In addition, the affected adjoining neighbour has provided written consent to the boundary wall. The variation is considered acceptable and therefore supported.

Secondary Street Setback

The applicant has proposed a minimum of 1.3 metres setback to the secondary street. This setback is measured at right angles from the wall of the proposed development to the boundary as stipulated in the R Codes. This distance applies to the powder room. This variation is considered to be minimal and therefore required to be setback to the required distance of 1.5 metres. The conditions above reflect this requirement.

Wall Height

The wall height of the proposed development exceeds the requirement by a maximum of 1.2 metres. This is considered to be unacceptable and therefore requires that the wall height be modified to achieve compliance. The applicant has expressed a willingness to modify the plans to achieve compliance to the wall height. This is reflected in the conditions mentioned above.

Boundary Wall Development

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height of the boundary wall. In this instance, the proposed development involves boundary walls on the west and east side boundaries, both of single storey nature. Whilst it is a deviation from the requirements of the R Codes, such a provision can be varied. The applicant (western neighbour) has consented to the western boundary wall and the eastern neighbour has also provided consent to the boundary wall affecting the eastern side. 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.

Privacy Setback - Bedroom 3 Window

The window applicable to bedroom 3 of the upper floor does not comply with the privacy assessment to the west boundary. A shortfall distance of 2 metres exists. However, it has been established that the window does not pose any potential undue overlooking to the western neighbour as the window is oriented towards the north and vision to the western neighbour is contained to a blank wall and front yard area not used for active outdoor living area. The western neighbour is the applicant in this instance, who has signed the plans in consent to this window. In light of this, the window is deemed to be acceptable as is, with no need for screening to be applied.

Plot Ratio

The plot ratio varies from the requirements by a maximum of 0.4 per cent. The proposed development makes efficient use of area for the residence, whilst maintaining adequate usable open space given the irregular shape of the lot. All necessary clearances have been met for the first floor and all on the ground with the exception of the proposed boundary walls. The variation to the plot ratio does not result in overwhelming building bulk on the lot and is therefore considered to be acceptable in this instance.

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

10.1.21 Cities for Climate Protection Strategy Including the Travel Demand Management Study and In-House Projects

Ward:	Both Wards	Date:	1 August 2003
Precinct:	All Precincts	File Ref:	PLA0096
Attachments:	001		
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Cities for Climate Protection Program - Travel Demand Management Study dated May 2003 from Omega Environmental Pty Ltd, as shown as Attachment 10.1.21 to this Report; and*
- (ii) *REVIEWS the recommendations outlined in the Cities for Climate Protection Program - Travel Demand Management Study dated May 2003 from Omega Environmental Pty Ltd as part of the Town's Sustainability Management System in the 2003/2004 financial year.*

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted, with the following additional new clause (iii).

"(iii) LOBBIES and makes representation to the Department for Planning and Infrastructure to investigate previous recommendations relating to better east-west transport services as outlined in the West Vincent Integrated Transport Plan."

Debate ensued.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.21

That the Council;

- (i) *RECEIVES the Cities for Climate Protection Program - Travel Demand Management Study dated May 2003 from Omega Environmental Pty Ltd, as shown as Attachment 10.1.21 to this Report;*
- (ii) *REVIEWS the recommendations outlined in the Cities for Climate Protection Program - Travel Demand Management Study dated May 2003 from Omega Environmental Pty Ltd as part of the Town's Sustainability Management System in the 2003/2004 financial year; and*
- (iii) *LOBBIES and makes representation to the Department for Planning and Infrastructure to investigate previous recommendations relating to better east-west transport services as outlined in the West Vincent Integrated Transport Plan.*

BACKGROUND:

The Town of Vincent became a member of the Cities for Climate Protection (CCP™) Program, an initiative of the International Council for Local Environmental Initiatives (ICLEI) on 25 October 1999. This global campaign has over 300 local governments participating and aims to motivate and empower local government to reduce greenhouse gas emissions.

The program was based on the following five Milestones:

Milestone	Project	Date Completed
1	Preparation of an inventory of greenhouse gas emissions for both Corporate (Council) and Community Activities for a baseline year, and forecast of growth in emissions to the Year 2010 adopting a 'business as usual' scenario.	7 July 2000
2	Setting of an emissions reduction goal. <i>"A reduction in corporate and community greenhouse gas emissions from 1996 levels by 30 per cent by 2010"</i> .	11 September 2001
3	Preparation and adoption of a Local Greenhouse Action Plan documenting measures to be undertaken to achieve the reduction goal.	11 September 2001
4	Implementation of the Local Greenhouse Action Plan.	23 October 2001
5	Monitoring and reporting on the implementation, and review of the Local Greenhouse Action Plan.	19 May 2002

The Town was proud to be one of the first local governments in Western Australia to achieve all five Milestones.

DETAILS:

The Australian Greenhouse Office (AGO) in partnership with ICLEI has developed the CCP™ Travel Demand Management (TDM) Module. The aim of the CCP™ TDM Module is to promote the implementation of CCP™ TDM initiatives in CCP™ Australia Councils.

The CCP™ TDM Module aims to develop strategies to reduce single occupant vehicle use, shift to more sustainable transport, and either reduce or remove the need for travel. In particular, the module includes the development of case studies profiling Local Government CCP™TDM implementation, nationally and internationally. The case studies will be available on-line through a web-site designed to identify opportunities for Local Government to pursue CCP™ TDM implementation. Also, the development of a CCP™ TDM Workshop Module to provide a forum for exploring the challenges associated with Local Government implementation of TDM initiatives.

The Town became eligible to participate in the CCP™ TDM Program through completion of the five Milestones of the CCP™ Program in 2002, and commenced the CCP™ TDM Program on 10 September 2002. The CCP™ TDM Study was completed in May 2003 by Omega and is shown as Attachment 10.1.21 to this Report.

The Town has also completed in-house projects to promote energy efficiency within the Town's Corporate Sector in accordance with environmental sustainability principles of the CCP™. To aid in the reduction in greenhouse gas emissions within the Town's Corporate Sector, the following projects were completed in the 2002/2003 financial year:

- (i) Review and adjustment of the Town's Greenhouse Action Plan;
- (ii) Initial Environmental Review of the Town's Gas Reduction Management System;
- (iii) Energy Audit of the Town's Depot and Hyde Park; and
- (iv) Projects relating to the Corporate Sector of the Town, including the following:
 - (a) Lighting retrofit of the Town's ground floor of the Administration and Civic Centre, and trialled a section of the Library; and
 - (b) Energy Showcase Rooms in the Town's Depot, and Administration and Civic Buildings' staffrooms.

Prior to commencement of the TDM Study, the Town recognised the need to move toward a more sustainable organisation overall. This has been reflected in the Council's decision to proceed with development of a Sustainability Management System (SMS) to cover all of the Town's operations. The SMS will be modelled on International Standards and Specifications (ISO) 14001 framework for Environmental Management Systems (EMSs). ISO 14001 is the leading international EMS standard, and the Town will ultimately be seeking to achieve certification of its SMS to that standard.

The development of the SMS will commence in August 2003 and will provide the Town with a solid strategic process for identifying issues of environmental risk and opportunities for improvement in advance of these becoming potential liabilities to the Town. Of most importance will be the SMS's ability to facilitate the Town to establish clear objectives for sustainability performance improvement, and to meet these objectives through development and implementation of strategic management plans and programs. Perhaps the greatest benefit to the Town of the SMS implementation will be the integration of sustainability programs into core business practices, ensuring the on-going progression of sustainability programs and successful day-to-day management of sustainability issues regardless of staff changes or shifting organisational priorities.

A key component of the SMS will be the integration of Town's CCPTTM processes into the SMS framework. This will ensure that issues such as sustainable transport, especially those initiatives recommended above, will be implemented and maintained effectively as part of the overall implementation and maintenance of the SMS.

The Council also acknowledges the importance of promoting sustainable transport options throughout the community, so will be incorporating transport issues into the development of a Town of Vincent Community Sustainability Strategy (SS).

This work will also commence in August 2003, and will extend beyond the SMS work being done within Council to include the development and implementation of short, medium and long-term strategies for sustainability within the broader local government area.

As part of the SMS for 2003/2004 with a Budget allocation of \$50,000, the following projects will be undertaken:

- (i) Task 1 - development of a SMS to cover all Council operations;
- (ii) Task 2 - development of a SS (5 to 10 year plan); and
- (iii) Task 3 - continuation of on-the-ground projects to deliver financial and environmental return to the Town.

Task 1- SMS

The SMS will streamline Town's existing environmental programs under a single system, and integrate this system with core Town business processes. The SMS would cover the Town's operations, and would integrate with Town's SS for the wider community.

The objectives of the SMS implementation would be:

- (i) to streamline all existing environmental and related programs and processes under a single management system, and to have that system integrate with other existing Town management frameworks (such as financial management, occupational, health and safety, etc);
- (ii) to have the Town meet all its environmental requirements *using fewer staff and less finances*;
- (iii) to have the Town see a quick financial return from *all* its environmental initiatives (that is within no more than 3 years); and
- (iv) to minimise the Town's impact on the environment, and to improve its environmental performance to a level equal to or greater than any other Australian municipality.

Task 2 - SS

The SS will develop a long-term strategy for the transformation of the Town into a 'sustainable local government area'. This would extend on the SMS to be developed for the Town's operations, and aim to increase the uptake of sustainable projects, attitudes and approaches to business among the local community. The SS would be developed to cover a 5-10 year period, and would involve substantial investigation into the current attitude of the local population on sustainability issues. Opportunities for improvement would be identified, and a document developed that sets out the path to sustainability for the Town and community consistent with Council's own approach to the issue.

Task 3- On-the-ground Projects

On-the-ground projects commenced during 2002/2003 will continue to be implemented and new projects will be undertaken during 2003/2004. Energy-related initiatives will include:

- (i) Development of energy showcase rooms in all major Town buildings (including Beatty Park Leisure Centre, Library, Loftus Centre, etc);
- (ii) Progression of a co-generation facility at Beatty Park Leisure Centre;
- (iii) Continuation of lighting and energy retrofits at the Town's Administration and Civic Building, with a focus on the first floor and basement;
- (iv) Commencement of lighting and energy retrofits at other Town facilities;
- (v) Continuation of upgrades at the Town's Depot, including the installation of skylights in the main work shed and a lighting retrofit in the ground floor of the Town's Administration and Civic Buildings; and
- (vi) Establishment of a revolving energy fund.

This list is not exhaustive, and represents only part of the projects that can be undertaken by the Town during 2003/2004. Beyond energy-related projects, the Town will also be looking to commence implementation of projects for other environmental areas such as water management and waste management.

These will all fall under the SMS and be developed and discharged as part of the overall SMS operation. All projects to be implemented will focus primarily on delivering maximum financial returns to the Town.

The CCP™ Program is based on a similar framework to that of a SMS. This enables the five-milestone CCP™ process to integrate easily into an ISO 14001 or similar framework. In fact, incorporation of the CCP™ Milestones as part of a broader SMS improves the ease with which the CCP™ Program can be implemented into and embraced by an organisation. This proposal included provision for integration of CCP™ processes within the framework of the SMS.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000 – 2002 Key Results Area 1, the Physical Environment Strategies and Action Plans:

"1.3 Develop and Implement strategies to enhance the environment.

Action Plans to implement this strategy include:

b) Develop a Cities for Climate Protection Strategy and Agenda 21 issues."

Strategic Plan 2002 - 2007 Key Results Area One, Environment and Infrastructure Strategies and Action Plans:

"1.1 Protect and enhance environmental sustainability and biodiversity.

Action Plans to implement this strategy include:

a) Develop and implement a strategy for sustainability.

b) Develop a clean air program and reduce greenhouse gases...

e) Encourage water sensitive urban design."

FINANCIAL/BUDGET IMPLICATIONS:

There is provision of \$50,000 in the Town's 2003/2004 Budget.

COMMENTS:

In light of the above, it is recommended that the Council receives the CCPTTM Program - Travel Demand Management Study dated May 2003 from Omega Environmental, and reviews the recommendations as part of the Town's Sustainability Management System in 2003/2004 financial year.

**10.2.2 Mindarie Regional Council – Secondary Waste Treatment Planning
Progress Report No. 4**

Ward:	Both	Date:	6 August 2003
Precinct:	All	File Ref:	ENS0016
Attachments:	001 ;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Mindarie Regional Council's Secondary Waste Treatment Planning Progress Report No. 4; and*
- (ii) *notes that further reports will be submitted on the Mindarie Regional Council's Secondary Waste Treatment Planning and associated issues as matters progress.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

At the Ordinary Meeting of Council held on 13 May 2003, the Town of Vincent (TOV) Council received a progress report on Mindarie Regional Council (MRC) matters relating to Secondary Waste Treatment, where the following resolution was adopted:

"That the Council;

- (i) *receives the report on the Mindarie Regional Council's Secondary Waste Treatment Planning Progress Report No. 3; and*
- (ii) *notes that further reports will be submitted on the Mindarie Regional Council's Secondary Waste Treatment Planning and associated issues as matters progress."*

At the MRC's Ordinary Meeting held on 3 July 2003, the MRC considered the following items relating to secondary waste treatment planning and related issues.

- Item 9.2.2 - Regional Waste Management Plan - Progress Report
- Item 9.2.3 - Secondary Treatment within WA - Progress Report
- Item 9.2.6 - Secondary Waste Treatment Facility - Project Progress Report

The following report is in line with *clause (iii)* of the TOV Council's resolution (OMC 13 May 2003).

DETAILS:

Regional Waste Management Plan (Item 9.2.2)

The Mindarie Regional Council (MRC), at its meeting held on 23 September 1999, endorsed a Regional Waste Management Plan, comprising a series of strategies associated with the following business areas:

- Management – Tamala Park
- Business Planning
- Alternative Waste Reduction Methods

Details of progress against these strategies are provided below.

Management – Tamala Park

Progress against particular strategies has been as follows:

- Maximisation of leased land available for waste management

This strategy has been progressed via applications for Stage 2A and 2B landfill

- Minimisation of the impact of Perth's Bushplan on leased area

A copy of the latest version of Bush Plan – 'Bush Forever' – has been received by the MRC. Development of Stage Two landfill is proceeding with due respect to Bush Forever restrictions.

- Stage One Landfill

Work conducted during the reporting period has included the following:

- Construction of an initial phase of final capping within the southern cells of the stage one landfill
- Progress of plans for the management of landfill gas from the Stage One Landfill, including formulation of a contract and liaison with land owners, and establishment of initial wells
- Development of Stage Two (2) Landfill

Liaison with DEWCP on Stage 2A and 2B approvals is continuing.

- Development of Site Master Plan

The MRC had previously developed a Master Plan for Tamala Park. This was subsequently endorsed, and communicated to member Councils for comment

Revision to the Master Plan is proposed, which will delete any plan for the establishment of a secondary waste treatment facility at Tamala Park.

- Security of Tenure of Land

The MRC administration, following an MRC Council resolution in December 2002, has invited land owner Councils to consider a proposal to purchase some Lot 118 land. This proposal has been rejected, and negotiation of a revised lease has been initiated

- Diversion of Class 1

Diversion of Class 1 (*inert waste*) is continuing. Customers of Tamala park are advised at the weighbridge of nearby locations for disposal of inert waste at more attractive rates.

- Coordination of Greenwaste Management

Greenwaste processing is continuing under contract with Amazon

- Monitor of Trial Activities (ongoing)

Nil activity.

- Waste Classification Trials (ongoing)

No work has been conducted against this Strategy during the reporting period.

- Waste Management Plans (ongoing)

No work has been conducted against this Strategy during the reporting period.

- Alternative Waste Reduction Methods (ongoing)

Work has been conducted by the Secondary Treatment Facility (SWTF) Working Group in regard to alternative sites and community liaison.

Comment

The major developments within this reporting period in regard to the Regional Waste Management Plan have been as follows:

- The progress of work associated with the establishment of a Stage Two Landfill, particularly approval activities
- The progress of work with member Councils an option for security of tenure

Proposed future work includes a revision to the Regional Waste Management Plan, in order to reflect recent developments associated with land requirements at Tamala Park and the introduction of Secondary Waste Treatment to the region.

The MRC's Business Plan Workshop, held on 5 June 2003, agreed that any regional plan required realignment in order to better reflect the relationship between Mindarie Regional Council and Member Councils.

The following resolution was subsequently adopted by the MRC.

“That the Council receive this progress report on the implementation of the Regional Waste Management Plan for information”

Secondary Treatment Planning within WA - Progress Report (Item 9.2.3)

A number of projects are currently in progress within Western Australia with respect to the introduction of secondary waste treatment, or resource recovery as follows:

- Operations of the Atlas facility
- Southern Metropolitan Regional Council projects
- Global Olivine process
- Eastern Metropolitan Regional Council project

Atlas Developments

A City of Stirling proposal for disposal of baled residue, at nil cost, to Tamala Park was approved by the MRC at its December 2000 meeting, and, in revised form, at its April 2001 meeting.

The City of Stirling recommenced operations with Atlas, and baled residue is being delivered to Tamala Park. Atlas commenced the processing of all City of Stirling treatable domestic waste in mid November 2001. The data from these exercises is currently being collected and analysed.

The MRC, at its meeting in October 2002, approved the ongoing arrangement for disposal of baled waste to Tamala Park, for another twelve months, until October 2003. A further submission from City of Stirling on baled waste disposal has been forecast by the City

Southern Metropolitan Regional Council Projects

The Southern Metropolitan Regional Council (SMRC) has progressed contracts for work associated with the establishment of a Regional Waste Management Park located at Canning Vale. The SMRC resolved to accept a tender from Bedminster, and implementation is in progress. Operation of the recycling facility commenced in June 2001. The facility was officially opened in December 2001.

Additional information concerning this resource recovery facility is as follows:

- Dry commissioning of the in vessel composting facility is completed and was handed over to the SMRC on Friday 25 October 2002.
- Wet commissioning will be implemented over a period of four months
- Visitors from MRC attended this facility on 22 November 2002

The Bedminster facility was officially opened in late March 2003.

Global Olivine Process

The MRC has received correspondence from Global Olivine criticising the Mindarie Regional Council process for resource recovery. Legal advice has been sought, prior to a response being provided

Eastern Metropolitan Regional Council Projects

The Eastern Metropolitan Regional Council is currently involved in the introduction of a comprehensive waste education strategy to that region. A community focus group has been formed and extensive education of that group is now in progress. Further education activities are expected to continue later in 2003.

EMRC is currently 'at tender' for a project management team for the resource recovery project.

Comment

A number of projects are occurring within Western Australia with regard to the progress towards resource recovery, as an alternative to landfill. MRC monitoring of these projects is continuing

The following resolution was subsequently adopted by the MRC.

"That the Council receive this progress report on secondary waste treatment projects within Western Australia."

Secondary Waste Treatment Facility - Project Progress Report (9.2.6)

The MRC previously identified a need to develop business programs other than landfill in order to minimise waste to landfill. The MRC's Strategic Plan, Objective 2, describes this approach as follows:

To reduce waste to landfill by implementation of appropriate waste treatment methods, for at least that domestic waste generated within the region.

The MRC previously made the following decisions with regard to this project:

- The acceptance of recommendations by external consultants, Sinclair Knight Merz, in relation to an approach for the introduction of secondary waste treatment capability within the region
- The appointment of external consultants to manage the project on behalf of Mindarie Regional Council
- The identification of a short list of organisations, for potential tender, assessed as capable of providing such a resource recovery facility to the region. This list is as follows:

Bedminster/Clough
(Biological via In Vessel Composting)

Global Renewables Ltd.
(Biological via Anaerobic Digestion)

Primergy
(Waste to Energy via Gasification plus Biological Via Composting)

TEST Energy
(Waste to Energy via Incineration)

Thiess

(Three options – Biological (In Vessel and Anaerobic Digestion), Waste to Energy via Gasification)

Worley

(Biological Via Composting)

Note: Brightstar Environmental have withdrawn from the process, with effect mid April 2003

- The adoption of a land requirements plan, which includes a decision to site any secondary waste treatment facility at locations other than Tamala Park
- The acceptance of consultant recommendations regarding priority areas for the establishment of such a facility
- The identification of potential sites for such a facility within the priority one area – Wangara
- The recognition of community concerns with relation to the establishment of such a facility at Wangara, and the revision of the plan to enable investigation of other sites
- The confirmation of Neerabup as the preferred area for a facility, with two alternative sites identified

MRC SWTF Project Program

Table 1 – Key milestones for the SWTF project for the MRC

	Task	Estimated	Actual/ Revised	
			Start	End
1	Community Consultation	February 03	July 02	February 03
2	Site Selection	February 03		February 03
3	Environmental Approvals	September 03	August 02	December 03
4	Prepare tender documents	November 03	October 03	December 03
5	Contractors prepare tenders	January 04	November 03	January 04
6	Evaluate tenders	February 04	January 04	February 04
7	Negotiate with successful tenderer	March 04	February 04	March 04
8	Complete land transaction	April 04	March 04	April 04
9	Development Application/ Works Approval	April 04	March 04	April 04
10	Design & Construction of Facility	June 05	May 04	June 05
11	Facility Commissioned	September 05	June 05	September 05

Progress Report

Key activities since April 2003 have been as follows:

- Community Engagement with various groups is continuing on technology
- Liaison with DEP and EPA regarding environmental assessment of the project is continuing
- Short listed tenderers have been updated on site selection

- Liaison with potential land vendors – Land Corp and City of Wanneroo – is continuing

Letters have been sent to the Minister for Environment and Minister for Planning seeking further support to the project.

Community Engagement

The MRC's plan for community education and engagement has been developed by the Secondary Waste Treatment Facility Working Group. The strategies associated with this plan have been translated into Action Plans by a working group comprising members of the MRC administration, and external consultants, including representatives from BSD/Meinhardt Joint Venture.

Key activities conducted in May 2003 – June 2003 were as follows:

- Liaison with community groups in order to both provide information on the project and to obtain information on community views with respect to technology
- The distribution of survey material, across the region
- The action of a Community Engagement Advisory Group (CEAG), including development of the Community Partnership Agreement concept.

SWTF WG Meetings

The SWTF WG has met as follows:

- 28 April 2003
- 30 May 2003

Participation Agreement

The Chief Executive Officer (MRC) was tasked to prepare a Discussion Paper on issues related to a potential Participation Agreement. This work was discussed with the MRC's legal adviser at a Workshop on 21 March 2003, and is still in progress.

Concept of Resource Recovery Park

The SWTF WG supported this concept in principle, and this business opportunity is included in Council's draft Business Plan

Consultant Report Card

The MRC agreed a model for a consultant report card at its December meeting.

Both the SWTF WG and TWG agreed that the BSD Consultant/Meinhardt Joint Venture performance to date had been of an excellent standard, measured in terms of timeliness, cost and outcomes of task execution

Future Activities Planned

Future activities associated with this project are as follows:

- Continuation of community engagement via the Community Engagement Advisory Group
- Continuation of region wide education, particularly on technology
- Progress of environmental approval package
- Progress of activities associated with eventual purchase of a site (to be confirmed)

Consultation

Consultation has occurred with the following groups:

- BSD/Meinhardt Joint Venture
- City of Wanneroo and Land Corp
- Various community groups within the Mindarie Region

The following resolution (in part) was subsequently adopted by the MRC:

“That the Council receive this progress report on a project to establish a Secondary Waste Treatment Facility in the Mindarie region.”

CONSULTATION/ADVERTISING:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 – 1.1 Protect and enhance environmental sustainability and biodiversity. *“j) Develop a waste management strategy that is aligned with the Mindarie Regional Council’s Secondary Waste Treatment initiatives and has positive environmental outcomes.”*

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to the Council future waste handling systems will be required to meet the requirements of the SWTF. The cost of secondary waste treatment will obviously mean an increase in the disposal costs for the member Councils.

COMMENTS:

It is recommended that the Council receives the report on the MRC's Secondary Waste Treatment Planning Progress Report No 4 and notes that further reports will be submitted on the MRC's Secondary Waste Secondary Waste Treatment Planning and associated issues as matters are progressed.

Mayor Catania announced that Cr Farrell had declared a proximity interest in this item and he departed the Chamber at 8.35pm. He did not speak or vote on the item.

10.2.4 Proposed Traffic Calming & Safety Improvements – Matlock Street, Mount Hawthorn

Ward:	North	Date:	6 August 2003
Precinct:	Mt Hawthorn P1	File Ref:	TES0279
Attachments:	001 ;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed Traffic Calming and Safety Improvements in Matlock Street, Mt Hawthorn, Dover Street to Ellesmere Street;*
- (ii) *APPROVES in principal the proposed installation works as shown on attached Plan No. 2161-CP-1B; incorporating the suggestions put forward by the Local Area Traffic Management Advisory Group and invited community representatives, at an estimated cost of \$15,000;*
- (iii) *ADVERTISES the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions;*
- (iv) *RECEIVES a further report on the proposal following the conclusion of the consultation period should any adverse comments be received; and*
- (v) *ADVISES the respondents of Council's resolution.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Cohen on approved leave of absence. Cr Farrell was not in the Chamber and did not vote.)

BACKGROUND

Over the past nine months the Town has received several representations from the combined Mt Hawthorn Primary Schools and residents of Matlock Street (Woodstock Street to Ellesmere Street), seeking the installation of traffic calming measures and safety improvements within the 40kph school zone.

It is the local community's perception that there is a speeding problem, and therefore a safety issue, in Matlock Street, particularly during the school drop off and collection times, and that intervention measures are required.

In light of these concerns, and in anticipation that some remedial action would be warranted, monies were included in the Town's 2003/04 budget to install traffic calming devices in Matlock Street.

However, prior to a report being presented to Council, in June/July 2003 a plan was prepared and informally distributed to the schools, the combined P & C Association and residents, outlining possible changes and seeking feedback.

The issue was then referred to the Town's Local Area Traffic Management (LATM) Advisory Group's meeting of 28 July 2003 for consideration and included representatives of the Matlock Street residents, a concerned parent and the President of the combined P & C Association.

DETAILS:

Since the latter part of 2002, the Town has received several complaints from residents of Matlock Street, adjacent to the Mt Hawthorn Primary Schools, and parents of students of the school, raising concerns about the student safety as a consequence of speeding vehicles.

Traffic data was collected in February 2003, at the resumption of the school year, to determine what, if any, problems existed. The data indicated that while the 85% speed was 53kph and therefore within tolerable limits during normal operating hours, it was some 13kph over the school zone restriction.

Other indicative data, such as average speed and traffic volumes, were also within acceptable limits being 43kph and 1071 vehicles per day respectively.

The schools and parents have in the past approached the WA Police Service to monitor the situation with limited success. The Police have attended on occasions, issuing infringement notices to a number of motorists, including parents of children attending the schools.

The local community (schools, residents and parents) continue to raise safety concerns and as a result the issue was listed for inclusion at a forthcoming meeting of the LATM Advisory Group. However, prior to it being considered by the group, a concept plan was prepared and, with the assistance of a local resident, was informally circulated to the immediate residents and the schools for comment.

Local Area Traffic Management (LATM) Advisory Group Meeting 28 July 2003

Matlock Street was formally considered by the LATM Advisory Group at its meeting of 28 July 2003. The meeting was also attended by the aforementioned resident of Matlock Street, a concerned parent and the President of the combined Mt Hawthorn Primary Schools P & C Association.

The concept plan, drawing No. 2161-CP-1A, as circulated to the above was tabled for discussion. The feedback for the proposed traffic calming measures was very positive and the extent of the proposed works, as shown on attached drawing No. 2161-CP-1B, was extended with the unanimous endorsement of the committee.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"h) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) advisory Group – identify initiatives for redirecting traffic"*.

CONSULTATION/ADVERTISING:

Affected residents are to be consulted in accordance with Council Policy No. 4.1.21 "Community Consultation".

FINANCIAL IMPLICATIONS:

The estimated cost of the proposal as outlined on attached Plan No. 2161-CP-1B is \$15,000. There is an existing allocation of \$7,500 in the Town's 2003/04 budget with which to implement the works. However, as the proposed scope of works has been extended, an additional \$7,500 is required to complete the project. It is therefore intended to source the additional funds from the 2003/04 Miscellaneous Traffic Management budget.

LEGAL/POLICY:

Nil

COMMENT

In view of the positive outcome of the LATM Advisory Groups meeting of the 28 July 2003 it is recommended that the attached plan 2161-CP-1B, be circulated to the (potentially) affected residents of Matlock Street, the Mt Hawthorn Primary Schools, the combined P & C Association and Mt Hawthorn Precinct Group for comment.

Further it is recommended that if no adverse comments are received that the works be implemented as a priority. If, however, there are reasonable objections to the proposed changes that a further report be presented to Council for determination.

Cr Farrell returned to the Chamber at 8.36pm. Mayor Catania advised that Item 10.2.4 was carried (7-0).

Mayor Catania announced that he, Chief Executive Officer, John Giorgi, Executive Manager Environmental Services, Rob Boardman, Executive Manager Technical Services, Rick Lotznicher and Executive Manager Corporate Services, Mike Rootsey had declared a financial interest in this item. They departed the Chamber at 8.37pm and did not speak or vote on the item, except for Mike Rootsey who remained in the Chamber in order to answer any questions that may arise from Council. Deputy Mayor, Cr Ker assumed the Chair.

10.3.4 Superannuation – Increased Employer Contribution

Ward:	-	Date:	23 July 2003
Precinct:	-	File Ref:	PER0005
Attachments:			
Reporting Officer(s):	Natasha Russell		
Checked/Endorsed by:	Mike Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

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.*

Moved Cr Lake , Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Chester

That in clause (i) "2%" be deleted and replaced with "1%", and the words "to align it with the employer contribution of the City of Perth Superannuation Fund" be deleted, as follows;

- "(i) APPROVES the increase in employer contribution for the Local Government Superannuation Fund by 1% for the 2003/04 year;*

Debate ensued.

AMENDMENT LOST (2-5)

<u>For</u>	<u>Against</u>
Cr Franchina	Cr Chester
Cr Lake	Cr Doran-Wu
	Cr Farrell
	Cr Ker
	Cr Torre

(Cr Cohen on approved leave of absence. Mayor Catania was absent from the Chamber and did not vote.)

Moved Cr Lake, Seconded Cr Chester

That in clause (iii) the word "ENDORSES" be deleted and replaced with the words "DEFERS FOR FURTHER CONSIDERATION", as follows.

"iii) DEFERS FOR FURTHER CONSIDERATION 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"

Debate ensued.

AMENDMENT LOST (3-4)

<u>For</u>	<u>Against</u>
Cr Franchina	Cr Chester
Cr Lake	Cr Doran-Wu
Cr Ker	Cr Farrell
	Cr Torre

(Cr Cohen on approved leave of absence. Mayor Catania was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.3.4

ORIGINAL MOTION CARRIED (5-2)

<u>For</u>	<u>Against</u>
Cr Chester	Cr Franchina
Cr Doran-Wu	Cr Lake
Cr Farrell	
Cr Ker	
Cr Torre	

(Cr Cohen on approved leave of absence. Mayor Catania was absent from the Chamber and did not vote.)

BACKGROUND:

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 six (56) full contributing members out of two hundred and thirty (230) employees in the Local Government Superannuation Plan, and thirty (30) full contributing members of thirty six (36) members of the City of Perth Superannuation Fund.

DETAILS:

The Town received advice 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 has increased the rate of employer contribution for Contributory members of the City of Perth Superannuation Fund from 13% to 14%, with effect from 1 July 2003 (this is shown in the table below).

Superannuation Fund	Statutory Contribution	Employer Contribution	Total
2002/03			
City of Perth	9%	4%	13%
Local Govt	9%	3%	12%
2003/04			
City of Perth	9%	5%	14%
Local Govt	9%	3%	12%
2004/05			
City of Perth	9%	6%	15%
Local Govt	9%	3%	12%

The Trustee has further recommended that the City of Perth increase their contribution rate by a further 1% to 15% of salaries for contributory members with effect from 1 July 2004. This increase will be formally considered as part of next year's budgeting process.

The Local Government Superannuation Fund currently requires 3% to be paid by the employer when the employee makes a contribution from their salary. The City of Perth Superannuation Fund currently requires 5% to be paid by the employer when the employee makes a contribution from their salary.

There is an increasing disparity between the total superannuation/remuneration package for employees between the two superannuation funds.

This disparity between the two superannuation funds was identified in the recently completed 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.

FINANCIAL/BUDGET IMPLICATIONS:

Employees can elect whether they wish to be a contributing member to superannuation fund and are also free to cancel this election. The cost to the Council of increased the employer contribution for the Local Government Superannuation Fund is estimated to be approximately \$50,000.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Four of the Draft Plan 2002-2007 – 4.4 Maintain a positive work environment that encourages employees to give their best and work in safety. "e) Maintain employee remuneration and conditions, according to industry standards."

LEGAL/POLICY IMPLICATIONS:

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.

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. This will apply consistency to remuneration packages of employees of the Town of Vincent.

Mayor Catania, John Giorgi, Rob Boardman and Rick Lotznicher returned to the Chamber at 8.57pm. They were advised that Item 10.3.4 was carried (5-2). Mayor Catania resumed the Chair.

10.3.5 North Perth Bowling Club – Synthetic Bowling Greens Further Report

Ward:	North	Date:	23 July 2003
Precinct:	North Perth	File Ref:	RES0010/FIN0074
Attachments:			
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the further report on the investigation into the installation of synthetic bowling greens at North Perth Bowling Club; and*
- (ii) AUTHORIZES the Chief Executive Officer to prepare a final report on this matter prior to the commencement of deliberations on the Draft Budget 2004/05, this to be no later than February 2004.*

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

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

"(iii) RECEIVES a final report which includes a S.W.O.T. analysis prepared in conjunction with the North Perth Bowling Club."

AMENDMENT CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

Moved Cr Lake, Seconded Cr Chester

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

"(iv) RECEIVES a report on the membership of the club in regard to the number of members that are bowls players, and the number of members that are residents/ratepayers of the Town of Vincent."

AMENDMENT CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.3.5

That the Council;

- (i) ***RECEIVES the further report on the investigation into the installation of synthetic bowling greens at North Perth Bowling Club;***
- (ii) ***AUTHORISES the Chief Executive Officer to prepare a final report on this matter prior to the commencement of deliberations on the Draft Budget 2004/05, this to be no later than February 2004;***
- (iii) ***RECEIVES a final report which includes a S.W.O.T. analysis prepared in conjunction with the North Perth Bowling Club; and***
- (iv) ***RECEIVES a report on the membership of the club in regard to the number of members that are bowls players, and the number of members that are residents/ratepayers of the Town of Vincent.***

BACKGROUND:

At the Ordinary Meeting of Council held on 27 May 2003, the following resolution was adopted for Item 10.3.3:

“That Council;

- i) DEFERS the allocation of consideration of the funding assistance of \$240,000 to the North Perth Bowling Club to the 2004/05 draft budget;*
- ii) authorises the Chief Executive Officer to further investigate the request and in particular the installation of synthetic bowling greens by the end of July 2003; and*
- iii) authorises the Chief Executive Officer to investigate ways in which the Town can assist in the long term sustainable viability of the North Perth Bowling Club.”*

DETAILS:

The Executive Manager Corporate Services and the Manager Community Development and Administrative Services met with the President and Secretary of the North Perth Bowling Club on Thursday 5 June 2003 to discuss the Council report and the recommendations of the consultants report commissioned by Bowls WA.

The committee members disagreed with the Bowls WA report and disputed the numbers used in the consultants report regarding the North Perth Bowling Club.

The Town's staff requested that the committee members provide these details to the Town. The President has advised verbally that the club has 160 members including social members, 80 of which are active members and of those 50 reside in the Town of Vincent. The figures could not be confirmed in writing as it is the Club's off season. The increase in the social members could be accounted for by the recent closure of the Knutsford Arms Hotel and some former patrons now utilised the Bowling Club's bar facilities.

The President advised that the North Perth Bowling club were hoping to gain membership from the Perth Tattersall Bowling Club if that club were to close.

The North Perth Bowling Club were going to attend the briefing on the Bowls WA report, however no feedback has been received on the meeting.

The Town's Recreation Officer attended a similar briefing given by Bowls WA to Local Governments on their consultants report in Bowls in Western Australia. At this seminar they reiterated that there were too many bowling clubs in WA and a number would have to merge to continue. They also confirmed that the association would only be supporting the larger clubs for funding for synthetic greens. There was some concern raised by the attendees at this forum of the lack of consultation with Local Governments.

The Town has contacted other Local Councils, in our locality, to ascertain the direction that they will be taking.

In the Town of Cambridge the Floreat and City Beach Bowling Clubs are amalgamating at the present Floreat site. There are currently no immediate plans for the Leederville and Lake Monger Bowling Clubs which are both within 3.5kms of the North Perth Bowling Club.

The City of Stirling has ten (10) bowling clubs within its boundaries, two (2) of which are private.

The Mt Lawley Bowling Club, on release of the report, resolved to meet with other clubs in similar circumstances with a view to initiating amalgamation/co-location discussions.

A report on the Strategic Direction-Lawn Bowls was submitted to the City of Stirling Corporate and Community Services Committee of 22 July 2003, which endorses the continuation of discussions with Mt Lawley and Scarborough Bowling Clubs in relation to the contents and findings of the lawn bowls facilities to the Perth Metropolitan Region and that further updates will be provided on further developments, opportunities or potential impacts on facilities located in the City of Stirling. It should be noted that the Mt Lawley Bowling Club is only 1.5km from the North Perth Bowling Club.

A number of bowling clubs have been contacted to ascertain their experience with synthetic green. There are currently twenty three (23) clubs with a total of thirty nine (39) synthetic greens.

Kardinya Bowling Club have had synthetic greens for nine (9) years which were guaranteed for ten (10) years, however they were required to be re-laid after seven (7) years. They advised that some of their members do not like the synthetic greens.

Safety Bay Bowling Club have a number of synthetic greens and are currently replacing their existing lawn greens. This however was due to problems with salinity as a result of the club's proximity to the coast rather than any other reason.

A number of other metropolitan clubs were contacted who had recently installed synthetic greens, however the synthetic greens had not been down long enough to make any real beneficial comparisons.

A number of synthetic turf suppliers have been contacted to provide indicative price estimates and warranty periods, the result were as follows :

Supplier	Budget Estimate	
1	\$115,000 per green (inc GST)	Including reticulation when laid over existing grass greens – warranty for five (5) years.
2	\$115,000 per green (inc GST)	When laid over existing greens – warranty for eight (8) years on the turf and five (5) years on the turf.
3	\$303,000 (inc GST) or \$151,00 per green	Quoted to install two new greens with fitted brick back boards.
4	\$113,000 (inc GST) per green	Supergreen sandfill outdoor only.
	\$156,000 (inc GST) per green	Greengage carpet (indoor or outdoor no rolling required)

The suppliers have advised that the sand filled synthetic greens require maintenance costs of approximately \$10,000 per annum.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$80,000 was included in the 2001/2002 budget and represents the Towns 1/3 share of the funding however this item was not carried forward after the application was unsuccessful.

No funds have been included for this project in the 2003/04 Budget.

COMMENTS:

The further report has confirmed the position of Bowls WA in regard to the North Perth Bowling Club. It has also confirmed that the cost of synthetic greens would be approximately between \$230,000 - \$320,000, the maximum warranty offered is eight years. This supports the view that there will be a capital replacement requirement every 7-10 years after this initial outlay.

The impact of the recommendations of the Bowls WA report on the bowling clubs has yet to be seen. It would be premature to make any commitment to the North Perth Bowling Club request at this stage. However it is noted, the information in this report advises the current position being taken by neighbouring councils.

As stated in the report, no funds have been allocated to this year's budget.

It is therefore recommended that no decision is made at this time and that the Town awaits to assess the impact and direction of the Bowls WA report on other bowling clubs, especially in the surrounding locality. Final recommendation is to be provided to the Council prior to the commencement of the Budget considerations.

10.4.4 Draft Strategic Plan 2003-2008

Ward:	Both	Date:	5 August 2003
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the Draft Strategic Plan 2002-2007, as shown in Appendix 10.4.4; and*
- (ii) *NOTES that Key Performance Indicators (KPI's), priorities and indicative financial implications will be prepared and reported to the Council for approval.*

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Chester, Seconded Cr Lake

That this item be DEFERRED for a written response to be provided to Council by the consultant Bessen Consulting Services for the Ordinary Meeting of Council to be held in September 2003, specifying the actions taken and those which could be undertaken in aligning the Draft Strategic Plan presented to Council on 12 August 2003, with the findings and recommendations of the Independent Organisational Review.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

At the Ordinary Meeting of the Council held on 13 May 2003 the Council resolved as follows:

"That the Council;

- (i) *considers the submissions received concerning the Draft Strategic Plan adopted at the Ordinary Meeting of Council held on 17 December 2002;*
- (ii) *DEFERS the final approval of the Draft Strategic Plan; and*
- (iii) *further considers the Draft Strategic Plan 2002-2007 taking cognisance of the Independent Organisational Review - Recommendation 1 and comments of the public submissions."*

At the Ordinary Meeting of Council held on 17 December 2002, Council resolved as follows;

"That the Council;

- (i) ADOPTS the Draft Strategic Plan 2002-2007, as shown in Appendix 10.4.3;*
- (ii) advertises the Draft Strategic Plan 2002-2007 for a period of forty two (42) days, effective from 28 January 2003, for public comment and considers any submissions received, at the end of the public consultation period; and*
- (iii) APPROVES of a second Community Workshop to be held in early/mid January 2003."*

DETAILS:

Following the Ordinary Meeting of Council held on 13 May 2003 a further workshop was held on 9 July 2003 by Bessen Consulting Services, and was attended by five Elected Members and twelve of the Town's key staff.

In general the participants reviewed the draft document and supported the proposed strategies, adding phrases to clarify intent and removing any duplication.

Independent Organisational Review Recommendation

The Independent Organisational Review consultants reported that:

"At the time of this Review the draft strategic plan was subject to the process of community comment. Based on the interviews with Elected Members and Senior Officers, it is clear the draft 2002 – 2007 strategic planning process was very useful in terms of a collaborative approach between Elected Members and Officers to identify the critical issues (key result areas) expected during the period 2002 - 2007. The majority however believed the duration of the process was inadequate to achieve a clearly defined direction or vision statement or to inject sufficient detail into the key result areas. It was reported to the review team that there was limited opportunity for qualitative evaluation of suggestions."

"It was noted the process was a review only however a fundamental gap in the strategic planning process was the lack of engagement of the whole organisation in the process. It is not intended for every member of staff be involved in setting the key objectives, however they must be given the opportunity of setting the operational objectives and key performance indicators for measuring outcomes and assisting with decision making."

"Strategy

RECOMMENDATION 1

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

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

Vision:

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

Mission:

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

Values:

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

Key Result Areas (the main functional areas):

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

It is not a legal requirement to have a Strategic Plan however, it is considered "Best Practice" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and the Annual Budget.

The Chief Executive Officer will meet with the Town's senior staff to prepare Key Performance Indicators, timelines and indicative costings for items included in the Strategic Plan. This will be the subject of a further report to Council.

In view of the time that has elapsed since the Council considered the Draft in 2002, it is recommended that the Strategic Plan be referred to as "2003-2008".

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

FINANCIAL/BUDGET IMPLICATIONS:

Costs of approximately \$1,500 will be required for printing purposes.

COMMENTS:

The Strategic Plan is a very important document for the Town, as it will provide the future direction to the Council for the next five (5) years. The workshops conducted were very successful and the input received was positive and constructive. The new Draft Plan reflects input by the Elected Members, the Administration and the Community. This will give the Town its future direction and is therefore recommended for adoption.

It is therefore recommended that the Draft Strategic Plan be adopted.

Mayor Catania announced that Cr Franchina had declared a proximity interest in this item and he departed the Chamber at 9.02pm. He did not speak or vote on the item.

10.4.5 Progress Report No. 3 - Multi Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre

Ward:	South	Date:	5 August 2003
Precinct:	Oxford Centre, P4; Beaufort, P13	File Ref:	
Attachments:	Nil on website		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 3 as at 5 August 2003, relating to the Multi Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre; and*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of various projects.*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

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

- "(iii) *SEEKS clarification from the Chief Executive Officer of the appropriateness of a fee paying car park with regard to compliance with the provisions of the Loton Trust.*"

CARRIED (6-1)

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

Against
Mayor Catania

(Cr Cohen on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Cohen on approved leave of absence. Cr Franchina was absent fromt the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.4.5

That the Council;

- (i) RECEIVES the Progress Report No. 3 as at 5 August 2003, relating to the Multi Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval; Redevelopment of Leederville Oval and State Indoor Multi Use Sports Centre;*
 - (ii) ADVISES the Department of Sport and Recreation of the progress of various projects; and*
 - (iii) SEEKS clarification from the Chief Executive Officer of the appropriateness of a fee paying car park with regard to compliance with the provisions of the Loton Trust.*
-

BACKGROUND:

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

Multi Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval

1. Legal Documentation:

The Heads of Agreement and Financial Assistance Plan have been signed by all parties.

2. Loan and Reserve Fund Payment:

2.1 Loan:

The Chief Executive Officer and Executive Manager Corporate Services have been monitoring the interest rates on a daily basis over the previous month. Quotations were obtained during the week of 4 August 2003 and the cheapest rate is provided by the Western Australian Treasury Corporation. Based on their rate and advice, the Chief Executive Officer has accepted a loan at a fixed interest rate of 5.54% for a four year period, with the ability to lock in the outstanding money for the sixteen year period at any time during the four year period. As the rates fluctuate on a daily basis, this will be regularly monitored and a decision will be made when the interest rates are considered suitable. At the interest rate of 5.54%, the annual repayment will be \$370,000. (This loan will be paid on a monthly basis commencing on 1 September 2003 and the payments will be recouped from Allia Holdings Pty Ltd as a condition of the Heads of Agreement).

2.2 Reserve Fund Payment:

Based on the loan annual interest of 5.54%, the Town will only be required to contribute \$20,000 per annum into the Reserve Fund. The balance of \$30,000 will be paid by Allia Holdings Pty Ltd, as this was negotiated as part of the Heads of Agreement.

3. Building Contract:

The building contract between the Town and John Holland Pty Ltd has now been signed.

4. Consultation:

The builder has delivered letters to all adjoining properties surrounding Perth Oval and has provided a contact telephone number. One complaint has been received from a Brewer Street property concerning noise. This has been satisfactorily resolved.

5. Works:

The builder commenced on site on 14 July 2003 and good progress has been made on the project. The following works have been commenced;

- (i) Playing Pitch - drainage has commenced and ground water drainage is being investigated. The water table on the northern end of the ground will require additional drainage;
- (ii) Stormwater drains have been installed on the Brewer Street end;
- (iii) Major earthworks are well underway and sand is being carted in to form the perimeter bowls and public open space levels; and
- (iv) Demolition works have commenced within the grandstand, removal of the Mazda Stand and "the Shed". The Mazda Stand will be delivered to the Aboriginal community at Clontarf and Mogumber.

See photographs.

6. Photographs and Archival Records:

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

Leederville Oval Redevelopment

1. Works:

- (i) East Perth Football Club (EPFC) moved into its new offices and clubrooms in early May 2003 and the first game was held on 3 May 2003;
- (ii) EPFC offices have been completed and fitted out;
- (iii) Subiaco Football Club (SFC) clubrooms and offices are progressing on target, and footings, walls and roof steel have been completed; and
- (iv) The builder has been progressively completing a "snag list" of outstanding works.

See photographs

2. Leederville Oval Working Group:

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

3. Leases:

Draft leases are currently being finalised and will be issued to both Clubs in mid-August 2003.

4. Floodlighting:

The tender to install floodlighting was advertised on 23 July 2003 and closes on 26 August 2003. This work will take approximately 12 weeks to be completed.

State Indoor Multi Use Sports Centre

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

LEGAL/POLICY IMPLICATIONS:

N/A.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

STRATEGIC IMPLICATIONS:

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

COMMENT:

It is pleasing to note that the projects are proceeding within budget and within the prescribed timeframe.

Cr Franchina returned to the Chamber at 9.10pm. Mayor Catania advised that Item 10.4.5 was carried with amendment (7-0).

10.4.6 Consideration of Public Submissions relating to the Major Land Transaction to Construct an Office Building to accommodate the Department of Sport and Recreation (DSR) - Leederville Oval, No. 246 Vincent Street, Leederville

Ward:	South	Date:	5 August 2003
Precinct:	Oxford Centre, P4	File Ref:	RES0062
Attachments:	Nil		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report and considers the submissions on the Major Land Transaction for the construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) - Leederville Oval, No. 246 Vincent Street, Leederville; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to proceed with the Major Land Transaction, and notes the Chief Executive Officer will be submitting a further report detailing;*
 - (a) *the financial arrangement/loan for the Council's consideration and approval; and*
 - (b) *the necessary Agreement to Lease and Lease documents.*

COUNCIL DECISION ITEM 10.4.6

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

That a new clause (ii) (c) be added as follows;

- "(ii) (c) *an asset management/maintenance report and its recommendations to Council and that information be provided on the amount of monies appropriate to contribute to a Building Sinking (Reserve) Fund over the life cycle of the building.*"

Debate ensued.

AMENDMENT CARRIED (5-3)

For

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

Against

Mayor Catania
Cr Franchina
Cr Torre

(Cr Cohen on approved leave of absence.)

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

(Cr Cohen on approved leave of absence.)

That the Council;

- (i) *RECEIVES the report and considers the submissions on the Major Land Transaction for the construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) - Leederville Oval, No. 246 Vincent Street, Leederville; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to proceed with the Major Land Transaction, and notes the Chief Executive Officer will be submitting a further report detailing;*
 - (a) *the financial arrangement/loan for the Council's consideration and approval;*
 - (b) *the necessary Agreement to Lease and Lease documents; and*
 - (c) *an asset management/maintenance report and its recommendations to Council and that information be provided on the amount of monies appropriate to contribute to a Building Sinking (Reserve) Fund over the life cycle of the building.*

BACKGROUND:

At the Ordinary Meeting of Council held on 13 May 2003, Council considered the matter of Major Land Transaction to Construct an Office Building to accommodate the Department of Sport and Recreation (DSR) – Leederville Oval, No. 246 Vincent Street, Leederville (Progress Report No. 2) and resolved inter alia as follows;

"That the Council;

- (1) *RECEIVES the Progress Report No. 2 as at 5 May 2003, relating to the Major Land Transaction to construct an Office Building to accommodate the Department of Sport and Recreation (DSR) - Leederville Oval, 246 Vincent Street, Leederville;*
- (2) *NOTES that the Department of Housing and Works (Government Accommodation Committee) has approved of the Department of Sport and Recreation's request for the Town to construct new office accommodation at 246 Vincent Street, Leederville, as shown in Plan Nos. A01, A07, A12, and A13; ...*
- (4) *APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) *to construct an office building for the Department of Sport and Recreation (DSR) at 246 Vincent Street, Leederville at an estimated cost of \$6.5 million;*
- (ii) *the Major Land Transaction Proposal and Business Plan as shown in Appendix 10.4.7 and for this to be advertised state-wide for a period of not less than six (6) weeks and inviting written submissions on the proposed undertakings and for the Council to consider any submissions received at the conclusion of this period;*
- (iii) *APPROVES the borrowing of \$6,500,000 and AUTHORISES the Chief Executive Officer to;*
 - (a) *give one (1) month's notice of the Council's intention in accordance with Section 6.20 of Subdivision 3, Part 6 of the Local Government Act 1995 and subject to prior approval by the State Treasurer (under the Local Government Act, Section 6.21); and*
 - (b) *call a tender/quotation for the loan funding; and*
- (iv) *APPROVES the creation of an "Office Building Reserve Fund" and this fund to be used for the following purpose;*
 - "for major building upgrade/maintenance/repairs/renovation and replacement of fixtures and fittings associated with the new Office Building and land"; and*
- (v) *ACCEPTS the terms and conditions from the Department of Housing and Works as stated in their letter of 29 April 2003 (as detailed in this report) and they be advised accordingly;*
- (5) *REFERS, in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, to the Western Australian Planning Commission (WAPC), the application and plans dated 20 December 2002, with appropriate conditions for the proposed development, for determination;*
- (6) *AUTHORISES;*
 - (i) *the Chief Executive Officer to negotiate with the Department of Sport and Recreation and Department of Housing and Works and report back to the Council concerning the plans, tender documents, proposed lease documents, and to make minor variations to the plans, if necessary;*
 - (ii) *the Project Architect to proceed with the preparation of the necessary documentation and working drawings;*
 - (iii) *the Chief Executive Officer to prepare the necessary documentation and advertise tenders for the construction of the proposed office building and for this to be carried out after the Council has considered submissions to its Major Land Transaction; and*
 - (iv) *the Chief Executive Officer to review and obtain legal advice (if required) for the necessary Agreement to Lease and Lease documents, which are part of the tender process; and*
- (7) *AUTHORISES the Chief Executive Officer to make public this report (or any part thereof) at the appropriate time."*

PUBLIC CONSULTATION

Business Plan

The Town advertised its Major Land Transaction Business Plan statewide and locally on 15, 24, 27 and 28 May 2003. Letters were sent to all Precinct/Community and Business Groups in the Town. In addition, approximately 500 leaflets outlining the proposal were delivered to properties in the Oxford Business District. Submissions closed on 30 June 2003.

At the close of submissions, two (2) responses from were received. Details are as follows;

1. Hyde Park Precinct Group

This group stated;

"While we generally support the proposal, we do have some concerns with the business plan.

1. **Sinking fund:** Our initial impression is that the sinking fund may be too low. The fund should make provision for the eventual replacement of large items such as the air conditioning units, carpets and lift even though these may not be replaced within the 15 year lease period, or 23 year loan period.

Given that the sinking fund will be used for facilities replacement it is more fitting for the annual increase to be tied to an appropriate building cost index rather than being fixed at 3%. 3% may be suitable while inflation remains low but this can not be guaranteed in the long term. Rather than have the annual rent as \$414,000 with a 3% annual increase, we suggest that the rent should be \$394,000 with a 3% annual increase plus a sinking fund contribution of \$20,000 with an annual increase tied to an appropriate building cost index.

2. **Risk analysis:** We are concerned that the report does not include any risk analysis. While the Local Government Act does not prescribe such an analysis we feel that the inclusion of such a section would be prudent. There are number of potential risks that must be addressed. Such an analysis would include issues such as what if the air conditioning had to be replaced earlier than anticipated; what if the State Government transferred the land to another body such as the Western Australian Football Commission; what if DSR moved out at the end of 15 years and the building required refurbishment.
3. **Private car park:** While we accept that the underground car park may need to remain private to ensure the security of the building, the 20 "open" car bays should be available to the public after normal business hours – particularly when there is an event at the oval.
4. **No passive solar design:** We feel that the Town should be leading by example. The architects report does not make any mention of passive solar design features.
5. **Lack of interactive street frontage:** It's unfortunate that the first floor of the building is well above street level and requires a long ramp in order to provide universal access from the street. The building will present mostly blank walls at street level. A more interactive design would have given greater flexibility for future uses of the building. If the current design remains then consideration should be given to creating interest at street level through features such as art works, plantings or street furniture.

6. **Ownership of the building unclear:** The business plan indicates that the land is only vested in the Town. Ownership of the building therefore seems unclear. What will happen if the land is vested in some other body once the loan for the building had been paid off?
7. **No mention of payment for use of the Oval:** We understand that the Department of Sport and Recreation are keen to have a building close to an oval to enable them to do 'sporty' things close to the office. The business plan does not mention any charge for the use of the oval.

Given that the rent from the East Perth and Subiaco football clubs will not cover the maintenance of the oval we feel that it is appropriate that DSR be charged for use of the oval. We also note that Perth Glory used to pay \$25,000 pa plus outgoings for partial use of the oval.

8. **Benefits overstated:** We believe that the advantages and benefits listed in the report are overstated. Most are irrelevant to Vincent ratepayers. The claim that the community will have access to 100 additional car parking bays is wrong. Those bays are provided as part of the oval redevelopment, not the development of the DSR building.

There are only two significant benefits to the local community from this development. The first is the additional patronage that local businesses can expect from the 120 DSR employees and people attending seminars at the building. The second is the income stream that the Town will receive once the loan has been paid off in approximately 23 years.

If the claim that this development "will not require funding from rates income" is correct these benefits are sufficient to justify the development.

9. **Principal Activities Plan:** The link to the Principal Activity Plan is hard to understand. The objective, as stated on page 7 of the Business Plan, does not make sense. It states "*To improve the standard of the existing facility with maintenance funds that ensure the facility can be maintained through required ongoing standards.*"

Chief Executive Officer's Comments

1. Sinking Fund - the Rent and Sinking Fund contribution have been negotiated with the Department of Sport and Recreation (DSR). Whilst it is always an objective to achieve more rent/monies, the amounts negotiated reflected the market value and also the DSR budget in the tender process. The amount being contributed to the Sinking Fund is considered acceptable and will provide sufficient funds into the Reserve Fund for appropriate replacement of plant and carpets in the future. The amounts will be increased by 3% each year.
2. Risk Analysis - this comment is not supported. The Town's Administration carried out appropriate risk analysis and engaged the necessary professional consultants to provide advice. Unknown factors, as detailed in the submission, apply to all projects. Specific items mentioned are;
 - (i) Replacement of air conditioning earlier than anticipated- it is considered that the manufacturer's warranty will be available for any unforeseen breakdown. Funds will be available for normal replacement in the future based on normal "wear and tear";

- (ii) Transfer of land - the Town has care, control and management of this Reserve, which also contains the Town of Vincent Administration and Civic Centre and Loftus Centre. The Town controls the property through a lease, which legally entitles the Town to ownership and rent/monies. Therefore, the potential for this to occur is considered extremely rare; and
 - (iii) Lease term - DSR have signed for a minimum of 15 years with 3 x 5 year options. The matter has been raised with DSR and they have indicated that they are investing in excess of \$1 million fitout and currently propose to remain in this site for the full 30 year period (and beyond). In the event that early vacation should occur, the building would be able to be re-let and therefore no loss of rent would occur.
3. Private carpark - the use of the 20 secured bays on match days has been agreed. Use outside these times is still being finalised.
 4. No Passive Solar Design - this is not supported. The Architect has included architectural features to address this matter (subject to final budget).
 5. Street frontage - the Architect is specifically addressing the building facades. It is proposed that the use of public art (incorporated into the building walls) and landscaping will address this issue.
 6. Ownership - this has been addressed at Item 2(ii).
 7. Payment of use of Oval - whilst this was not addressed in the Business Plan, discussions with DSR reveal that they will pay for the use of the Oval and Grandstand.
 8. Benefits overstated - this comment is not supported as it is considered this project is in keeping with the Town's Draft Strategic Plan and will provide numerous benefits to the Oxford Precinct.
 9. Principal Activities Plan - this comment is noted. The project is listed in the Town's Principal Activities Plan 2003-2007 at Page 68.

2. Leederville Community Action Group

This group stated;

"The Leederville Community Action Group has reviewed the plans for the DSR building. The Group agrees it is a viable idea and can enhance Leederville Oval as a venue for sporting excellence and it will also add to the vibrancy of the Oxford Centre District.

The following points were noted at the meeting;

- (i) Parking inside Leederville Oval to be made available at night and at other times other than match days. This does not include the 22 bays made available to the DSR for exclusive use.

- (ii) That if the DSR use Leederville Oval for any of their activities, DSR will repay the Town in monetary terms for the privilege as we believe that their lease only applies to the building.
- (iii) That if the DSR utilise Leederville Oval at night under lights, then there is an arrangement in place that DSR reimburse the Town in a fair and equitable way for the electricity use which is not at a detrimental cost to the Town."

Chief Executive Officer's Comments

- (i) Parking - it is proposed that parking on Leederville Oval will be made available to the community at all times, other than match days or when used for events by the Clubs.
- (ii) Payment for use of Leederville Oval - whilst this was not addressed in the Business Plan, discussions with DSR reveal that they will pay for the use of the Oval, the floodlights and Grandstand.

LEGAL/POLICY IMPLICATIONS:

Local Government Act Requirements

It is a requirement to;

- (a) advertise a major land transaction in accordance with Sections 3.58 and 3.59 of the Local Government Act; and
- (b) give one month's notice of the Council's intention to borrow \$6.5 million (Section 6.20 of the Local Government Act).

Lease Documentation

As part of the tender, a Lease document and Agreement for Lease document were also included. These two documents have now been referred to the Town's solicitors for comment and queries are being finalised with Department of Housing and Works and Department of Sport and Recreation. A further report will be submitted to the Council to approve of the Lease and Agreement to Lease.

ADVERTISING/COMMUNITY CONSULTATION:

N/A.

PRINCIPAL ACTIVITIES PLAN:

This is included in the Town's Principal Activities Plan 2003-2007, Page 68 – "*Major Capital Works – Land and Buildings*".

STRATEGIC IMPLICATIONS:

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

This project is in keeping with the Town's Draft Strategic Plan 2002-2007, Key Result Area 4 – *“Economic Development - Clause 3.3(a) - Explore Federal, State and Local Government opportunities for investment and effective service delivery”* and *“Clause 3.4 – Investigate relationships at the State, Inter-State and International level to attract investment to the Town”*.

The construction of an office building on Leederville Oval to accommodate the DSR will provide a focus for the numerous sporting facilities within the Town. Furthermore, it will bring an additional 120 employees into the area and this will result in increased patronage to the Leederville and surrounding areas business proprietors.

COMMENT:

The Town is to be congratulated on successfully winning the State Government Tender to construct the Office Building for the DSR. This will also further strengthen the Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan. It is considered that this project will complement the Leederville Oval and Loftus Land redevelopment projects.

Accordingly, it is recommended that the Council approves the recommendation.

10.4.7 Delegations to the Chief Executive Officer 2003-2004

Ward:	All	Date:	4 August 2003
Precinct:	-	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegation Register, as shown in Appendix 10.4.7.

COUNCIL DECISION ITEM 10.4.7

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

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

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

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

Planning and Building Delegations

The Independent Organisational Review dated April 2003, Recommendation 6 stated:

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

The review of Planning and Building Delegations will take several months. Furthermore, the matter is yet to be considered by the Council as part of the implementation of the Independent Organisational Review recommendations. A further report will be submitted to the Council at the completion of this task.

In view of the time which will be required to action this recommendation it is recommended that the Council approve of the Delegations (which are identical to last year) in order to meet the statutory compliance of the Local Government Act 1995.

Delegations Relating to Eton Locality

As previously requested by the Council, delegated authority for development applications relating to subdivision in the Eton Locality is not utilised and applications are reported to the Council for their consideration.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

10.4.8 Town of Vincent Parking Facilities Local Law - Penalty Increase to the Sixth Schedule

Ward:	Both	Date:	4 August 2003
Precinct:	All	File Ref:	LEG0047
Attachments:	Nil		
Reporting Officer(s):	S Beanland, J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report of an increase in the amount being charged by the Department of Planning and Infrastructure, for vehicle search fees; and*
- (ii) *Pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Parking Facilities as follows:*

**LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW
AMENDMENT**

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 12 August 2003 to amend the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000.

That the existing Sixth Schedule relating to "Modified Penalties" be amended as follows:

- (a) *In column 3, opposite Item No. 1, by replacing the words "\$100.00" with the words "\$105.00";*
- (b) *In Column 3, opposite Item No. 2, by replacing the words "\$80.00" with the words "\$85.00";*
- (c) *In column 3, opposite Item No. 3, by replacing the words "\$50.00" with the words "\$55.00";*
- (d) *In Column 3, opposite Item No. 4, by replacing the words "\$30.00" with the words "\$35.00";*
- (e) *In column 3, opposite Item No. 5, by replacing the words "thirty dollars (\$30.00)" with the words "thirty five dollars (\$35.00)" wherever it appears; and*
- (f) *In column 3, opposite Item No 6, by replacing the words "thirty dollars (\$30.00)" with the words "thirty five dollars (\$35.00)" wherever it appears.*

COUNCIL DECISION ITEM 10.4.8

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Cohen on approved leave of absence.)

DETAILS:

On 26 June 2003, the Department of Planning and Infrastructure advised the Town of Vincent in writing of an increase in the cost of vehicle ownership searches as outlined below;

	To 30 June 2003	After 1 July 2003
A computer search fee by magnetic tape per vehicle	\$0.25	\$2.50
Production of an extract of current vehicle owner status	\$9.75	\$13.00
Production of an extract of a previous vehicle owner status	\$15.60	\$16.00
Manual search fee per vehicle	\$0.55	\$12.00

Following discussions with WALGA and various local governments, the date for the fee increase was postponed until 1 October 2003 to allow Local Governments to amend their Local Laws to reflect these additional fees.

BACKGROUND:

When Rangers issue infringement notices, for a contravention of the Parking Facilities Local Law, they leave a copy of the infringement notice under the windscreen wiper. However, in some cases, the infringement notice is removed from the vehicle prior to the driver seeing it.

So that the Town complies with the requirement of Section 9.13 of the Local Government Act 1995 to make the driver aware of the offence and to provide sufficient information for him/her to pay the modified penalty, the Town sends a "Reminder Notice, after approximately fourteen (14) days. The Town makes use of the Department of Planning and Infrastructure to obtain ownership details and are invoiced every month for the total costs of these searches.

As a courtesy to the recipient of a parking infringement, where an infringement remains unpaid, the Town of Vincent undertakes a number of registration searches over a four months period, before lodging the infringement with the Fines Enforcement Registry. This allows for notifying alleged offenders of parking infringements, where they have changed address.

In total, Law and Order Services performs approximately 900 computer searches, at a cost of \$225.00 per month. The above increase will result in the same number of searches costing \$2,250.00.

In addition to this, where a vehicle is found or reported in circumstances, which suggest that it has been abandoned, the Town undertakes a manual search to establish the details of the last registered owner. Approximately 20 of these manual searches are undertaken each month, with a current cost of \$11.00. The cost of the same number of searches is to be increased to \$240.00.

Due to the huge increase in search fees, it is considered appropriate for the Town of Vincent to recoup these costs from persons receiving infringement notices, by increasing all Modified Penalties by \$5.00 each.

CONSULTATION/ADVERTISING:

There will be a need to advertise the above proposal in a Statewide publication and to seek public comment on the amendments.

LEGAL/POLICY:

Section 3.12 of the Local Government Act 1995, as amended, sets out the procedure to be adopted when amending Local Laws.

This requires that the Council formally approves the amendments before issuing Statewide advertisement seeking public comment on the proposals. After a statutory public consultation period of 6 weeks, any comments or objections should be taken into account and the Council, having taken cognisance of these comments may approve or further amend the proposed changes.

Where any further amendment is considered to significantly alter the proposal, the public consultation period must recommence.

STRATEGIC IMPLICATIONS:

In the 2000 – 2002 Strategic Plan, Key Result Area 4, “Leadership & Management”, Part 4.3, deals with the strategy to “*Continue to improve financial management*”. In keeping with this strategy, increased costs associated with the expense of vehicle ownership searches are indirectly shifted to the persons incurring the original penalty.

FINANCIAL/BUDGET IMPLICATIONS:

There will be small costs associated with the advertising of the proposal.

The increase in parking infringement modified penalties will result in an increase in revenue. This increase will offset the increased expenditure resulting from the raise in the vehicle ownership search fees.

COMMENTS:

The above proposal is consistent with the current operating procedures of the Town and it should not adversely affect ratepayers and residents. The amendments above are recommended for approval.

Mayor Catania announced that Cr Franchina had declared a proximity interest in this item and he departed the Chamber at 9.33pm. He did not speak or vote on the item.

10.4.9 Introduction of Paid Parking in Pier, Brewer and Stirling Streets, the Stadium Car Park, Pier Street, Perth, the Oxford Street Car Park, and Stuart Street; and Proposed Amendments to the Town of Vincent Local Law Relating to Parking Facilities to Enable the Installation of Ticket Issuing Machines in Pier, Brewer and Stirling Streets, the Oxford Street Car Park, and Stuart Street

Ward:	Both	Date:	6 August 2003
Precinct:	Beaufort P13 & Oxford Centre P4	File Ref:	LEG0047
Attachments:	001		
Reporting Officer(s):	Various		
Checked/Endorsed by:	R.Lotznicher, R. Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the report on the introduction of paid parking in Pier, Brewer and Stirling Streets, the Stadium Car Park, Pier Street, Perth, the Oxford Street Car Park, and Stuart Street; and the proposed amendments to the Town of Vincent Local Law Relating to Parking Facilities to enable the installation of Ticket Issuing Machines in Pier, Brewer and Stirling Streets, the Stadium Car Park, Pier Street, Perth, the Oxford Street Car Park, and Stuart Street;*
- (ii) *DEFERS the introduction of paid parking in Richmond Street for the reasons outlined in the report and, once the matter has been further assessed, receives a further report in June 2004;*
- (iii) *APPROVES the extension of on-road parking restrictions, as indicated, at the following locations outlined in (a), (b) and (c), as shown on attached Plan Nos. 2188-PP-1, 2189-PP-1 and 2190-PP-1, consults with all adjoining householders/businesses for 21 days, and receives a further report on the matter at the conclusion of the consultation period;*
 - (a) *2 hour parking 8.00 am to 8.00pm Monday to Sunday;*
 - *Edward Street - (north side) Pier Street to Lord Street*
 - *Delawney Street - Lord Street to end*
 - *Bulwer Street - Bulwer Street to Lincoln Street*
 - *Stirling Street - Loftus Street to Morriston Street*
 - *Smith Street - Bulwer Street to Lincoln Street*
 - *Wright Street - Bulwer Street to Lincoln Street*
 - (b) *2 hour parking 8.00am to 5.30pm Monday to Sunday and 8.00am to 12noon Saturday;*
 - *Randell Street - (south side) Palmerston Street to Fitzgerald Street*
 - *Fitzgerald Street - Stuart Street to Lawley Street*
 - *Carr Street - (south side) Charles Street to Fitzgerald Street*
 - *Cowle Street - Charles Street to Fitzgerald Street*
 - *Fitzroy Street - Fitzgerald Street to end; and*
 - (c) *1 hour parking 8.00am to 5.30pm Monday to Sunday and 8am to 12noon Saturday;*

- *Anzac Road - Oxford Street to Flinders Street*
- *Oxford Street - (west side) Anzac Road to Salisbury Street*
- *Shakespeare Street - Anzac Road to Scarborough Beach Road*
- *Anzac Road - Harrow Street to Shakespeare Street;*

(iv) *APPROVES the installation of:*

- (a) *three (3) Ticket Issuing Machines, in the centre median island of Pier Street, Perth between Brisbane Street and Brewer Street, as shown on attached Plan No. 2194-CP-1;*
- (b) *four (4) Ticket Issuing Machines on the north side of Brewer Street, Perth between Lord Street and Pier Street, as shown on attached Plan No. 2194-CP-2;*
- (c) *four (4) Ticket Issuing Machines in the centre of road angled parking in Stirling Street between Parry Street and Brisbane Street, as shown on attached Plan No. 2194-CP-3;*
- (d) *two (2) Ticket Issuing Machines into Oxford Street Car Park, Mount Hawthorn, which occupies the land between Oxford Street and Faraday Street, as shown on attached Plan No. 2194-CP-4;*
- (e) *five (5) Ticket Issuing Machines into the proposed Stadium Car Park, Pier Street, Perth, which occupies the land between the eastern side of Pier Street and the western side of the leased area of the proposed Multi-Purpose Rectangular Sports Stadium, between Brisbane Street and Brewer Street, as shown on attached Plan No. 2192-CP-2;*
- (f) *four (4) Ticket Issuing Machines on the north side of Stuart Street, Perth between Palmerston Street and Fitzgerald Street, as shown on attached Plan No. 2194-CP-5;*

(v) *APPROVES the imposition of an hourly parking fee of:*

- (a) *eighty (80) cents per hour to a maximum of \$4.40 per day from 8.00am to 8.00pm Monday to Sunday, to the ticket issuing machines referred to in clauses (iv)(a), (iv)(b), (iv)(c) and (iv)(e) above;*
- (b) *eighty (80) cents per hour to a maximum of \$4.40 per day from 8.00am to 8.00pm Monday to Sunday, and 60 cents per hour to a maximum of \$3.30 per night from 8.00pm to 8.00am Monday to Sunday, to the ticket issuing machines referred to at clause (iv)(d) above; and*
- (c) *sixty (60) cents per hour to a maximum of \$3.30 per day from 8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday, to the ticket issuing machines referred to at clause (iv)(f) above;*

(vi) *AMENDS the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities to include the following Streets within the Town of Vincent;*

- (a) *the eastern and western sides of Pier Street between Brewer Street and Brisbane Street, Perth;*
- (b) *the northern side of Brewer Street, between Lord Street and Pier Street, Perth;*
- (c) *in the median angled parking in Stirling Street between Parry Street and Brisbane Street, Perth; and*

- (d) *Stuart Street, between Fitzgerald Street and Palmerston Street, Perth;*
- (vii) *AMENDS the Second Schedule of the Town of Vincent Local Law Relating to Parking Facilities to include the Stadium Car Park and the Oxford Street Car Park as designated car parks within the Town of Vincent;*
- (viii) *Pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Parking Facilities as follows:*

LOCAL GOVERNMENT ACT 1995 (as amended)

TOWN OF VINCENT PARKING FACILITIES LOCAL LAW

AMENDMENT

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 12 August 2003 to amend the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000 by:

- (a) *Amending the existing First Schedule relating to Ticket Machine Zones – Periods and Fees, as follows:*
- (1) *by inserting in column 1 “East and west sides of Pier Street, Perth”;*
 - (2) *by inserting in column 2 “Between Parry Street and Brisbane Street”;*
 - (3) *by inserting in column 3 “8.00am to 8.00pm Monday to Sunday”;*
 - (4) *by inserting in column 1 “North side of Brewer Street, Perth”;*
 - (5) *by inserting in column 2 “Between Lord Street and Stirling Street”;*
 - (6) *by inserting in column 3 “8.00am to 8.00pm Monday to Sunday”;*
 - (7) *by inserting in column 1 “Median Parking in Stirling Street, Perth”;*
 - (8) *by inserting in column 2 “Between Parry Street and Brisbane Street”;*
 - (9) *by inserting in column 3 “8.00am to 8.00pm Monday to Sunday”;*
 - (10) *by inserting in column 1 “north side of Stuart Street, Perth”;*
 - (11) *by inserting in column 2 “Between Palmerston Street and Fitzgerald Street”;* and
 - (12) *by inserting in column 3 “8.00am to 8.00pm Monday to Friday and 8.00am to 12 noon Saturday”;* and
- (b) *Amending the existing the Second Schedule relating to Parking Stations, as follows:*
- (1) *by inserting in column 1 “Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn”;*
 - (2) *by inserting in column 2 “DAY PARKING”;*
 - (3) *by inserting in column 3 “Monday to Sunday, 8.00am to 8.00pm inclusive”;*
 - (4) *by inserting in column 1 “Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn”;*
 - (5) *by inserting in column 2 “NIGHT PARKING”;*
 - (6) *by inserting in column 3 “Monday to Sunday, 8.00pm to 8.00am inclusive”;*

- (7) *by inserting in column 1 "Stadium Car Park situated within Perth Oval Reserve, Pier Street, Perth, between the eastern side of Pier Street, eastward to the delineating fence-line of the leased area of the proposed Multi-Purpose Rectangular Sports Stadium";*
- (8) *by inserting in column 2 "DAY PARKING"; and*
- (9) *by inserting in column 3 "Monday to Sunday, 8.00am to 8.00pm inclusive";*
- (ix) *RECEIVES a further report, at the expiry of the statutory consultation period, listing any comments from the public and providing any further recommendations considered appropriate; and*
- (x) *AUTHORISES the Chief Executive Officer to call tenders for the supply of twenty (20) parking ticket issuing machines for use in the above areas;*
- to the satisfaction of the Chief Executive Officer.*

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted, with the following amendments to clause (iii) (a).

- "(iii) (a) 2 hour parking 8.00 am to 8.00pm Monday to Sunday;
- *Edward Street - (north side) Pier Street to Lord Street*
 - *Delawney Street - Lord Street to end*
 - *Bulwer Street – ~~Bulwer~~ Brisbane Street to ~~Lincoln~~ Lord Street*
 - *Stirling Street - ~~Loftus~~ Parry Street to ~~Morrison~~ Brisbane Street*
 - *Smith Street - Bulwer Street to Lincoln Street*
 - *Wright Street - Bulwer Street to Lincoln Street"*

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That an additional dot point be added to clause (iii) (b) as follows;

- *"Palmerston Street West side - Stuart to Randell Street"*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Cohen on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

Moved Cr Lake Seconded Cr Chester

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

"(xi) *the ticket parking machines in the Perth Oval area charge up to 10pm."*

Debate ensued.

AMENDMENT CARRIED (4-3)

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

(Cr Cohen on approved leave of absence. Cr Franchina was absent from the Chamber and did not vote.)

Cr Torre departed the Chamber at 9.56pm.

MOTION AS AMENDED CARRIED BY AN ABSOLUTE MAJORITY (6-0)

(Cr Cohen on approved leave of absence. Crs Franchina and Torre were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.4.9

That the Council:

- (i) *RECEIVES the report on the introduction of paid parking in Pier, Brewer and Stirling Streets, the Stadium Car Park, Pier Street, Perth, the Oxford Street Car Park, and Stuart Street; and the proposed amendments to the Town of Vincent Local Law Relating to Parking Facilities to enable the installation of Ticket Issuing Machines in Pier, Brewer and Stirling Streets, the Stadium Car Park, Pier Street, Perth, the Oxford Street Car Park, and Stuart Street;*
- (ii) *DEFERS the introduction of paid parking in Richmond Street for the reasons outlined in the report and, once the matter has been further assessed, receives a further report in June 2004;*
- (iii) *APPROVES the extension of on-road parking restrictions, as indicated, at the following locations outlined in (a), (b) and (c), as shown on attached Plan Nos. 2188-PP-1, 2189-PP-1 and 2190-PP-1, consults with all adjoining householders/businesses for 21 days, and receives a further report on the matter at the conclusion of the consultation period;*
 - (a) *2 hour parking 8.00 am to 8.00pm Monday to Sunday;*
 - *Edward Street - (north side) Pier Street to Lord Street*
 - *Delawney Street - Lord Street to end*
 - *Bulwer Street – Brisbane Street to Lord Street*
 - *Stirling Street - Parry Street to Brisbane Street*
 - *Smith Street - Bulwer Street to Lincoln Street*
 - *Wright Street - Bulwer Street to Lincoln Street*
 - (b) *2 hour parking 8.00am to 5.30pm Monday to Sunday and 8.00am to 12noon Saturday;*
 - *Randell Street - (south side) Palmerston Street to Fitzgerald Street*
 - *Fitzgerald Street - Stuart Street to Lawley Street*
 - *Carr Street - (south side) Charles Street to Fitzgerald Street*
 - *Cowle Street - Charles Street to Fitzgerald Street*
 - *Fitzroy Street - Fitzgerald Street to end*
 - *Palmerston Street west side - Stuart to Randell Street*

- (c) *1 hour parking 8.00am to 5.30pm Monday to Sunday and 8am to 12noon Saturday;*
- *Anzac Road - Oxford Street to Flinders Street*
 - *Oxford Street - (west side) Anzac Road to Salisbury Street*
 - *Shakespeare Street - Anzac Road to Scarborough Beach Road*
 - *Anzac Road - Harrow Street to Shakespeare Street;*
- (iv) *APPROVES the installation of:*
- (a) *three (3) Ticket Issuing Machines, in the centre median island of Pier Street, Perth between Brisbane Street and Brewer Street, as shown on attached Plan No. 2194-CP-1;*
- (b) *four (4) Ticket Issuing Machines on the north side of Brewer Street, Perth between Lord Street and Pier Street, as shown on attached Plan No. 2194-CP-2;*
- (c) *four (4) Ticket Issuing Machines in the centre of road angled parking in Stirling Street between Parry Street and Brisbane Street, as shown on attached Plan No. 2194-CP-3;*
- (d) *two (2) Ticket Issuing Machines into Oxford Street Car Park, Mount Hawthorn, which occupies the land between Oxford Street and Faraday Street, as shown on attached Plan No. 2194-CP-4;*
- (e) *five (5) Ticket Issuing Machines into the proposed Stadium Car Park, Pier Street, Perth, which occupies the land between the eastern side of Pier Street and the western side of the leased area of the proposed Multi-Purpose Rectangular Sports Stadium, between Brisbane Street and Brewer Street, as shown on attached Plan No. 2192-CP-2;*
- (f) *four (4) Ticket Issuing Machines on the north side of Stuart Street, Perth between Palmerston Street and Fitzgerald Street, as shown on attached Plan No. 2194-CP-5;*
- (v) *APPROVES the imposition of an hourly parking fee of:*
- (a) *eighty (80) cents per hour to a maximum of \$4.40 per day from 8.00am to ~~8.00pm~~ 10.00pm Monday to Sunday, to the ticket issuing machines referred to in clauses (iv)(a), (iv)(b), (iv)(c) and (iv)(e) above;*
- (b) *eighty (80) cents per hour to a maximum of \$4.40 per day from 8.00am to 8.00pm Monday to Sunday, and 60 cents per hour to a maximum of \$3.30 per night from 8.00pm to 8.00am Monday to Sunday, to the ticket issuing machines referred to at clause (iv)(d) above; and*
- (c) *sixty (60) cents per hour to a maximum of \$3.30 per day from 8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday, to the ticket issuing machines referred to at clause (iv)(f) above;*
- (vi) *AMENDS the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities to include the following Streets within the Town of Vincent;*
- (a) *the eastern and western sides of Pier Street between Brewer Street and Brisbane Street, Perth;*
- (b) *the northern side of Brewer Street, between Lord Street and Pier Street, Perth;*

- (c) *in the median angled parking in Stirling Street between Parry Street and Brisbane Street, Perth; and*
- (d) *Stuart Street, between Fitzgerald Street and Palmerston Street, Perth;*
- (vii) *AMENDS the Second Schedule of the Town of Vincent Local Law Relating to Parking Facilities to include the Stadium Car Park and the Oxford Street Car Park as designated car parks within the Town of Vincent;*
- (viii) *Pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995, the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Parking Facilities as follows:*

LOCAL GOVERNMENT ACT 1995 (as amended)

TOWN OF VINCENT PARKING FACILITIES LOCAL LAW

AMENDMENT

In pursuance of the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 12 August 2003 to amend the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000 by:

- (a) *Amending the existing First Schedule relating to Ticket Machine Zones – Periods and Fees, as follows:*
 - (1) *by inserting in column 1 “East and west sides of Pier Street, Perth”;*
 - (2) *by inserting in column 2 “Between Parry Street and Brisbane Street”;*
 - (3) *by inserting in column 3 “8.00am to ~~8.00pm~~ 10.00pm Monday to Sunday”;*
 - (4) *by inserting in column 1 “North side of Brewer Street, Perth”;*
 - (5) *by inserting in column 2 “Between Lord Street and Stirling Street”;*
 - (6) *by inserting in column 3 “8.00am to ~~8.00pm~~ 10.00pm Monday to Sunday”;*
 - (7) *by inserting in column 1 “Median Parking in Stirling Street, Perth”;*
 - (8) *by inserting in column 2 “Between Parry Street and Brisbane Street”;*
 - (9) *by inserting in column 3 “8.00am to ~~8.00pm~~ 10.00pm Monday to Sunday”;*
 - (10) *by inserting in column 1 “north side of Stuart Street, Perth”;*
 - (11) *by inserting in column 2 “Between Palmerston Street and Fitzgerald Street”; and*
 - (12) *by inserting in column 3 “8.00am to 8.00pm Monday to Friday and 8.00am to 12 noon Saturday”; and*
- (b) *Amending the existing the Second Schedule relating to Parking Stations, as follows:*
 - (1) *by inserting in column 1 “Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn”;*
 - (2) *by inserting in column 2 “DAY PARKING”;*
 - (3) *by inserting in column 3 “Monday to Sunday, 8.00am to 8.00pm inclusive”;*

- (4) *by inserting in column 1 "Oxford Street Car Park situated between Oxford Street and Faraday Street, Mount Hawthorn";*
- (5) *by inserting in column 2 "NIGHT PARKING";*
- (6) *by inserting in column 3 "Monday to Sunday, 8.00pm to 8.00am inclusive";*
- (7) *by inserting in column 1 "Stadium Car Park situated within Perth Oval Reserve, Pier Street, Perth, between the eastern side of Pier Street, eastward to the delineating fence-line of the leased area of the proposed Multi-Purpose Rectangular Sports Stadium";*
- (8) *by inserting in column 2 "DAY PARKING"; and*
- (9) *by inserting in column 3 "Monday to Sunday, 8.00am to ~~8.00pm~~ 10.00pm inclusive";*
- (ix) *RECEIVES a further report, at the expiry of the statutory consultation period, listing any comments from the public and providing any further recommendations considered appropriate;*
- (x) *AUTHORISES the Chief Executive Officer to call tenders for the supply of twenty (20) parking ticket issuing machines for use in the above areas; and*
- (xi) *the ticket parking machines in the Perth Oval area charge up to 10pm.*
- to the satisfaction of the Chief Executive Officer.*

BACKGROUND:

The Town of Vincent Car Parking Strategy (CPS) was developed to provide a "global" focus on parking throughout the Town. It was adopted by the Council on 12 February 2002 and contains a number of recommendations to be introduced into car parks and kerbside locations throughout the Town over a number of years.

Funds have been allocated in the 2003/2004 Budget for the introduction of ticket machines at the following locations:

- Richmond Street angle parking;
- Pier, Brewer, Edward and Stirling Streets;
- Stuart Street angle parking;
- Oxford Street Carpark; and
- Stadium Carpark

Funds have also being allocated for the replacement of existing ticket machines at both the Frame Court Carpark and the Brisbane Street carpark.

The 2003/2004 Budget also includes anticipated revenue which will be generated from the proposed Ticket Parking Machines

The intention of paid parking as outlined in the CPS is as follows:

"One of the main benefits of implementing parking fees in areas which are supported by efficient public transport modes is that they encourage people to consider alternative transport methods to driving. There is the potential to implement further parking fees in the Oxford Centre, particularly along Oxford Street. Free on-street parking quite often involves drivers circulating to find available spaces.⁷ The implementation of on-street parking fees are generally not supported by businesses, and may encourage some shoppers to travel to alternative locations, in order to obtain free parking. However, in the case of the Oxford Centre, where the main attractions are the entertainment facilities and restaurants/cafes, it is considered that most people visit the area to enjoy these facilities rather than to do their day to day convenience shopping.

Parking restrictions and fees are likely to have spillover effects onto surrounding areas. For example, time limits in a car park may result in people parking in adjacent local streets. Therefore, areas which are affected by parking restrictions, such as the district centres of the Town, should be surrounded by a 'buffer zone' to prevent drivers parking on residential streets in order to avoid a restriction.⁷ For example, the introduction of ticket machines along Oxford Street is likely to create more parking issues along Carr Place and Vincent Street. The most effective of the restrictions would be the introduction of residential parking zones, particularly as residents are likely to be opposed to ticket machines along their street. The recommended parking restrictions to residential streets are discussed in detail in further sections.

According to Austroads, when installing paid parking, the following principles should be adhered to.

- Not creating parking difficulties for residents;*
- Being part of an overall parking strategy;*
- Having a surrounding set of parking restrictions that contain the proposed paid parking, and not permitting parking to simply migrate to adjacent areas;*
- Having a sufficient and regular turnover of parking vehicles in order to be economically viable;*
- Providing a level of attractiveness sufficient to justify the cost; and*
- Not having an adverse impact on the economic viability of adjacent shopping areas.⁸*

It is considered that paid parking and time limits could work in conjunction with the implementation of the Department for Planning and Infrastructure's TravelSmart Programme. This will not only enable the residents of the Town to be educated on the benefits of choosing an alternative mode of transport rather than the car to access local facilities, but also with the introduction of parking restrictions, could further influence their transport options.

Also important is the use of ticket machines that have minimal environmental impacts. Investigations should be made into the more recent establishments in user friendly and environmentally friendly machines including providing alternative payment options.

One option for installing ticket machines is to offer a two ticket system. The machines have a number of ticket buttons. One ticket is obtained for free parking for a limited time, generally 1 hour. The other ticket is a pay up front system for people wishing to park for a longer period. These machines are utilised in several car parks in the City of Subiaco.

The benefits include it only requires one trip to be made by the rangers, as every car has a ticket with a time limit; it offers free parking for short term parkers which are generally local residents who wish to access the local shops and businesses for a short time, while long term commuters and workers are required to pay up front; and no distinction needs to be made between long term and short term car parking bays, which reduces the need for signage. The possible disadvantages include, people may find the options confusing, and nearby users of the car park are able to return to the car park and obtain a new 'free' ticket every time it expires. However, discussions with a representative from the City of Subiaco indicate that these machines are a viable option and overall there is little evidence of abuse, other than the occasional confusion that the machines create with users."

In addition at the Ordinary Meeting of Council held on 24 September 2002, the following resolution (in part) was adopted;

"That the Council;

- (i) introduces a policy which implements paid parking in all future parking facilities created in the Town...."*

This report deals with the proposed introduction of paid parking at the specific locations mentioned above, examines any previous process/Council decisions in this regard, outlines a strategy for implementation and makes appropriate recommendations.

DETAILS:

Pier Street, Edward to Brisbane Streets, Brewer Street, Lord Street to Pier Street and Stirling Street, Parry to Brisbane Streets

Ordinary Meeting of Council 24 September 2002

The above streets are in close proximity, sharing similar circumstances, and have therefore been dealt with as a group. All have been identified as appropriate for the introduction of paid parking, and are specified in the Council's resolution where the following resolution was adopted.

"That the Council;

- (i) introduces a policy which implements paid parking in all future parking facilities created in the Town, including the proposed Richmond Street Angle parking;*
- (ii) implements paid parking in Pier Street, between Brewer Street and Brisbane Street, the north side of Brewer Street, between Lord Street and Pier Street and in the angle parking in Stirling Street, between Parry and Brisbane Streets; and*
- (iii) (a) requests the Chief Executive Officer to prepare a report, including detailing the necessary Local Law amendment; and*
 - (b) the report to specifically address the parking restrictions in Stirling Street."*

Ordinary Meeting of Council held on 17 December 2002

The implementation of the ticket machines at these locations was subsequently addressed in a further report to the Ordinary Meeting of Council held on 17 December 2002, entitled *Parking Initiatives/Strategies throughout the Town Of Vincent*.

The report recommended proceeding with the introduction of paid parking, and the Council resolved the following (in part):

- “(ii) lists appropriate funds for consideration in the 2003/2004 Draft Budget to further implement the recommendations of the adopted Car Parking Strategy as outlined in Appendix 10.1.25(a) and summary of recommendations in Appendix 10.1.25(b);*
- (iii) as part of the proposal outlined in clause (ii) above, determines the appropriate parking restrictions to be applied to the various adjoining streets, as outlined in the report and indicated on Plan No. 2128-PP-1, which may be affected by the introduction of paid parking and consults with the affected residents;*
- (vi) lists appropriate funding, to be determined, for consideration in the 2003/2004 Draft Budget to progressively introduce paid parking in the streets and carparks as outlined in the report and outlined on Plan No. 2129-PP-1 and as identified in the adopted Car Parking Strategy;*
- (v) continues to investigate and implement the most effective parking restrictions for the streets identified in the report which currently have no restrictions and are either under investigation, as outlined in Plan No 2128-PP-1, or will require investigation in the future due to changing circumstances in the Town (refer Plan No 2127- PP-1);*
- (ix) lists appropriate funding, to be determined, for consideration in the 2003/2004 Draft Budget to progressively introduce paid parking in the streets and car parks as outlined in the report and outlined on Plan 2129-PP-1 and as identified in the adopted Car Parking Strategy;”*

The report recommended the introduction of paid parking in Pier Street, Brewer Street and Stirling Street, as well as Richmond Street, while also indicating this would create a need to introduce parking restrictions in all adjoining streets, and the prediction that this may be unpopular with residents in those adjoining streets.

Clause (ix) of the above resolution referred to the CPS and Plan 2129-PP-1 identified locations for implementation of paid parking.

It is proposed that paid parking be introduced on the east side of Pier Street and the north side of Brewer Street. Funds have been allocated in the 2003/2004 Budget to create 90° angle parking on the north side of Brewer Street, and it is considered the introduction of angle parking will cater for the increase in demand for parking resulting from the redevelopment of Perth Oval.

In addition, being relatively close to the Perth CBD, these streets are also used for free all day parking by city workers as it is a relatively short walking distance from their place of work.

As a result, both residents and local businesses have on occasions expressed their discontent at almost all available parking in the adjacent streets being taken up early in the mornings and being tied up until the end of business hours. However, there is also a demand for long term parking at these locations to accommodate employees of local businesses.

Existing Restrictions - Pier, Brewer, Stirling and Parry Streets

Pier Street

- East and west side is currently unrestricted.
- The West side of Pier Street Access road has a 1P parking restriction (8.00am – 8.00pm Mon to Fri 8.00am - 12noon Sat). The east side has a No Stopping restriction.

Brewer Street

- North side has a 3P parking restriction (8.00am – 8.00pm Mon to Fri 8am - 12noon Sat).
- South side has a 3P parking restriction (8am - 8pm Mon to Fri 8am - 12noon Sat).

Stirling Street

- East and west side has a 2P parking restriction (8.00am – 8.00pm Mon to Fri 8.00am - 12noon Sat).

It is suggested that the implementation of a 2 hour parking restriction between 8.00am to 8.00pm Monday to Sunday be further investigated at the above locations to bring these in line with the proposed restrictions.

Extension of Parking Restriction in adjoining streets (Plan No. 2188-PP-1)

Should ticket machines be installed in Pier, Brewer and Stirling Streets to ensure that these parking areas are well utilised and motorists do not simply park on adjoining residential streets, the adjoining streets should be time restricted.

While a large number of surrounding streets within 250 metres of the three proposed ticket parking zones are already protected by time restrictions, it is considered prudent to consider applying restrictions in streets (subject to consultation with residents), which currently do not have restrictions in a radial area approximately 250 metres from where the paid parking is proposed.

The locations outlined below currently have unrestricted on-road parking and should paid parking be considered in Pier, Brewer and Stirling Streets, then these streets should be time restricted.

It is recommended that a 2 hour parking restriction between 8.00am to 8.00pm Monday to Sunday be implemented at the following locations.

- Edward Street - (north side) Pier Street to Lord Street;
- Delawney Street - Lord Street to end;
- Bulwer Street - Brisbane Street to Lord Street;
- Stirling Street - Parry Street to Brisbane Street;
- Smith Street - Bulwer Street to Lincoln Street; and
- Wright Street - Bulwer Street to Lincoln Street.

Car Parking Strategy Implications

The above streets are contained in Sector 6 - Perth of the CPS and their implications include:

"Existing Car Parking Supply and Demand

The Perth sector includes a large amount of commercial land uses, and some of the more intensely developed residential areas in the Town. Large car parking generators include the retail uses along William Street and surrounding streets, and the Mosque which operates on Fridays. Night time parking spillover from Northbridge also occurs on Friday and Saturday nights along the residential streets. This area also incorporates the Perth Oval, however during surveys there were no events scheduled at this facility. The busiest days are Friday and Saturday.

The parking supply is identified in Appendix 1 as figure 1.1.6..."

Local Law Amendment

Sections 3.12 to 3.17 of the Local Government Act 1995, sets out a process for the amendment of a Local Law as follows:

The Council must approve, in principle, the proposed amendment and the Local Government must place a Statewide advertisement, indicating the following:

- that the Council intends to amend the Local Law outlining the purpose of the amendment;
- make people aware of where and when a copy of the proposed amendment may be inspected;
- seek public comment and recommendations, before a specified date, which is not less than six (6) weeks from the date of the advertisement;
- at the conclusion of the consultation period, a further report is to be presented to the Council, including any comments or recommendations received from the public (*refer note 1*); and
- Arrange for the amendment to be advertised in the Government Gazette (*refer note 2*).

Note 1 If the final recommendation is substantially different, from that which was originally approved, the whole process would need to be recommenced.

Note 2 The amendment to the Local Law will take effect fourteen (14) days following Gazettal.

It should also be noted that it will take approximately three (3) months for the local law amendment process to be completed therefore, even with the Council's approval of the above recommendations, it will be at least mid-November 2003 before implementation can take place.

Paid Parking - Proposed Fees and Charges

As outlined above, the Local Law amendment process will not be completed until mid-November 2003. Any delay in the adoption process will have financial implications, as revenue included in the 2003/2004 Budget will not be generated.

The fee structure for paid parking is generally set by the Council at the same time as the annual Budget is to be adopted, and is advertised in the "*Fees and Charges*" section of the Budget.

There are currently two (2) fees that apply to car parks:

- 60 cents per hour; and
- 80 cents per hour.

There are currently two (2) fees that apply to kerbside locations:

- 80 cents per hour; and
- \$1.10 per hour.

These are applied according to the demand for parking and the usage rates in the area.

As a result, for Pier, Brewer and Stirling Streets, it is considered that the fees be set as follows:

- 80 cents per hour to a maximum of \$4.40 per whole day (from 8.00am to 8.00pm), Monday to Sunday

Comments

The 2003/2004 Budget allows \$100,000 for the installation of ticket machines in these locations. The budget also includes anticipated revenue from all kerb-side Ticket Parking machines (which will include the existing machines in William Street and Oxford Street), of \$185,000.

The Stadium Car Park

As part of the development of the Multi Purpose Rectangular Sports Stadium, it is proposed to construct a new car parking area accessed from Pier Street, and situated on the land between the eastern side of Pier Street and the western side of the leased area of the proposed Multi-Purpose Rectangular Sports Stadium, between Brisbane Street and Brewer Street, as shown on attached Plan No. 2192-CP-2.

Existing Restrictions - Streets in immediate vicinity of The Stadium Car Park
(refer Pier, Brewer and Stirling Streets comments).

Extension of Parking Restriction in adjoining streets (Plan No. 2188-PP-1)
(refer Pier, Brewer and Stirling Streets comments).

Car Parking Strategy Implications
(refer Pier, Brewer and Stirling Streets comments).

Local Law Amendment
(refer Pier, Brewer and Stirling Streets comments).

Paid Parking - Proposed Fees and Charges
(refer Pier, Brewer and Stirling Streets comments).

As a result, for the Stadium Car Park, it is considered that the Fees be set as follows:

- day-time parking fee be set at 80 cents per hour to a maximum of \$4.40 per whole day (from 8.00am to 8.00pm) Monday to Sunday.

Comments

The proposed car parking area is situated on Perth Oval Reserve, which is made up of the following parcels of land:

PLAN DIAGRAM	LOCATION NUMBER	VOLUME	FOLIO
	Swan 114	183	169
	Swan 114	407	110
	Swan 114	409	180
P2849	Swan 114	414	72
D7039	Swan 114	965	70
P2849	Swan 114	2034	696
CAL63/96	Swan 114	2064	390
D182	Pt L Z1 & Z2	2064	391

Stuart Street, Palmerston Street to Fitzgerald Street

The CPS lists Oxford Street between Scarborough Beach Road and Anzac Road, Flinders Street Car Park, Coogee Street Car Park, Oxford Street Car Park, and Richmond Street. Therefore, Richmond Street and The Oxford Street Car Park have been identified in the report for action relating to ticket machines, but Stuart Street has not. Stuart Street would be covered under the adopted resolutions on 23 September 2002:

“(i) introduces a policy which implements paid parking in all future parking facilities created in the Town, including the proposed Richmond Street angle parking.”

Stuart Street and the surrounding area has experienced parking congestion problems for a number of years, culminating in a large number of complaints from local businesses that their clients could not find short-term parking bays. In addition, being relatively close to the Perth CBD, this street was also used for free all day parking by city workers as it is a relatively short walking distance from their place of work.

Items considered under delegated authority 19 December 2001 – 11 February 2002

The Council resolved to introduce a three hour (3P) parking time restrictions to the north Side of Stuart Street, Perth and rationalise the parking time restrictions on the south side of Stuart Street, between Palmerston Street and Fitzgerald Street.

This resulted in the employees from an adjacent business (Armaguard) moving to other streets in the immediate vicinity, such as Randall Street, thus re-locating the parking problem.

Should paid parking be introduced in Stuart Street, it would enable local employees to park 'all day', provided they purchase a ticket, and this measure would possibly discourage all-day parkers who work in the City of Perth seeking free parking.

Existing Restrictions - Stuart Street

- North side has a 3P parking restriction (8am - 8pm Mon to Fri 8am - 12noon Sat).
- South side has a 2P parking restriction (8am - 8pm Mon to Fri 8am - 12noon Sat).

Extension of Parking Restriction in adjoining streets (Plan No. 2190-PP-1)

While a large number of surrounding streets within 250 metres of the proposed ticket parking zone are already protected by time restrictions, it is considered prudent to consider applying restrictions in streets (subject to consultation with residents) which currently do not have restrictions in a radial area approximately 250 metres from where the paid parking is proposed.

The locations outlined below currently have unrestricted on-road parking and, should paid parking be considered in Stuart Street, then these streets should be time restricted.

As the following streets would be affected, it is recommended that two (2) hour parking restriction 8am to 5.30pm Monday to Sunday and 8am to 12noon Saturday be implemented at the following locations:

- Randell Street - (south side) Palmerston Street to Fitzgerald Street;
- Fitzgerald Street - Stuart Street to Lawley Street;
- Carr Street - (south side) Charles Street to Fitzgerald Street;
- Cowle Street - Charles Street to Fitzgerald Street; and
- Fitzroy Street - Fitzgerald Street to end.

Car Parking Strategy Implications

The above streets are contained in Sector 4 - West Perth of the CPS and their implications include:

"Existing Car Parking Supply and Demand

The West Perth sector includes the Beatty Park Leisure Centre, Robertson Park and the commercial area along Newcastle Street. Many of the streets in this sector appear to be affected by car parking spillover caused by commuters into the city, and higher density residential development that do not appear to provide adequate on site parking. Saturday is identified as the busiest day in this sector.

The parking supply is identified in Appendix 1 as figure 1.1.4.

The on-street parking in the West Perth sector is generally well utilised throughout the day, due to the large number of higher density residential developments...

Future Car Parking Demands

This area forms part of the Beaufort Precinct and is effectively an extension of Northbridge. Street parking is generally in demand in this area, possibly due to the lack of a centrally located public car park. Also, much of the existing residential building stock is on small lots with little or no on-site parking, which creates additional pressures on the on-street parking situation. William Street currently has the only ticketed on-street car parking in the Town. The Brisbane Street Car Park is located in this precinct, however as this car park is located to the north of the primary commercial area, it is significantly underutilised.

Height restrictions are similar to the centres, that is, a minimum of two storeys and maximum of three storeys. A fourth storey can be considered along Newcastle Street. Residential development is in accordance with the R80 standards. There are several notable areas of potential redevelopment in this vicinity, particularly due to the aging building stock and semi-industrial land uses which still remain."

Local Law Amendment

(refer Pier, Brewer and Stirling Streets comments).

Paid Parking - Proposed Fees and Charges

(refer Pier, Brewer and Stirling Streets comments).

In the case of Stuart Street, as there are no parking areas in the vicinity that attract a parking fee, it is considered appropriate to impose a lesser fee than is current in a number of other places, so as not to create a shift in parking problems to surrounding residential areas.

As a result, for Stuart Street, it is considered that the fees be set as follows:

- 60 cents per hour to a maximum of \$3.30 per whole day (from 8.00am to 8.00pm), from 8.00am to 5.30pm Monday to Friday, and 8.00am to 12 noon Saturday.

Comments

Before considering implementing paid parking in Stuart Street, residents in the above streets must be canvassed regarding what restrictions, if any, should be introduced. The proposed amendment to the Local Law must also be advertised and a minimum of six (6) weeks must be allowed for comments. A further report recommending the appropriate action and listing all comments received would then be presented to Council.

The Oxford Street Car Park

For many years, the Oxford Street Car Park has been full at all times throughout the day and is almost exclusively used by taxi drivers from the Oxford Street Taxi Depot and staff from local businesses and, therefore, it is not available for casual users and customers of local businesses.

When the car park was purchased by the former City of Perth, it was anticipated that it would provide a short-term parking facility for users of the former Mount Hawthorn Library and customers of local businesses, however, the Mount Hawthorn Library moved to the Loftus Centre and the property was sold. This changed the requirements of the facility.

At present, there are no time restriction in the Oxford Street Car Park (*other than 8 bays with 2P parking restriction 8am - 5.30pm Mon to Fri 8am - 12noon Sat*).

The introduction of time restrictions as a measure to free parking space for its intended purpose has been considered but rejected for a number of reasons. Primarily, the time restrictions can be overcome by rotation of vehicles within the facility, a practice that has been observed in other locations.

Furthermore, some locally employed users of the car park will not be able to make alternative transport and parking arrangements. Therefore, it is considered that the introduction of ticket parking would be a more suitable management strategy, discouraging all day parkers, whilst not removing the all day parking amenity for those who wish to continue doing so. It is anticipated that a reduced number of all day parkers will make available many more parking spaces for the intended target group - short term users who are patrons of local businesses.

Affected residents will be consulted for comment on the extension of time restrictions prior to further action on this matter.

Contrary to having an adverse impact on the surrounding businesses, this measure is proposed so that they may benefit from improved parking space availability in the car park. Staff would be encouraged to consider alternative transport options, however, rather than restricting the parking time, long term parking will still be available to those who wish to continue using the car park.

Existing Restrictions - Streets in immediate vicinity of Oxford Street Car Park

- East and west side of Oxford Street has a 1P parking restriction (8am - 5.30pm Mon to Fri 8am - 12noon Sat).
- Faraday Street is currently has a 1P parking restriction at all times.

Extension of Parking Restriction in adjoining streets (Plan No 2189-PP-1)

The high demand for parking in the vicinity of the car park prompted the Town to introduce time restrictions in the adjacent residential streets. It considered appropriate to extend these restrictions to include all areas within 250 metres of the car park, should ticket machines be installed.

It is recommended that one (1) hour parking 8am to 5.30pm Monday to Sunday, and 8am to 12noon Saturday be implemented at the following locations:

- Anzac Road - Oxford Street to Flinders Street;
- Oxford Street - (west side) Anzac Road to Salisbury Street;
- Shakespeare Street - Anzac Street to Scarborough Beach Road; and
- Anzac Road - Harrow Street to Shakespeare Street.

Car Parking Strategy Implications

The above streets are contained in Sector 2 - Leederville of the CPS and their implications on the following include:

"Existing Car Parking Supply and Demand

The southern part of the Leederville sector is dominated by the car parking intensive landuses within the Oxford Centre, particularly the Leederville Hotel and the Leederville TAFE. The TAFE is a significant parking generator throughout the week during normal business hours, while the Hotel promotes Wednesday and Sunday nights as the most active. Other uses, such as the restaurants and cafes, Water Corporation Administration Centre and the Loftus Recreation Centre generate parking consistently throughout the week and over the weekend. Thursdays and Saturdays are popular for the Luna Cinemas and Hip-e-Club nightclub. Although Leederville is consistently busy throughout the week, the surveys were undertaken on a Wednesday, Saturday and Sunday.

The parking supply is identified in Appendix 1 as figure 1.1.2...

Future Car Parking Demands

The Oxford Centre is considered one of the most commercially developed areas within the Town. Its variety of uses ensures that there is an active and vibrant street life throughout the day and night during the majority of the week. The streetscape along Oxford Street consists predominantly of single and two storey buildings, and much of the existing car parking areas are confined to on-street parking and either the Town car parks of Frame Court and The Avenue, or private car parking located off Newcastle and Vincent Streets. In accordance with the requirements of the Planning and Building Policies, new developments are required to be a minimum of two storeys, and residential development to be in accordance with the R80 standard. The Precinct is considered to be more commercially viable than many of the other centres in the Town, however it is also more fully developed. Nevertheless there is the potential for floor space to increase in this precinct, which may put pressure on the existing car parking facilities.

Previous parking studies for this area have indicated that there is a surplus of parking in the Oxford Centre. Nevertheless, at certain times of the week there is a significant parking demand, and this is likely to increase within the next decade, unless there are some major shifts in public transport usage and walking/cycling."

The Leederville car parks are consistently utilised throughout the day. Generally, the streets surrounding the popular car parking generating uses such as the restaurants, entertainment facilities and Leederville TAFE are in demand.

Local Law Amendment

(refer Pier, Brewer and Stirling Streets comments).

Paid Parking - Proposed Fees and Charges

(refer Pier, Brewer and Stirling Streets comments)

As a result, for the Oxford Street Car Park, it is considered that the fees be set as follows:

- day-time parking fee be set at 80 cents per hour to a maximum of \$4.40 per whole day (from 8.00am to 8.00pm) Monday to Sunday, and night-fee at 60 cents per hour to a maximum of \$3.30 per whole night (from 8.00pm to 8.00am) from Monday to Sunday.

Comments

Before considering implementing paid parking in the Oxford Street Car Park, residents in the above streets must be canvassed regarding what restrictions, if any, should be introduced. The proposed amendment to the Local Law must also be advertised and a minimum of 6 weeks must be allowed for comments. A further report recommending the appropriate action and listing all comments received would then be presented to Council.

A sum of \$18,000 has been allocated in the Budget for the installation of the machines in the Oxford Street Car Park. It has been calculated that \$21,000 will be returned to the Town in the next financial year from ticket parking at this location.

Richmond Street, Oxford Street to Loftus Street

Ordinary Meeting of Council 13 August 2002

At the Ordinary Meeting of Council held on 13 August 2002, the Council received a report which dealt with a proposal to install angle parking, controlled by ticket issuing machines, on the south side of Richmond Street between Loftus and Oxford Streets, Leederville. The report discussed the following matters:

- Richmond Street (Oxford Street to Loftus Street) proposal;
- Angle Parking proposal - Compliance with relevant Australian Standards;
- Existing Street Trees (Richmond Street) - Retention of; and
- Surrounding Streets - Extending restrictions.

The Council subsequently adopted the following resolution (*in part*):

"That the Council;

- (ii) *APPROVES the proposal to install angle parking on the south side of Richmond Street, Leederville, between Loftus Street and Oxford Street, estimated to cost \$150,000, as shown on concept Plan Nos 2079-DP.01 and 2079-DP.02;*
- (iv) *in accordance with its policy No. 4.1.21, Community Consultation, advertises the proposals as outlined on concept Nos 2079-DP.01 and 2079-DP.02 and Plan No. 2079-PP.01 and concept plan No. 2079-PP.02 to all owners and occupiers of Richmond Street, Fleet Street, Burgess Street, Scott Street between Bourke Street and Galwey Street and Bourke Street between Loftus Street and Oxford Street, Leederville, for a period of fourteen (14) days inviting written submissions on the proposal and consider any submissions received at the conclusion of the period; and*
- (vi) *APPROVES the proposal to install seven (7) Ticket Issuing Machines on the south side of Richmond Street, Leederville, between Oxford Street and Loftus Street, as shown on attached concept Plans, subject to a further report being presented to Council at the conclusion of the statutory consultation period...*
- (viii) *APPROVES BY A SPECIAL MAJORITY the amendment of the First Schedule of the Town of Vincent Local Law Relating to Parking Facilities to include Richmond Street, Leederville as a Ticket Machine Zone, within the Town of Vincent and receives a further report from the Chief Executive Officer, after the expiry of the statutory consultation period listing any comments from the public and providing any further recommendations considered appropriate....."*

Ordinary Meeting of Council 10 September 2002

At the conclusion of the community consultation (*clause (iv) above*) a further report on the matter was presented to the Ordinary Meeting of Council held on 10 September 2002.

At this meeting, the Council was advised that the proposed introduction of a two (2) hour parking restriction on the north and south sides of Bourke Street (Loftus Street to Oxford Street) and the west side of Scott Street (Bourke Street to Galwey Street) was to ensure that the above streets would not be *adversely affected* by the proposed ticket parking on the south side of Richmond Street.

At the conclusion of the consultation period with regard to this specific proposal, 14 responses were received with one (1) in favour, six (6) in favour with suggestions and seven (7) against the proposal.

Those against gave good reasons for their objections, and those in favour outlined other issues not directly related to the proposed time restrictions.

It was subsequently considered that timed restrictions in the above streets should not be implemented but reviewed once the proposed paid parking on the south side of Richmond Street had been in place for a period of time.

A petition for residential only parking on the north side of Richmond Street (Burgess Street to Loftus Street) signed by 35 residents, was also received (*outside of the consultation period*), where it was recommended that the implications of introducing "Residential Only" parking restrictions on the north side of Richmond Street, be further investigated to determine the justification of such a measure.

The Council after considering the report resolved (*in part*) as follows:

"That the Council;

- (ii) *APPROVES the installation of angle parking and proposed parking restrictions 4 hour "8.00am to 8.00pm Monday to Sunday" on the south side of Richmond Street, Leederville, between Loftus and Oxford Streets, estimated to cost \$150,000, as shown on attached concept Plan Nos 2079-DP.01 and 2079-DP.02;*
- (iii) *APPROVES the installation of seven (7) Ticket Issuing Machines on the south side of Richmond Street, Leederville, between Oxford and Loftus Streets, as shown on attached concept Plans, estimated to cost \$50,000, to be funded from 2002/2003 Parking - Ticket Machine budget allocation, subject to no adverse comments being received at the conclusion of the ticket issuing machine statutory consultation period;*
- (iv) *further investigates the implications of the introducing "Residential Only" parking restrictions on the north side of Richmond Street, between Burgess and Loftus Streets;*
- (v) *does not implement the proposed alterations to the current parking restrictions in Bourke and Scott Streets as shown on attached Plan No. 2079-PP.01 and concept Plan No 2079-PP.02 at the present time for the reasons outlined in the report;*
- (vi) *receives a further report on the introduction of "Residential Only" parking restrictions on the north side of Richmond Street and the requirement for parking restrictions on Bourke and Scott Street and other adjoining streets once the matter has been further investigated;"*

Ordinary Meeting of Council 11 October 2002

Following the conclusion of the ticket issuing machine statutory consultation period for the introduction of ticket machines in Richmond Street (*clause (iii) above*), a further report was presented to Council at its Ordinary Meeting held on 11 October 2002 informing the Council that only one comment was received, expressing concern in relation to parking in nearby streets, and how the Council had previously resolved to look at this matter after the paid parking had been in place for some time, to gauge the effect.

The two (2) *recommendations* in this report were as follows:

- (i) *pursuant to Section 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Parking Facilities to include Richmond Street, Leederville as a Ticket Machine Zone as follows, (details of amendments).....*
- (ii) *the Council approves a concessional parking fee of \$2.20 per day for students of Leederville TAFE, with the provision that full-time students can purchase a pre-paid weekly and monthly parking permit, to enable them to utilise the south side of Richmond Street, Leederville at a cost of \$10.00 per week and \$27.50 per calendar month."*

The Council resolved to *defer* the item pending the preparation of a local area parking strategy for later consideration.

Car Parking Strategy Implications

The above streets are contained in Sector 2 - Leederville of the CPS and their implications include:

"Existing Car Parking Supply and Demand

The southern part of the Leederville sector is dominated by the car parking intensive landuses within the Oxford Centre, particularly the Leederville Hotel and the Leederville TAFE. The TAFE is a significant parking generator throughout the week during normal business hours, while the Hotel promotes Wednesday and Sunday nights as the most active. Other uses, such as the restaurants and cafes, Water Corporation Administration Centre and the Loftus Recreation Centre generate parking consistently throughout the week and over the weekend. Thursdays and Saturdays are popular for the Luna Cinemas and Hip-e-Club nightclub. Although Leederville is consistently busy throughout the week, the surveys were undertaken on a Wednesday, Saturday and Sunday.

The parking supply is identified in Appendix 1 as figure 1.1.2.

The Leederville car parks are consistently utilised throughout the day. Generally the streets surrounding the popular car parking generating uses such as the restaurants, entertainment facilities and Leederville TAFE are in demand...

Future Car Parking Demands

The Oxford Centre is considered one of the most commercially developed areas within the Town. Its variety of uses ensures that there is an active and vibrant street life throughout the day and night during the majority of the week. The streetscape along Oxford Street consists predominantly of single and two storey buildings, and much of the existing car parking areas are confined to on-street parking and either the Town car parks of Frame Court and The Avenue, or private car parking located off Newcastle and Vincent Streets. In accordance with the requirements of the Planning and Building Policies, new developments are required to be a minimum of two storeys, and residential development to be in accordance with the R80 standard. The Precinct is considered to be more commercially viable than many of the other centres in the Town, however it is also more fully developed. Nevertheless there is the potential for floor space to increase in this precinct, which may put pressure on the existing car parking facilities.

Previous parking studies for this area have indicated that there is a surplus of parking in the Oxford Centre. Nevertheless, at certain times of the week there is a significant parking demand, and this is likely to increase within the next decade, unless there are some major shifts in public transport usage and walking/cycling."

Existing Restrictions - Richmond Street

- North side has a 1P parking restriction (8am - 8pm Mon to Fri 8am - 12noon Sat).
- South side is currently unrestricted.
- The parking restrictions as outlined in *clause (ii)* of the Ordinary Meeting of Council of 10 September 2002 above, that is, 4 hour "8.00am to 8.00pm Monday to Sunday" on the south side of Richmond Street, Leederville, between Loftus and Oxford Streets, have not have not been implemented as yet.

Comments

During the recent TAFE holiday, it was noted that the angle parking on the south side of Richmond Street was extremely under utilised. Therefore, it is evident that the predominant users of this parking area are TAFE students and NOT commuters into the City of Perth or employees of businesses in the Oxford Centre and surrounds.

It must also be noted that, as reported to the Council at its Ordinary Meeting held on 10 September 2002, the extension of parking restrictions to the adjoining streets was not well received by residents in these streets. If ticket machines were to be installed in Richmond Street, then these streets should be time restricted (Plan No. 2191-PP-1):

- Bourke Street - Oxford Street to Loftus Street;
- Scott Street - Bourke Street to Galway Street;
- Emmerson Street - Loftus Street to Morriston Street;
- Morriston Street - Vincent Street to Richmond Street;
- Richmond Street - Loftus Street to Morriston Street;
- Loftus Street - Richmond Street to Galway Street; and
- Thompson Street - Loftus Street to Barnet Street.

It is therefore considered that the installation of ticket machines in Richmond Street be deferred and that the parking restrictions as outlined in *clause (ii)* of the Ordinary Meeting of Council of 10 September 2002 above that is, *4 hour "8.00am to 8.00pm Monday to Sunday"* on the south side of Richmond Street, Leederville, between Loftus and Oxford Streets, be implemented.

This area is still under investigation and assessment and as mentioned it would appear that, from recent surveys undertaken to establish usage patterns, parking is less congested than complaints would suggest and that there may be other ways of dealing with this area in the short to medium term.

It is recommended that this matter be reviewed in 12 months time.

CONSULTATION/ADVERTISING:

There will be a need to advertise the proposed amendment and to seek comments and suggestions from members of the public. Under clause 3.12 of the Local Government Act 1995, the proposed amendment must be advertised Statewide, and the public should be made aware of where and when the proposed new clause can be viewed. The public must also be afforded an opportunity to comment on the proposal and to make recommendations or suggestions.

LEGAL/POLICY:

The Town of Vincent Parking Facilities Local Law will need to be amended to incorporate the new wording for clause 12(2), which requires a specific advertising and consultation process, as set out in clause 3.12 of the Local Government Act 1995. Once this has been done, Rangers can enforce the clause in the same way as they currently do.

STRATEGIC IMPLICATIONS:

Item 1.4(i) of the Draft Strategic Plan 2002/2007 "*Traffic and Parking Management*" indicates a need to develop a strategy for parking management in business, residential and mixed-use precincts. The above proposal would be in keeping with this strategy.

FINANCIAL/BUDGET IMPLICATIONS:

A amount of \$217,000 has been included in the 2003/2004 Budget for the implementation of new paid parking through the installation of ticket machines as follows:

Pier Street, Brewer Street and Stirling Street

A sum of \$100,000 has been allocated in the Budget for the installation of the machines at the above locations

Oxford Street Car Park

A sum of \$18,000 has been allocated in the Budget for the installation of the machines in the Oxford Street Car Park. It has been estimated that \$30,000 will be returned to the Town in the next financial year from ticket parking at this location.

Stuart Street

A sum of \$36,000 has been allocated in the Budget for the installation of the machines at the above locations

Richmond Street

A sum of \$63,000 has been allocated in the Budget for the installation of the machines at the above locations.

The Budget also includes an income stream of \$110,000 from existing and proposed kerb side ticket machines.

COMMENTS:

The Town of Vincent Car Parking Strategy also states the following relevant conclusions and recommendations:

"Future parking requirements cannot be determined wholly by predicting population growth, development potential and public transport usage. These factors are variable and can be subject to unpredictable economic and social changes.

As the TravelSmart programme has the potential to reduce local car usage by around 14 percent, it is vital that the Town supports its introduction. This alone has the ability to significantly reduce the parking requirements in the Town. Other public transport initiatives should be prioritised before any increase in car parks. The Town has committed itself to supporting environmental initiatives, and being an inner city local authority with a community supportive of alternative ideas, there is the capacity to introduce new and innovative methods of improving the environment.

Nevertheless, regardless of how successful the public transport and other initiatives are in reducing traffic, parking will still be required. Of the district centres in the Town, the Oxford Centre and Mount Lawley Centre are the most likely to be affected by parking issues in the next decade. The newly constructed Barlee Street Car Park is likely to improve parking in Mount Lawley for the short term, however more restrictions are required along the residential streets to prevent people from parking for free. This prominent site is also more suited to a landmark development, an option which should be pursued in the future.

Higher densities are imperative around public transport routes and stops and district centres. More residential developments should be encouraged within the Oxford Centre, as this area is the most convenient and adequately serviced by public transport. Likewise, to encourage development in the smaller centres, increased densities should be considered to promote a mixture of housing types and support an inner city living environment. This will be expanded in the Town's Residential Density Review, which is currently being undertaken.

It is recommended that a further review of parking requirements be undertaken in 2006, in light of the limited comparable data and other additional relevant data, including the results from the 2001 Census, which will be available in two years...

Existing Car Parking Facilities

The existing public car parking facilities are in need of improvement, through their condition, management and usage levels. It is recommended that a comprehensive programme be prepared, prioritising and specifying the upgrade of the Town's car parks. It is likely to cost the Town in the vicinity of \$580,000 to upgrade its car parks to an appropriate standard. Priority should be given to lighting and safety issues, and this should be identified in the lighting programme which is currently being prepared.

Public knowledge of the Town's car parks can be improved by increasing the amount of advertising, via the website, local newspapers or the Town's newsletter. Private car parks should be adequately sign posted, particularly if they are located out of view. The car parks which are significantly underutilised, and are likely to remain so in the future, should be subdivided and disposed. The revenue created from these disposals should be used to improve and encourage use of alternative transport modes, improve existing car parks or acquire land for additional car parks in locations where they are required. Any decision to dispose of the Town's car parks should be made after due consideration has been given to the potential impact on surrounding areas that the loss of the car park may have.

The Town Planning Scheme should be amended to adequately reflect the current and future use of the Town's car parks, while allowing a flexibility to enable modifications or use changes, if required in the future...

Future Car Parking Facilities

The circumstances of each proposed car park differ depending on location and site details, particularly as appropriate land is difficult to obtain. Therefore more detailed specifications will be required, including costings, depending on each site.

The development of multi storey car parks, as with open car parks, should only be considered once the impact of alternative transport initiatives have been fully realised. Design guidelines should be prepared, depicting an active and interactive ground floor, and design features to reduce the visual bulk.

Private car parks should be located behind the building, if possible. If site constraints do not allow for this, and the provision of parking will have an adverse impact on the streetscape, then alternative arrangements should be made, in consultation with the Town.

It is recommended that those areas where more parking is likely to be required within the next decade be investigated for potential sites to lease or purchase. Nevertheless, it is vital that in developing more open car parks, the Town should consider them as temporary uses, particularly if they are located in a visible and/or strategic location...

General

One of the main benefits of implementing paid parking in areas which are supported by sound public transport access is that they encourage people to consider alternative transport modes. The implementation of TravelSmart, which works to educate the community on other forms of transport than the motor vehicle, will further assist in offering people a modal choice.

Six of the Town's car parks impose a fee. There is potential to implement further fees in several of the other car parks. These should be implemented over several years, depending on their usage levels.

More restrictions need to be imposed, particularly along streets which are adjacent to the district centres, to ensure that they are not used for parking by non-residents. Residential parking zones are an effective way of limiting non-residential parking, while enabling residents to park unrestricted.

William Street is currently the only street within the Town where ticket parking has been implemented. There is the potential to introduce ticket parking along several other streets within the Town, which will enable the more utilised spaces to be regularly turned over."

It is therefore recommended that the Council receives the report on the introduction of paid parking in Pier, Brewer, Stirling Streets, the Oxford Street Car Park, and Stuart Street, including the proposed amendments to the Town of Vincent Local Law Relating to Parking Facilities to enable the installation of Ticket Issuing Machines in Pier, Brewer, Stirling Streets, Oxford Street Car Park, proposed Stadium Car Park and Stuart Street.

It is further recommended that the Council defers the introduction of paid parking in Richmond Street for the reasons outlined in the report and, once the matter has been further assessed, receives a further report in twelve (12) months' time.

In addition, it is recommended that the Council approves the extension of on-road parking restrictions as shown on attached Plan Nos. 2188-PP-1, 2189-PP-1 and 2190-PP-1, consults with all adjoining householders/businesses for 21 days, and receives a further report on the matter at the conclusion of the consultation period.

Crs Franchina and Torre returned to the Chamber at 9.57pm. Mayor Catania advised that Item 10.4.9 was carried with amendment (6-0).

11.1 Notice of Motion – Councillor Simon Chester - Applications for Planning Approval - Information

That the Council resolves that all "Applications for Planning Approval", identified in General Provision 2.4.1 of the Residential Design Codes of Western Australia, 2002, submitted as of August 19th 2003, are required to provide no less information than that outlined in General Provisions 2.4.4 to 2.4.6, inclusive, of the Residential Design Codes of Western Australia, 2002.

COUNCIL DECISION ITEM 11.1

Moved Cr Chester, Seconded Cr Farrell

That the Motion be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

11.2 Notice of Motion – Councillor Simon Chester - Meeting with Department of Planning and Infrastructure

That the Council resolves to;

- (i) authorise the Chief Executive Officer to arrange a meeting, no later September 2003, between Town of Vincent Mayor and Councillors, relevant Town of Vincent officers and representatives of the Department of Planning and Infrastructure to:-*
 - (a) discuss and review the performance and operation of the Town Of Vincent Town Planning Scheme No.1;*
 - (b) review the alignment of the Town Of Vincent Town Planning Scheme No.1 with the implementation of the Western Australian Planning Commissions policies and sub-division control; and*
 - (c) identify key points to be considered in the review of the Town Of Vincent Town Planning Scheme No.1; and*
- (ii) have Minutes of the above meeting produced and those minutes be reported to the subsequent Ordinary Meeting of Council.*

COUNCIL DECISION ITEM 11.2

Moved Cr Chester, Seconded Cr Lake

That the Motion be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil

13. URGENT BUSINESS

13.1 'Voice News' article

Mayor Catania advised the Council that he had been quoted incorrectly in the 'Voice News' in regard to 'Cat Buses'. He advised that he had not stated that he was the only person interested in them, but he had stated that he was the person currently working on this issue, and he advised Council that he would be providing information concerning this issue in the near future.

14. CLOSURE

Presiding Member, Mayor Catania, declared the meeting closed at 10.03pm with the following persons present;

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North 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
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Debbie Winfield	Minutes Secretary
Ben Staples	Voice News
2 Members of the Public	

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 August 2003.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2003